(Decision No. 75445)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES E. WAID, SR., AND JUNIOUS A. WAID, DOING BUSINESS AS "W & W EXCAVATORS," BOX 303, VAIL, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24221-PP RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

July 24, 1970

Appearances: H. K. Webster, Esq.,
Grand Junction, Colorado,
for Applicants.

PROCEDURE AND RECORD

Under date of February 24, 1970, Applicants filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicants requested temporary authority for the interim period prior to the granting of permanent authority, and on April 3, 1970, were granted such temporary authority.

The Commission assigned No. 24221-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Grand Junction, Colorado, on May 7, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Charles E. Waid, Sr., and Harlan E. Schoete testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Official notice was taken of the following documents on file with the Commission, to-wit: Financial Statement, Equipment List, Customer List and Insurance Papers.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicants are a partnership, the partners being Charles E. Waid, Sr., and Junious A. Waid, doing business as "W & W Excavators."

2. Applicants in this matter propose to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicants and the subject matter of this proceeding.

3. Applicants do not hold previously granted authority from this Commission.

4. Applicants propose to and will use equipment suitable and sufficient for the transportation services requested, to-wit: One (1) dump truck and one (1) pickup truck with snowplow.

5. Applicants have sufficient experience and net worth, both of which are ample and suitable for the operation of the authority applied for herein.

6. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is

granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.

7. Applicants are amply insured.

8. There is a present and special need for the service of Applicants.

9. Applicants presently have a contract or contracts with their customers.

10. 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.

11. The authority sought by Applicants will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicants have established, as a matter of fact, that they intend to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicants should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Charles E. Waid, Sr., and Junious A. Waid, doing business as "W & W Excavators," Box 303, Vail, Colorado, be, and hereby are, authorized to operate as a Class "B" contract 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 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;

(5) Snow and ice

Within a radius of twenty-five (25) miles of the Town of Vail, Colorado.

RESTRICTIONS:

This Permit is restricted as follows:

(a) Restricted against the use of tank vehicles when transporting road-surfacing materials;

(b) Restricted to serving not more than ten (10) customers at any one time";

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

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

3. That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Jgenbergh
Examiner

rm/hj

(Decision No. 75446)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF NORMAN D. RUE, SOUTH FORK, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24155-PP RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

July 24, 1970

Appearances: Norman D. Rue, South Fork, Colorado, pro se.

PROCEDURE AND RECORD

Under date of January 12, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on January 29, 1970, was granted such temporary authority.

The Commission assigned No. 24155-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Jury Room, District Court, Courthouse, Alamosa, Colorado, on May 5, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

At the hearing, Applicant asked for leave to amend the application by limiting the proposed services to one customer only, to-wit: Douglas Studs in South Fork, Colorado. The amendment to the application, being restrictive in nature, was granted by the Examiner.

Norman D. Rue testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant proposes to and will use specialized equipment suitable for the transportation of logs and poles.

5. Applicant has sufficient equipment, to-wit: Three (3) trucks which he will use in performing transportation services applied for.

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

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

8. Applicant is amply insured.

9. There is a present and special need for the service of Applicant.

10. Applicant presently has a contract or contracts with his customers.

11. 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.

12. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Norman D. Rue, South Fork, Colorado, be, and hereby is, authorized to operate as a Class "B" contract 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 one hundred fifty (150) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred fifty (150) mile radius of forests to markets in the State of Colorado;

RESTRICTIONS:

This Permit is restricted as follows:

(a) Restricted against town-to-town service;

(b) Restricted to rendering transportation service for one customer only, viz: Douglas Studs, South Fork, Colorado";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iglehart
Examiner

rm/hj

(Decision No. 75447)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOSEPH J. STRAZISCAR, DOING BUSINESS AS "JOE STRAZISCAR TRUCKING," 819 CHEYENNE BLVD., COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24311-PP RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

July 24, 1970

Appearances: Joseph J. Straziscar,
Colorado Springs, Colorado,
pro se.

PROCEDURE AND RECORD

Under date of April 20, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24311-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on June 17, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Joe Straziscar and Joseph J. Straziscar testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the hearing, Applicant called the Examiner's attention to the fact that, due to inadvertence, he had signed the application "Joe Straziscar"; whereas, in fact, his correct name is and should be Joseph J. Straziscar, doing business as "Joe Straziscar Trucking". Applicant asked for permission to amend the signature on the application from Joe Straziscar to Joseph J. Straziscar and was granted leave to so amend the application. Further, Applicant moved to amend the application to restrict the transportation services to be rendered by him to not more than five (5) customers at any one time. The amendment, being restrictive in nature, was granted by the Examiner.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual doing business as "Joe Straziscar Trucking".

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant proposes to and will use equipment suitable and sufficient for the transportation services requested, to-wit: One (1) truck.

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

6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

7. Applicant will get ample insurance.

8. There is a present and special need for the service of Applicant.

9. Applicant presently has a contract or contracts with his customers.

10. 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.

11. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Joseph J. Straziscar, doing business as "Joe Straziscar Trucking," 819 Cheyenne Blvd., Colorado Springs, Colorado, be, and hereby

is, authorized to operate as a Class "B" contract 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 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;

RESTRICTIONS:

This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials;

(b) To serving not more than five (5) customers at any one time";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iverson
Examiner

rm/hj

(Decision No. 75448)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MACORADA FARM STORE, INC., P.O. BOX 639, CORTEZ, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-7179.

APPLICATION NO. 24276-PP-Extension

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

July 24, 1970

Appearances: Billy G. Graham, Cortez, Colorado, President of Applicant corporation, pro se.

PROCEDURE AND RECORD

Under date of March 26, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle as specifically set forth in said application.

The Commission assigned No. 24276-PP-Extension to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the District Court, Courthouse, Cortez, Colorado, on April 28, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Billy G. Graham, President of Applicant corporation, testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

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

2. Applicant presently holds authority from this Commission under Permit No. B-7179, which reads as follows:

> "Transportation of farm products (excluding livestock, dairy products and bulk milk) from point to point in the following Counties in the State of Colorado: Montezuma, LaPlata, Dolores, and San Miguel; restricted, however, against town-to-town service."

3. Applicant also holds authority from this Commission under PUC No. 7068-I and Permit No. M-15418, which have no bearing on this application.

4. The authority to which extension is hereby sought, Permit No. B-7179, has been continually operated in the past and is presently in good standing with the Commission.

5. By this application, Applicant seeks to extend the authority under Permit No. B-7179 to read as follows:

> "Transportation of farm products (excluding livestock, dairy products and bulk milk) from point to point within the Counties of Montezuma, LaPlata, Dolores, and San Miguel, State of Colorado, and from and to those points, to and from all points in the State of Colorado."

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

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

8. The chief corporate officers as well as the employees of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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. Applicant has entered into special carriage contracts with its customers.

11. There is a present and special need for the service of Applicant.

12. There is presently no service as proposed by Applicant available in the area to which extension is sought.

13. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Macorada Farm Store, Inc., a Colorado corporation, P.O. Box 639, Cortez, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-7179 to read as follows:

"Transportation of farm products (excluding livestock, dairy products and bulk milk) from point to point within the Counties of Montezuma, LaPlata, Dolores, and San Miguel, State of Colorado, and from and to those points, to and from all points in the State of Colorado."

2. That henceforth the full and complete authority under Permit No. B-7179 shall read and be as follows, to-wit:

"Transportation of

(1) Farm products

Between all points within an area comprised of the following named Counties: Montezuma, La Plata, Dolores, San Miguel, State of Colorado.

RESTRICTIONS:

Item (1) of this Permit is restricted as follows:

(a) Restricted against the transportation of livestock, bulk milk, and dairy products.

(b) Restricted against rendering town-to-town service.

(c) Restricted to serving not more than ten (10) customers at any one time.

(2) Farm products

Between points within the Counties of Montezuma, La Plata, Dolores, and San Miguel, State of Colorado, on the one hand, and points within the State of Colorado, on the other hand.

RESTRICTIONS:

Item (2) of this Permit is restricted as follows:

(a) Restricted against the transportation of livestock, bulk milk, and dairy products.

(b) All transportation service rendered shall be restricted to serving the following named customers:

(1) Leonard Farms Company, Hesperus, Colorado,
(2) Richard Dossey, Hesperus, Colorado,
(3) Lynn Patton, Cortez, Colorado,
(4) Adolph Coors Company, Cortez, Colorado,
(5) Ed Sundgren, Cortez, Colorado."

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

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

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iverson
Examiner

rm/hj

(Decision No. 75449)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY E. SCHNELL, ROUTE 1, BOX 7,) APPLICATION NO. 24229-PP-
HENDERSON, COLORADO, TO EXTEND) Extension
OPERATIONS UNDER PERMIT NO. B-6462.)

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

July 24, 1970

Appearances: David W. Sarvas, Esq.,
Lakewood, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of February 24, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle as specifically set forth in said application.

The Commission assigned No. 24229-PP-Extension to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on May 8, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Leroy E. Schnell testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant presently holds authority from this Commission under Permit No. B-6462, which reads as follows:

> "Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; 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 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles."

3. Applicant also holds authority from this Commission under Permit No. M-8879, which has no bearing upon this application.

4. The authority to which extension is hereby sought, Permit No. B-6462, has been continually operated in the past and is presently in good standing with the Commission.

5. By this application, Applicant seeks to extend the authority under Permit No. B-6462 to include the following:

"Transportation of (1) feed, between points within an area comprised of the Counties of Adams and Weld, State of Colorado; restricted, however, (a) to serving one customer only, D M & H Cattle Co., Henderson, Colorado, and (b) against the transportation of liquid commodities; and (2) farm products and natural fertilizer, between all points within an area comprised of the Counties of Adams, Arapahoe, and Weld, State of Colorado; restricted, however, against the transportation of livestock, bulk milk, and dairy products."

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

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

8. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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. Applicant has entered into a special carriage contract with his customer.

11. There is a present and special need for the service of Applicant.

12. There is presently no service as proposed by Applicant available in the area to which extension is sought.

13. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Leroy E. Schnell, Route 1, Box 7, Henderson, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6462 to include the following:

> "Transportation of (1) feed, between points within an area comprised of the Counties of Adams and Weld, State of Colorado; restricted, however, (a) to serving one customer only, D M & H Cattle Co., Henderson, Colorado, and (b) against the transportation of liquid commodities; and (2) farm products and natural fertilizer, between all points within an area comprised of the Counties of Adams, Arapahoe, and Weld, State of Colorado; restricted, however, against the transportation of livestock, bulk milk, and dairy products."

2. That henceforth the full and complete authority under Permit No. B-6462 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 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;

RESTRICTIONS:

Items (1), (2), (3), and (4) of this Permit are restricted as follows:

(a) Restricted against the use of tank vehicles when transporting road-surfacing materials.

(b) Restricted to serving not more than ten (10) customers at any one time.

(5) Feed

Between all points within an area comprised of the Counties of Adams and Weld, State of Colorado.

RESTRICTIONS:

Item (5) of this Permit is restricted as follows:

(a) Restricted to rendering transportation service for one customer only, viz: D M & H Cattle Co., Henderson, Colorado.

(b) Restricted against transportation of liquid commodities in tank vehicles.

(6) Farm products and natural fertilizer

Between all points within an area comprised of the Counties of Adams, Arapahoe, and Weld, State of Colorado.

RESTRICTIONS:

Item (6) of this Permit is restricted as follows:

(a) Restricted against the transportation of livestock, bulk milk, and dairy products.

(b) Restricted to serving not more than ten (10) customers at any one time."

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

4. 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.

5. 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.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Examiner

rm/hj

(Decision No. 75450)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KEITH MORCH, SANFORD, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-6409 TO ALFONSO F. MESTAS, 1105)
ROSS AVENUE, ALAMOSA, COLORADO.)
- - - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24215-PP-Transfer

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

- - - - - - - - -
July 24, 1970
- - - - - - - - -

Appearances: Keith Morch, Sanford, Colorado, pro se.
Alfonso F. Mestas, Alamosa, Colorado, pro se.

PROCEDURE AND RECORD

Under date of February 17, 1970, Applicants filed the above-entitled application with this Commission for authority to transfer Permit No. B-6409, to operate as a contract carrier by motor vehicle for hire, from Keith Morch to Alfonso F. Mestas.

The Commission, pursuant to law, designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Jury Room, District Court, Courthouse, Alamosa, Colorado, on May 5, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

At the time of hearing, Applicant moved to amend the application to performing transportation services for one customer only, to-wit: Montgomery Ward and Co., Inc., of Alamosa, Colorado. The amendment, being restrictive in nature, was granted by the Examiner.

Keith Morch and Alfonso F. Mestas testified in support of the application. No person appeared at the hearing to protest the granting

of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Transferor herein is the present owner and operator of Permit No. B-6409, 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 does not hold previously granted authority from this Commission.

4. The Permit is free and clear of any debts, encumbrances or obligations.

5. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

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

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

8. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Keith Morch, Sanford, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-6409 to Alfonso F. Mestas, 1105 Ross Avenue, Alamosa, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Permit No. B-6409 shall read and be as follows, to-wit:

"Transportation of

(1) General commodities

Between points within Alamosa, Colorado, and a fifty (50) mile radius thereof.

RESTRICTION:

This Permit is restricted as follows:

(a) Restricted to rendering transportation service for one customer only, viz: Montgomery Ward and Co., Inc., of Alamosa, Colorado."

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

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

4. 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 of an annual report by Transferor herein covering the operations under the Permit up to the time of the transfer of said Permit.

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Sanberg
Examiner

rm/hj

(Decision No. 75451)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOE A. MARTINEZ, DOING BUSINESS AS "JOE A. MARTINEZ AND SONS," RFD, BOX 154, ANTONITO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24252-PP RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

July 24, 1970

Appearances: George Woodard, Esq.,
Alamosa, Colorado, for Applicant.
Elizabeth A. Conour, Esq.,
Del Norte, Colorado, for
Fred T. Gibson, doing business as
Gibson Truck Line, Protestant.

PROCEDURE AND RECORD

Under date of March 16, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24252-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Jury Room, District Court, Alamosa, Colorado, on May 5, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

At the hearing, Applicant moved to amend the application by adding a restriction to the effect that the transportation services rendered by Applicant shall be for one named customer only, to-wit: Helms Potato Co., Alamosa, Colorado. The amendment, being restrictive

in nature, was granted by the Examiner, whereupon the Protestant withdrew his Protest.

Joe A. Martinez testified in support of the application.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant requests that, in the event this application is granted, said operating rights be known as "Permit No. B-5509," being the number of a Permit formerly held by him.

5. Applicant has sufficient equipment which he shall use in performing the transportation services applied for.

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

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted,

promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

8. Applicant is amply insured.

9. There is a present and special need for the service of Applicant.

10. Applicant presently has a contract or contracts with his customers.

11. 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.

12. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The Protest of Protestant should be, and hereby is, dismissed.

2. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

3. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

4. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Joe A. Martinez, doing business as "Joe A. Martinez and Sons," RFD, Box 154, Antonito, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

(1) Farm products

Between all points within a radius of twenty-five (25) miles of Monte Vista, Colorado.

RESTRICTIONS:

This Permit is restricted as follows:

(a) Restricted against the transportation of livestock, bulk milk, and dairy products;

(b) Restricted to rendering transportation service for the following named customer:

(1) Helms Potato Co., Alamosa, Colorado";

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

2. That said operating rights be known as "Permit No. B-5509," being the number of a Permit formerly held by Applicant.

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

4. 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.

5. 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.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Isenhart

Examiner

rm/hj

(Decision No. 75452)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL J. LEE, BELLVUE, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
- - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24255-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

- - - - - - - - -
July 24, 1970
- - - - - - - - -

Appearances: Paul D. Baetz, Esq.,
Fort Collins, Colorado,
for Applicant.
John E. Kochenburger, Esq.,
Fort Collins, Colorado,
for Ernest C. Stille, Protestant.

PROCEDURE AND RECORD

Under date of February 27, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24255-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, Courthouse, Fort Collins, Colorado, on May 12, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Carl J. Lee testified in support of the application. Ernest C. Stille testified in protest of the granting of the application.

Official notice was taken of Protestant's authority, namely, PUC No. 4787.

Applicant's Exhibits numbered 1 and 2 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant intends to pick up trash and refuse at the following camp and picnic grounds, to-wit: Chambers Lake, Big South, Sleeping Elephant, Kelly Flats, Mountain Park, Big Narrows, Ansel Watrous, Diamond Rock, and Entrance of Roosevelt National Forest on Colorado Highway 14.

5. Applicant has sufficient equipment which he shall use in performing the transportation services applied for.

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

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted,

promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

8. Applicant is amply insured.

9. There is a present and special need for the service of Applicant.

10. Applicant presently has a contract or contracts with his customers.

11. 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.

12. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Carl J. Lee, Bellvue, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

(1) Ash, trash, and other refuse

From the following named camp sites and picnic-grounds within Roosevelt National Forest, to-wit:

(a) Chambers Lake,
(b) Big South,
(c) Sleeping Elephant,
(d) Kelly Flats,
(e) Mountain Park,
(f) Big Narrows,
(g) Ansel Watrous,
(h) Diamond Rock,
(i) Entrance of Roosevelt National Forest on Colorado Highway 14,

to designated and approved dumps and disposal sites located within the County of Larimer, State of Colorado";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iqauheyp
Examiner

rm/hj

Orig

(Decision No. 75453)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: DENVER-BOULDER BUS COMPANY INCREASED FARES BETWEEN STAPLETON INTERNATIONAL AIRPORT AND BOULDER, COLORADO	Investigation and Suspension Docket No. 652

July 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 29, 1970, C. S. Dawson, Superintendent, Denver-Boulder Bus Company, filed 2nd Revised Page 6 to its Local Passenger Tariff No. 42, Colorado PUC No. 43, increasing the present adult one-way fare of $2.20 to $3.00, applying between Denver International Airport and Boulder, Colorado. The increased fare of $3.00 also applies to and from the various motels in Boulder, Colorado. In addition, one-way adult fares are proposed at $2.50, applying between Denver International Airport and the Broomfield Interchange, scheduled to become effective on June 29, 1970. By Decision No. 75132, dated June 19, 1970, the Commission suspended the proposed increased rates and entered into an investigation concerning the lawfulness of the rates and charges contained therein.

The Commission is now in receipt of a petition from the Respondent requesting that it be allowed to withdraw the suspended matter and that the hearing set for August 7, 1970, Investigation and Suspension Docket No. 652, be vacated.

Upon consideration of said petition, the Commission finds that it will be in the public interest to allow Respondent to withdraw the suspended matter, and that the hearing set for August 7, 1970, be vacated and the investigation discontinued.

O R D E R

THE COMMISSION ORDERS:

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

2. That the Respondent herein be, and it is hereby, notified and required to cancel 2nd Revised Page 6 to its Local Passenger Tariff No. 42, Colorado PUC No. 43, on or before August 13, 1970, by not less than one (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

3. That the hearing set for Investigation and Suspension Docket No. 652, on August 7, 1970, in Denver, Colorado, be, and it is hereby, vacated and the matter discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
23rd day of July, 1970. av

Orig

(Decision No. 75454)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: FEED, ANIMAL OR POULTRY, LIQUID, IN BULK IN TANK VEHICLES FROM LAMAR, COLORADO TO LA JARA, COLORADO AND POINTS WITHIN A 20-MILE RADIUS THEREOF	CASE NO. 1585

July 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 7, 1970, J. R. Smith, Chief of Tariff Bureau, for and on behalf of Fred T. Gibson, doing business as Gibson Truck Line, filed application No. 432, requesting permission to publish rates and charges applicable to feed, animal or poultry, liquid in bulk, in tank vehicles; as set forth in Appendix "A" hereto, upon less than statutory notice. Said application was later amended by letter requesting that the proposed rates be the prescribed rates of the Commission to remove any possible conflict between the proposal and the currently effective distance scale of feed rates.

The petitioner represents that: --

> "Gibson Truck Line has been requested to begin transporting shipments of liquid feed from Lamar to points in the La Jara area immediately, that in the beginning this traffic will average one load each week; that it is expected that the volume will increase with the anticipated increase in the use of liquid feed in this area; that the revenue will average in excess of 72¢ per loaded mile, based on an average distance of 216 miles; that the petitioner has been advised the revenue is sufficient to pay its cost of operation and return a fair profit; by comparing a shipment of 8,000 gallons of gasoline for a distance of 216 miles in plains territory produces revenue of $160.88 whereas a shipment of liquid feed weighing the same, 52,800 pounds, transported the same distance, will produce $184.00."

Since the request appears to be just, reasonable and compensatory, the Commission states and finds that --

1. Under the provisions of Rule 18C (1) (c) of the Rules of Practice and Procedure and Statutes governing Contract Motor Carriers

115-11-5, as amended, Fred T. Gibson, doing business as Gibson Truck Line, should be permitted to publish, on not less than 10 days' notice to the Commission and the general public, rates and provisions set forth in Appendix "A" attached hereto.

2. An Order shall be entered in Case No. 1585 prescribing the aforesaid rates and provisions for the account of Fred T. Gibson, doing business as Gibson Truck Line.

O R D E R

THE COMMISSION ORDERS:

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

2. That the rate and provisions will for the future be the applicable provisions for the account of Fred T. Gibson, doing business as Gibson Truck Line, upon the 10-day filing with the Commission of the proper tariff schedule.

3. That all contract 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 account of Fred T. Gibson, doing business as Gibson Truck Line.

4. That this Order shall not be construed so as to compel a Contract Carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

6. That jurisdiction is retained to make such further Orders as may be necessary.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
23rd day of July, 1970. av

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Motor Freight Tariff No. 14, Colorado PUC No. 13*
(*The Motor Truck Common Carriers Association, As Agent, Series)

Application No. 432:

SECTION NO. 5
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
	Feed, animal or poultry, Liquid, In bulk in tank vehicles, Minimum weight 45,000 pounds.	Lamar, Colorado	*La Jara, Colorado	35
	(Via Fred T. Gibson, d/b/a Gibson Truck Line) *and points within a 20-mile radius thereof.			

ISSUED: EFFECTIVE:

Issued By:
J. R. Smith, Chief of Tariff Bureau
4060 Elati Street
Denver, Colorado 80216

(Decision No. 75455)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC., A COLORADO CORPORATION, FORT COLLINS, COLORADO, FOR AN ORDER AUTHORIZING THE ISSUANCE OF SECURITIES IN THE PRINCIPAL AMOUNT OF $1,900,000 AND THE APPLICATION OF THE PROCEEDS THEREFROM FOR CERTAIN LAWFUL PURPOSES.

APPLICATION NO. 24423 - Securities

July 23, 1970

Appearances: Warren H. Price, Esq., Loveland, Colorado, for Applicant;
Girts Krumins, Esq., Denver, Colorado, for the Staff of the Commission; and
James D. Grundy, Denver, Colorado, of the Staff of the Commission.

STATEMENT

BY THE COMMISSION:

On July 6, 1970, Poudre Valley Rural Electric Association, Inc. (hereinafter referred to as Poudre Valley or Applicant), filed with the Commission the above-entitled application for (1) authority to execute a Mortgage Note for $1,900,000 payable to the United States of America, bearing interest at the rate of two percent (2%) per annum and payable within thirty-five (35) years after the date thereof; (2) execute an Amendment dated March 3, 1970, to Amending Loan Contract dated as of May 26, 1952, as amended, between Poudre Valley Rural Electric Association, Inc., and the United States of America and setting a maximum which may be borrowed at $10,945,000.

The matter was set for hearing after due notice to interested persons, firms or corporations on July 15, 1970, at 9 a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and was there heard by Commissioner Edwin R. Lundborg, to whom the matter was assigned pursuant to law.

At the conclusion thereof, the matter was taken under advisement.

No protests were filed with the Commission with regard to this application and no one appeared at the hearing in opposition to the granting of the authority sought herein.

The Applicant is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its member and non-member consumers on its lines located in the Counties of Larimer, Boulder and Weld, all in the State of Colorado.

By Application No. 19574, Poudre Valley Rural Electric Association, Inc., applied for a certificate of public convenience and necessity of its service territory and was granted the same by this Commission under Decision No. 62653, dated April 22, 1964.

The Applicant's witness testified summarily as follows:

The number of consumers as of April 30, 1970, totaled 7,263.

The loan has been approved by the Rural Electrification Administration and the Board of Directors of Poudre Valley subject to the approval of this Commission.

Poudre Valley Rural Electric Association, Inc., needs the loan funds sought to be approved in this application for improvements to its system and for the construction, completion, expansion and improvement of its properties and for the improvement and maintenance of its service and for other lawful purposes.

Mr. Leon L. Wick, General Manager of Poudre Valley, identified Applicant's Exhibit A as the form of the proposed Mortgage Note between Poudre Valley and the United States of America and Exhibit B as the form of Amendment to the Amending Loan Contract, dated March 3, 1970.

Exhibit F, Cost Estimate and Loan Budget, itemizes the cost of construction for which the proposed loan will be used as follows:

Distribution:

32.6	miles single-phase pole lines	$ 211,911
5.0	miles three-phase pole lines	24,926
6.0	miles new single-phase tie lines	22,680
18.5	miles new three-phase tie lines	77,800
14.0	miles single-phase to three-phase conversion and line changes	34,480
41.0	miles single-phase to three-phase conversion and line changes	100,380
7.5	miles two-phase to three-phase conversion and line changes	12,732
32.5	miles three-phase conductor change	98,236
	New substation at Kodak - 25,000 KVA	511,000
	New substation at Black Hollow - 3,000 KVA	69,500
	New substation at Owl Canyon - 2,500 KVA	70,500
	New substation at Livermore - 2,500 KVA	70,500
3	substation sites	4,500
	Increase capacity - Kersey substation 3,000 to 5,000 KVA	37,500
197	transformers and 307 meters to serve new consumers	82,434
150	transformers and 150 meters to increase capacity of existing consumer services	45,750
120	sets of services wires to increase capacity of existing consumer services	22,200
120	devices - sectionalizing equipment	39,000
	Regulators	77,800
	Engineering fees	43,031
	Total Distribution	$1,656,860

Transmission:

5.0	miles new transmission line - 115 KV (Kodak Tap)	100,000
8.5	miles new transmission line - 69 KV (Owl Canyon Tap)	102,000
	Right-of-way procurement	27,000
	Engineering fees	14,140
	Total Transmission	$ 243,140
	TOTAL	$1,900,000

Exhibit F, the Cost Estimate and Loan Budget, was prepared by Poudre Valley. The basis for the cost estimate was a work plan prepared by C. H. Guernsey and Company, consulting engineers, in cooperation with the Rural Electrification Administration.

Mr. Wick stated that $660,000 of the proposed loan would be spent for construction of electrical facilities to serve the Kodak plant. Construction of electrical facilities to serve this installation will begin when the pending litigation is finished, probably during September,

1970. If Poudre Valley receives an adverse decision, the funds requested in this loan for Kodak construction will be transferred to other construction purposes.

Mr. Wick identified Applicant's Exhibit C, Balance Sheet as of April 30, 1970; Applicant's Exhibit D, Operating Statement for the year ending April 30, 1970; Exhibit E, Patronage Capital 1945 through 1969; and Exhibit G, a Financial Forecast for the years 1969 through 1978.

The Balance Sheet, Exhibit C, shows the Applicant has cash funds on hand consisting of cash - General Funds, $30,203; Special Construction Funds, $2,573; Other Investments, $699; Restricted Funds, $451,125; for a total of $484,600.

In addition, Poudre Valley has advance payments to the Rural Electrification Administration of approximately $652,000 as of April 30, 1970. This amounts to approximately two years' advance payments under present debt requirements which are $326,860 annually.

Exhibit D, the Statement of Operations, shows the patronage capital and margins for the year ended April 30, 1970, at $151,319. For the same period, the depreciation and amortization expenses, a non-cash item, was $221,256. The addition of the two figures shows that Poudre Valley's approximate cash generation for the fiscal year ending April 30, 1970, was $372,575.

Exhibit E, a Statement of Patronage Capital, shows the amounts of patronage capital assigned and retired for the years 1945 through 1969. The exhibit shows a balance of unpaid patronage capital as of April 30, 1970, of $1,410,920.20. Mr. Wick stated that Poudre Valley plans to make additional refunds of capital credits as indicated on page 3 of Exhibit G, the Financial Forecast. It is planned in the Forecast that by the year 1978, Poudre Valley will have slightly less than 15 years retained capital credits.

Exhibit G, the Financial Forecast, which was prepared by Poudre Valley in cooperation with C. H. Guernsey and Company, the consulting

engineers, and the Rural Electrification Administration projects operating revenues to be $1,775,434 in the year 1970; $3,247,785 in the year 1974, and $4,262,626 in the year 1978. Total margins are forecast as $167,781 in the year 1970; $194,270 in the year 1974; and $410,673 in the year 1978.

Of a total capitalization of $7,925,654, Poudre Valley's equity is $1,510,859 or 19.06 percent.

Poudre Valley's rate of return for the year ended April 30, 1970, was 3.36 percent, computed on rate base.

Mr. Wick testified that no rate increase would be necessary as a result of the loan sought.

Capital credits received from Tri-State Generation and Transmission Cooperative have been recorded on the books of Poudre Valley and allocated to the customers of Poudre Valley.

FINDINGS OF FACT

From the record herein, the Commission finds as fact, that:

1. Applicant, Poudre Valley Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

2. This Commission has jurisdiction over the Applicant and the subject matter of this application.

3. The above and foregoing Statement is made a part of these Findings by reference.

4. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

5. The Commission is fully advised in the premises.

6. The Amendment, dated March 3, 1970, to the Amending Loan Contract between Poudre Valley Rural Electric Association, Inc., and the United States of America, dated May 26, 1952, as amended, Applicant's Exhibit B herein, should be authorized and approved.

7. The Mortgage Note payable to the United States of America, designated Colorado 31-V Larimer, in the amount of $1,900,000, Exhibit B, in this proceeding, is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963, and therefore should be authorized and approved.

8. Within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant should file with the Commission one (1) conformed, executed copy of such instruments.

9. Since Chapter 115-1-4, Colorado Revised Statutes, 1963, requires that the security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the Recommended Decision of the Hearing Commissioner be omitted and that this Decision should be the initial Decision of the Commission.

It is the conclusion of the Commission that the application should be granted and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

That the Amendment, dated March 3, 1970, to the Amending Loan Contract between Poudre Valley Rural Electric Association, Inc., and the United States of America, dated May 26, 1952, as amended, Exhibit B, be, and the same hereby is, authorized and approved.

That the issuance of the Mortgage Note payable to the United States of America, designated as Colorado 31-V Larimer, in the amount of $1,900,000, Exhibit A herein, be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for $1,900,000, authorized herein, Poudre Valley Rural Electric Association, Inc., shall file with this Commission one (1) conformed copy of such executed Note and one (1) conformed copy of each other document made and entered into in connection herewith.

That nothing herein contained shall be construed to imply any recommendation or any guarantee of or any obligation with regard to said securities on the part of the State of Colorado.

That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

That the authority granted shall be exercised from and after the date of this Order and the Order herein contained shall be effective forthwith.

That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
23rd day of July, 1970.

vr

(Decision No. 75456)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAMB CONSTRUCTION, INC., 229 PARK ST.,)
LYONS, COLORADO, FOR TEMPORARY APPROVAL)
TO TRANSFER CERTIFICATE OF PUBLIC CON-) APPLICATION NO. 24427-Transfer-TA
VENIENCE AND NECESSITY PUC NO. 6946) ORDER GRANTING TEMPORARY APPROVAL
TO DON E. SCHLEIGER, DOING BUSINESS AS)
"S & S SANITATION," 559 SOUTH ST. LOUIS,)
LOVELAND, COLORADO.)
- -

- - - - - - -
July 27, 1970
- - - - - - -

The above-entitled application under CRS 1963, 115-6-20 (2), being under consideration, and

It appearing, That Applicant has established the following: That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 6946 to the above-named Transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicant or interfer substantially with their future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Applicant be, and is hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75456)

July 27, 1970

APPENDIX

Application No. 24427-Transfer-TA

Don E. Schleiger
Doing Business As
"S & S Sanitation"
559 So. St. Louis
Loveland, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 6946 with authority as follows:

"Transportation of

Ashes, trash and other refuse

From the town of Berthoud, Colorado, and a five (5) mile radius thereof to regularly designated and approved dumps and disposal sites located within the Counties of Weld and Larimer, State of Colorado."

(Decision No. 75457)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SALIDA-CANON TRUCKING, INC., DOING BUSINESS AS "SOUTHWESTERN TRANSFER AND STORAGE CO.," 816 WATER STREET, CANON CITY, COLORADO, FOR TEMPORARY APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 6412 TO SOUTHWESTERN TRANSFER AND STORAGE CO., A CORPORATION, 816 WATER STREET, CANON CITY, COLORADO.

APPLICATION NO. 24426-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

July 27, 1970

The above-entitled application under CRS 1963, 115-6-20(2), being under consideration, and

It appearing, That Applicant has established the following: That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 6412 to the above-named Transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicant or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Applicant be, and is hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75457)
July 27, 1970

APPENDIX

Application No. 24413-Transfer-TA

Southwestern Transfer and Storage Co.
816 Water Street
Canon City, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 6412 with authority as follows:

"UNDER: Decision No. 68320:

Transportation of

household goods, as defined in the Interstate Commerce Commission in 'Descriptions in Motor Carrier Certificates' 61 MCC 209,9 Federal Carrier Cases 489, being as follows, to-wit:

(a) The term "household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling;

furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals, or other establishments;

and articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods;

between points within the City of Canon City and between points within a radius of 35 miles thereof and between points within Canon City and 35 miles thereof and points within the State of Colorado.

Decision No. 65802: EXTENDED: To Transportation of general commodities except household goods,

between points within a radius of ten miles of Canon City, Colorado, including the City of Canon City."

(Decision No. 75458)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE LANCER CORPORATION, P.O. BOX 567, BRECKENRIDGE, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 24102

SUPPLEMENTAL ORDER

July 27, 1970

Appearances: Lawrence R. Reno, Esq., Denver, Colorado, for Applicant; Georgine M. Watton, Dillon, Colorado, of Protestant, Big Sky Corporation, doing business as "Summit Stage Line, Ltd."

S T A T E M E N T

BY THE COMMISSION:

On May 18, 1970, Examiner Christian O. Igenbergs, by Decision No. 74922, entered his Recommended Decision in the within matter.

On June 8, 1970, the Commission, by Decision No. 75069, stayed the aforesaid Decision No. 74922 and stated as its reason therefor that the authority granted Applicant by the Examiner in the aforesaid Recommended Decision contained inaccuracies.

The Commission now finds that the authority granted Applicant in the aforesaid Recommended Decision No. 74922 should be modified to that shown in the order following.

O R D E R

THE COMMISSION ORDERS:

1. That the Recommended Decision of Examiner Christian O. Igenbergs, being Decision No. 74922 dated May 18, 1970, be, and hereby is, modified so that the authority granted therein under paragraph (1) of said Order shall be as follows:

"Transportation -- in taxicab service -- of

(1) Passengers

Between all points within Breckenridge, Colorado, and that portion of a twelve (12) mile radius thereof lying west of the Continental Divide and to and from said points, from and to all points located within the State of Colorado lying west of the Continental Divide and all points lying east of the Continental Divide within a five (5) mile radius of the summit of Loveland Pass.

Transportation -- on call and demand, in bus service -- of

(2) Passengers

Between all points within Breckenridge, Colorado, and that portion of a twelve (12) mile radius thereof lying west of the Continental Divide and to and from said points, from and to all points located within the State of Colorado lying west of the Continental Divide within a five (5) mile radius of the summit of Loveland Pass.

Transportation -- in sightseeing service and for recreational purposes -- of

(3) Passengers

Within a thirty-five (35) mile radius of Breckenridge, Colorado.

RESTRICTION: Item 3 of this Certificate shall be restricted as follows:

(a) Restricted to the use of four (4) wheel drive vehicles;

(b) All service rendered shall originate within Breckenridge, Colorado, or that portion of a twelve (12) mile radius thereof lying west of the Continental Divide."

2. That the aforesaid Recommended Decision No. 74922, as modified, be,and hereby is, adopted by the Commission as its Order in the within matter in all respects except as modified by paragraph (1) of this Order.

3. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75459)

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. 24467
EMERGENCY DISTRICT 8-70

July 24, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section, 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, 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, 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 commodity, as provided in 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 the Counties of Adams, Baca, Bent, Delta, Mesa, Montrose, Morgan, and Weld, State of Colorado; provided, however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing August 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 24th day of July, 1970.

bl

(Decision No. 75460)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES HERMAN (C. H.) CORNELIUS (LEOTA G. CORNELIUS, EXECUTRIX), DOING BUSINESS AS "CORNELIUS TRANSFER," 2242 LAFAYETTE ROAD, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 346 TO CORNELIUS TRANSFER AND STORAGE CO., 100 NORTH 4TH STREET, LAMAR, COLORADO.	APPLICATION NO. 23989-Transfer
IN THE MATTER OF THE APPLICATION OF CORNELIUS TRANSFER AND STORAGE CO., 100 NORTH 4TH STREET, LAMAR, COLORADO, (IN THE EVENT AUTHORITY SOUGHT IN APPLICATION NO. 23989-Transfer IS GRANTED) FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 346.	APPLICATION NO. 23990-Extension
IN THE MATTER OF THE APPLICATION OF CHARLES HERMAN (C. H.) CORNELIUS (LEOTA G. CORNELIUS, EXECUTRIX), 2242 LAFAYETTE ROAD, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1310 AND PUC NO. 1310-I TO CORNELIUS TRANSFER AND STORAGE CO., 100 NORTH 4TH STREET, LAMAR, COLORADO.	APPLICATION NO. 23991-Transfer
IN THE MATTER OF THE APPLICATION OF CHARLES HERMAN (C. H.) CORNELIUS (LEOTA G. CORNELIUS, EXECUTRIX), 2242 LAFAYETTE ROAD, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-419 TO CORNELIUS TRANSFER AND STORAGE CO., 100 NORTH 4TH STREET, LAMAR, COLORADO.	APPLICATION NO. 23992-PP-Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

August 4, 1970

Appearances: Leslie R. Kehl, Esq., Denver, Colorado, for Transferor and Transferee;

John R. Barry, Esq., Denver, Colorado, for Colorado Springs Transfer & Warehousemen's Association and the Individual Members -- AAA Transfer and Storage; Cowan Transfer & Storage, Inc.; Dalby Transfer & Storage, Inc.; Daniels Moving & Storage Co.; Goldstein Transportation & Storage, Inc.; Manitou Express; McCann Brothers Transfer & Storage Co.; Merritt Packing & Crating Service; Moore & Moore Moving & Storage Co.; Nicoll Warehousing Co., Inc.; Wandell & Lowe Transfer & Storage Co.; and Weicker Transfer & Storage Co., Protestants.

PROCEDURE AND RECORD

Under date of September 17, 1969, Applicants filed the above-entitled applications: (1) for authority to transfer Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310, PUC No. 1310-I, and Permit No. A-419, from Charles Herman (C. H.) Cornelius (Leota G. Cornelius, Executrix), doing business as "Cornelius Transfer," to Cornelius Transfer and Storage Co., and (2) Cornelius Transfer and Storage Co. filed an application for authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 346, in the event Application No. 23989-Transfer is granted.

The Commission assigned the following numbers to the respective applications: No. 23989-Transfer to the application to transfer Certificate of Public Convenience and Necessity PUC No. 346; No. 23990-Extension to the application for authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 346; No. 23991-Transfer to the application to transfer Certificates of Public Convenience and Necessity PUC No. 1310 and PUC No. 1310-I; and No. 23992-Transfer to the application to transfer Permit No. A-419.

On November 4, 1969, a protest was filed for and on behalf of the Colorado Springs Transfer and Warehousemen's Association and the following individual members of said Association: AAA Transfer and Storage; Cowan Transfer & Storage, Inc.; Dalby Transfer & Storage, Inc.; Daniels Moving & Storage Co.; Goldstein Transportation & Storage Inc.; Manitou

Express; McCann Brothers Transfer & Storage Co.; Merritt Packing & Crating Service; Moore & Moore Moving & Storage Co.; Nicoll Warehousing Co., Inc.; Wandell & Lowe Transfer & Storage Co.; and Weicker Transfer & Storage Co.

The Commission, pursuant to law, designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on the above applications and, after due and proper notice to all interested persons, firms or corporations, set the herein matters for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 12, 1969, at 10 a.m. The hearing was held at the aforesaid time and place.

Applications No. 23989-Transfer, 23990-Extension, 23991-Transfer, and 23992-PP-Transfer were heard on a joint record.

At the hearing, it was stipulated between counsel for Applicants and Protestants and the respective parties, that Application No. 23990-Extension be amended by deleting the portion of the application which seeks the complete removal of the office restriction which, at the present, reads as follows, to-wit:

> "The Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than La Junta for the purpose of developing business."

and substituting therefor a restriction as follows:

> "The Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in the Counties of Adams, Arapahoe, Denver, El Paso, and Jefferson, State of Colorado, for the purpose of developing business."

The amendment to the application, being restrictive in nature, was granted by the Examiner.

After stipulating as hereinabove set forth, Protestants asked for Leave to Withdraw and were granted such Leave to Withdraw by the Examiner.

Leota G. Cornelius and Gerbing Cornelius testified in support of the transfer applications. Gerbing Cornelius testified in support of the extension application.

Applicants' Exhibits numbered 1, 2, 3, and 4 were received and admitted into evidence.

The Examiner granted Applicants permission to file as late-filed Exhibits a true copy of the Will of Charles Herman (C. H.) Cornelius and a copy of his Death Certificate. Said documents were filed by counsel for Applicant on January 16, 1970.

At the conclusion of the hearing, the subject matter was taken under advisement.

Investigation, after the hearing, of the files of the Commission disclosed that Certificates of Public Convenience and Necessity PUC No. 346 and PUC No. 1310 and Permit No. A-419 had been, with the approval of this Commission, assigned as collateral security to the Colorado Bank and Trust Company of La Junta, Colorado -- (Decision No. 56671, dated June 16, 1961). On April 23, 1970, counsel for Applicants filed with the Commission a Petition to Approve Encumbrance, which said Petition discloses that the Colorado Bank and Trust Company of La Junta, Colorado, has executed a release of the aforesaid first encumbrance upon execution of a new encumbrance, to-wit: an assignment, on April 20, 1970, as collateral security to the aforesaid Colorado Bank and Trust Company of La Junta, Colorado, of Certificates of Public Convenience and Necessity PUC No. 346 and PUC No. 1310 and Permit No. A-419 by the Transferee corporation, pending the disposition of the herein matter of transfer. Applicants pray that the above-mentioned Petition to Approve Encumbrance be consolidated with the herein transfer applications as specified above and that the encumbrance dated April 20, 1970, be approved by the Commission. A copy of the aforesaid encumbrance is attached to the Petition to Approve Encumbrance.

Under date of May 8, 1970, counsel for Applicants filed with the Commission a Petition to Stay the within proceeding pending the obtaining of a Court Order officially appointing Leota G. Cornelius Executrix and stating as grounds therefor, that while said Leota G. Cornelius was named Executrix under the Will of Charles Herman Cornelius, no probate proceedings have yet been commmenced and, therefore, the Will has not been admitted to probate and Leota G. Cornelius has not been officially designated Executrix. Counsel for Applicants stated further as grounds for the petition that it will be necessary to commence an estate proceeding and, therefore, to avoid a complete rehearing of the subject matter and to prevent any further proceedings until the Executrix is appointed, it is desirable that a Stay Order be entered.

The Commission, by Decision No. 74909, dated May 14, 1970, granted Applicants' Petition to Stay.

On June 5, 1970, Applicants submitted to this Commission a duly certified copy of an Order for Distribution under the Small Estate Act issued by the District Court, In and For the County of El Paso, State of Colorado, which said Order directed that the subject authorities issued by this Commission, to-wit: Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310, PUC No. 1310-I and Permit No. A-419 be distributed to Leota G. Cornelius, wife of decedent, without the appointment of a personal representative.

The subject matter is now complete and, pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Charles Herman (C. H.) Cornelius, Deceased, who died testate on August 19, 1968, was formerly the owner and operator of Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310, PUC No. 1310-I, and Permit No. A-419.

2. On September 17, 1969, Applicants filed the above-captioned applications for authority to transfer Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310, PUC No. 1310-I, and Permit No. A-419 from the Estate of Charles Herman (C. H.) Cornelius, Deceased, to Leota G. Cornelius, as the sole legatee, and from the aforesaid Leota G. Cornelius to Cornelius Transfer and Storage Co., 100 North 4th Street, Lamar, Colorado.

3. The aforesaid authorities have been continually operated in the past and are presently in good standing with this Commission.

4. Upon the death of Charles Herman (C. H.) Cornelius, his estate was duly probated under the Small Estates Act in the Probate Court, In and For The County of El Paso, State of Colorado.

5. By ORDER OF DISTRIBUTION UNDER THE SMALL ESTATES ACT, a certified copy of which is in the file, Leota G. Cornelius, widow of Charles Herman (C. H.) Cornelius, received the entire interest in Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310, and PUC No. 1310-I, and Permit No. A-419, and the transfer to her should be allowed in this instance as a matter of course.

6. The aforesaid transfers being transfers by inheritance, no consideration is being paid for the authorities.

7. Leota G. Cornelius is elderly, infirm and has no desire to continue the operation of the aforesaid authorities in her name and has, therefore, decided to transfer all of her interest in the said authorities to Cornelius Transfer and Storage Co. as a gift to her two sons, Gerbing Cornelius and William L. Cornelius, who control the Transferee corporation.

8. Cornelius Transfer and Storage Co. is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

9. The Articles of Incorporation of the said Cornelius Transfer and Storage Co. are on file with the Commission.

10. There are two (2) stockholders in the aforesaid corporation: Gerbing Cornelius, who is the President and controlling stockholder, and William L. Cornelius, minority stockholder.

11. The instrument by which Leota G. Cornelius has transferred her interest in the aforesaid PUC authorities to the Transferee corporation, subject to approval by this Commission, is in the form of a Sales Agreement. The transfer is, in fact, a gift and, therefore, no actual consideration has been paid (Applicants' Exhibit No. 2).

12. Gerbing Cornelius and William L. Cornelius are the sons of Charles Herman (C. H.) Cornelius, Decedent, and they have been for many years associated with their late father in the operation of the authorities sought to be transferred herein from his estate to Leota G. Cornelius and from the said Leota G. Cornelius to the Transferee corporation.

13. Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310, and PUC No. 1310-I, and Permit No. A-419 were encumbered to the Colorado Bank and Trust Company of La Junta, Colorado, with the approval of this Commission on June 16, 1961, by Commission Decision No. 56671. The encumbrance has been duly released by the above-mentioned bank but the Release has not yet been filed with the Commission. Furthermore, an encumbrance is to be placed upon the authorities by Transferee corporation which encumbrance should be approved by the Commission upon the filing of the Release of the previous encumbrance and the proper documents evidencing the new encumbrance.

14. The aforesaid Transferee, Cornelius Transfer and Storage Co., owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authorities sought to be transferred herein.

15. The chief corporate officers as well as the employees of Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if the above-captioned applications of transfer are granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have or will make adequate provision for insurance.

16. If these transfers are approved, the aforesaid Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

17. The Transferee corporation, at present, does not hold any other authority from this Commission.

18. All the above-captioned transfers as applied for are compatible with the public interest.

19. Transferee in Application No. 23990-Extension requests, by its amended application, permission to delete from Certificate of Public Convenience and Necessity PUC No. 346 the restriction to an office in the City of La Junta, Colorado, only, and requests that instead Applicant be restricted from establishing a branch office or employing an agent in the following Counties, State of Colorado: Adams, Arapahoe, Denver, El Paso, and Jefferson.

20. The main business office of Applicant is in Lamar, Colorado.

21. Neither Certificates of Public Convenience and Necessity PUC No. 1310 and PUC No. 1310-I nor Permit No. A-419 contain a restriction to an office in the City of La Junta, Colorado, only.

22. Applicant, Cornelius Transfer and Storage Co., presented competent evidence at the hearing that the office restriction to La Junta, Colorado, under Certificate of Public Convenience and Necessity PUC No. 346 is cumbersome, necessitates the keeping of a separate set of books in La Junta, Colorado, and results in confusion to the public and inefficient operations. The record further discloses that the shipping public needs transportation services which can be supplied under the existing above-enumerated authorities in several small towns in the southeastern part

of the State of Colorado. Among such towns and communities are Ordway, Olney Springs, Eads, Sugar City, and Kit Carson, which could be served more efficiently if Applicant should be permitted to employ agents at the aforesaid locales.

23. The removal of the restriction as presently contained in Certificate of Public Convenience and Necessity PUC No. 346 and the substitution of said restriction as outlined in PROCEDURE AND RECORD, supra, is not protested by any other carriers.

24. Public convenience and necessity requires that the aforesaid restriction in Certificate of Public Convenience and Necessity PUC No. 346 be removed and replaced by a new restriction to read as follows, to-wit:

> "The carrier shall not be permitted, without further authority from the Commission, to establish a branch office or have an agent employed in the Counties of Adams, Arapahoe, Denver, El Paso, and Jefferson, State of Colorado."

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfers as sought by Applicants in Applications No. 23989-Transfer, 23991-Transfer, and 23992-PP-Transfer should be granted as hereinafter set forth.

2. The extension as sought by Applicant in Application No. 23990-Extension should be granted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That as ordered by the District Court, In and For the County of El Paso, State of Colorado, in its ORDER FOR DISTRIBUTION UNDER THE SMALL ESTATES ACT, dated June 10, 1970, all right, title, and interest in and to Certificates of Public Convenience and Necessity

PUC No. 346, PUC No. 1310 and PUC No. 1310-I, and Permit No. A-419 be, and hereby are, authorized to be transferred from the Estate of Charles Herman (C. H.) Cornelius, Deceased, to Leota G. Cornelius, 2442 Lafayette Road, Colorado Springs, Colorado, subject to encumbrances, if any, against said authorities.

2. That Leota G. Cornelius, 2442 Lafayette Road, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310, and PUC No. 1310-I, and Permit No. A-419 to Cornelius Transfer Co., a Colorado corporation, 100 North 4th Street, Lamar, Colorado, subject to encumbrances, if any, against said authorities.

3. That Cornelius Transfer and Storage Co., a Colorado corporation, 100 North 4th Street, Lamar, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 346 by removing the present restriction of the aforesaid authority which limits the said Transferee corporation to an office in the City of La Junta, Colorado, only, and replacing said restriction with a new restriction to read as follows, to-wit:

> "The holder or operator of this Certificate shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed in the Counties of Adams, Arapahoe, Denver, El Paso, and Jefferson, State of Colorado, for the purpose of developing or conducting business."

4. That henceforth the full and complete authorities under Certificates of Public Convenience and Necessity PUC No. 346, PUC No. 1310 and PUC No. 1310-I, and Permit No. A-419 shall read and be as follows, to-wit:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 346:

"Transportation -- on call and demand -- of

(1) General commodities

In the Counties of Otero, Bent, and Crowley, State of Colorado, and for occasional service 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 rate charged by scheduled carriers.

(b) The holder or operator of this Certificate shall not be permitted, without further authority from this Commission, to establish an office or to have an agent employed in the Counties of Adams, Arapahoe, Denver, El Paso, and Jefferson, State of Colorado, for the purpose of developing or conducting business."

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 1310 AND PUC NO. 1310-I:

"Transportation -- on call and demand -- of

(1) Household goods, heavy machinery, pipe, oil well equipment and supplies, telephone and power company poles and supplies, contractors' equipment and supplies, gas pipe and gas utility supplies.

Between all points within the following described territory: Commencing at a point where Prowers and Baca County Lines intersect with the Colorado-Kansas State Line; thence north along said state line to Colorado State Highway 96; thence west along Colorado Highway 96 to a point where said highway crosses the Otero County Line; thence east along the northern Otero and Bent County Lines a distance of twenty-six (26) miles to a point; thence south on a line extending through Hasty, Colorado, a distance of forty-three (43) miles to a point on the Baca-Bent County Line; thence east along the Baca County Line to the point of beginning and to and from said points from and to points within the State of Colorado.

RESTRICTIONS:

Item (1) of this Certificate is restricted as follows:

(a) Restricted against transporting household goods to and from said points from and to points in the State of Colorado.

(b) Restricted against rendering transportation service in competition with scheduled common carriers.

(2) General commodities

Between all points within the City of Lamar, Colorado, and to and from said points from and to all points located within the following described area: Commencing at a point where Prowers and Baca County Lines intersect with the Colorado-Kansas State Line; thence north along said state line to Colorado State Highway 96; thence west along Colorado Highway 96 to a point where said highway crosses the Otero County Line; thence east along the northern Otero and Bent County Lines a distance of twenty-six (26) miles to a point; thence south on a line extending through Hasty, Colorado, a distance of forty-three (43) miles to a point on the Baca-Bent County Line; thence east along the Baca County Line to the point of beginning.

(3) Furniture and household goods

Between all points within the following described area: Commencing at a point where the Prowers and Baca County Line intersects the Colorado-Kansas State Line; thence north along said State Line to the northern Prowers County Line; thence west along the Prowers County Line as extended a distance of sixty-four and one-half (64½) miles; thence south on a line extending through Las Animas a distance of forty-three(43) miles to a point on the southern Bent County Line; thence east along the Bent-Prowers County Lines to the point of beginning and to and from said points from and to all points located within the State of Colorado.

(4) 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."

PERMIT NO. A-419:

"Transportation of

(1) General commodities

From Lamar to Pueblo and intermediate points, and Lamar to Holly and intermediate points.

(2) General commodities

From Trinidad to La Junta, via U. S. Highway 350.

RESTRICTION:

Item (2) of this Permit is restricted to serving one customer only, viz: Western State Grocery Company."

5. That the encumbrance to be placed upon the authorities be, and hereby is, approved upon the filing of the proper documents.

6. That said transfers shall become effective only if and when, but not before, said Transferor and Transferee, in writing have advised the Commission that said Certificates 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 transfers, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

7. 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.

8. The right of Transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of the annual report by Transferor herein covering the operations under the Certificates and Permit up to the time of transfer of said Certificates and Permit.

9. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

10. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is

stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iguchi

Examiner

bl

(Decision No. 75461)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAYMOND A. GREEN, DOING BUSINESS AS "GREEN FURNITURE COMPANY," 546 YAMPA AVENUE, CRAIG, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 2932.

APPLICATION NO. 24249-Extension

RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER

July 27, 1970

Appearances: Marion F. Jones, Esq., Denver, Colorado, for Applicant.

PROCEDURE AND RECORD

Under date of March 6, 1970, Applicant filed an application with this Commission for authority to extend operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned No. 24249-Extension to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the Auditorium, District Court, Courthouse, Craig, Colorado, on June 30, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Raymond A. Green, Applicant; Robert Daniels; Charles R. Stoughton; Neil McCleery; Edward W. Johnson; and Vernon F. Burgess testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual doing business as "Green Furniture Company."

2. Applicant presently holds authority from this Commission under PUC No. 2932, which reads as follows:

> "Transportation of trunks, furniture and household effects within the City of Craig, Colorado, and from and to points within a radius of fifteen miles of Craig; and from and to points in said fifteen mile radius to and from points within a fifty mile radius of Craig; provided, that no movement shall be made from Steamboat Springs to Craig."

3. Applicant holds previously granted authority from this Commission under Permit No. M-8009, which has no bearing on the herein extension proceeding.

4. The authority to which extension is hereby sought, PUC No. 2932, has been continually operated in the past and is presently in good standing with the Commission.

5. By this application, Applicant seeks to extend his authority so that the entire authority reads as follows, to-wit:

"Transportation of used furniture and household goods, personal effects, and office and store furnishings and fixtures, between points in the Counties of Moffat, Routt, and Rio Blanco, State of Colorado, and between points in said Counties, on the one hand, and, on the other, points in the State of Colorado, such service to be performed both in intrastate and interstate commerce."

6. Pursuant to Section 206(a)(6) of the Interstate Commerce Act, Applicant seeks such service to be performed in both intrastate and interstate commerce.

7. The public convenience and necessity requires that Applicant also be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed, and which shall identically correspond to, both as to commodities to be transported and points and territory to be served, the scope of the intrastate operations hereinabove authorized to be conducted.

8. Applicant is the local agent in the area encompassed by this application for Aero Mayflower Transit Company, Inc., and needs this additional authority so as to be able to better serve that principal.

9. No other carrier is furnishing the complete service requested by Applicant and the Applicant's authority is presently so restricted that he is unable to fulfill the transportation requirements of the area. This, sometimes, requires him to bring in carriers from the eastern slope to fulfill the needs of the community which results in undue delays and extra costs.

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

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

12. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application

is granted, promises to 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 and 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 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 granting of the authority as hereinafter set forth.

16. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority sought by Applicant should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Raymond A. Green, doing business as "Green Furniture Company," 546 Yampa Avenue, Craig, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 2932 as follows:

> "Transportation of used furniture and household goods, personal effects, and office and store furnishings and fixtures, between points in the Counties of Moffat, Routt, and Rio Blanco, State of Colorado, and between points in said Counties, on the one hand, and, on the other, points in the State of Colorado, such service to be performed both in intrastate and interstate commerce."

2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2932 shall read and be as follows, to-wit:

"Transportation of

Used furniture and household goods, personal effects, and office and store furnishings and fixtures

Between points in the Counties of Moffat, Routt, and Rio Blanco, State of Colorado, and between points in said Counties, on the one hand, and, on the other, points in the State of Colorado."

3. That this Certificate of Public Convenience and Necessity is being issued after notice to interested persons, through publication in the Federal Register of October 22, 1969, of the filing of the application and of the desire of the Applicant also to engage in the transportation in interstate and foreign commerce within the limits of the intrastate authority granted, and reasonable opportunity having been afforded interested persons to be heard, and the question of the proposed interstate and foreign operations having been duly considered, it is hereby found and made a part of this Order that public convenience and necessity require that Applicant also be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed, and which shall identically correspond to, both as to commodities to be transported and points and territory to be served, the scope of the intrastate operations hereinabove authorized to be conducted.

4. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

5. That Applicant shall operate his carrier system in accordance with this Order, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT L. PYLE
Examiner

bl

(Decision No. 75462)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD F. FOULK & LUCILLE B. FOULK,)
DOING BUSINESS AS "FORT LYON BUS &)
TAXI SERVICE," 651 LOCUST AVENUE,) APPLICATION NO. 24425-Transfer-TA
LAS ANIMAS, COLORADO, FOR TEMPORARY) ORDER GRANTING TEMPORARY APPROVAL
APPROVAL TO TRANSFER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 305 TO JOHN L. FOULK, DOING)
BUSINESS AS "FORT LYON BUS & TAXI)
SERVICE," 405 POPLAR, LAS ANIMAS,)
COLORADO.)

July 27, 1970

The above-entitled application under CRS 1963, 115-6-20(2), being under consideration, and

It appearing, That Applicant has established the following: That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 305 to the above-named Transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicant or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Applicant be, and is hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75462)
July 27, 1970

APPENDIX

Application No. 24425-Transfer-TA

John L. Foulk
Doing Business As
"Fort Lyon Bus & Taxi Service"
405 Poplar
Las Animas, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 305 with authority as follows:

> "Decision No. 60142: Transportation of passengers, between Las Animas and Fort Lyon Hospital Reservation, at Fort Lyon, Colorado, and to and from Las Animas, from and to all other points in the State of Colorado, provided he shall not render any scheduled service except between Las Animas and Fort Lyon, applicant not to employ an agent or have a branch office in any other point than Fort Lyon and Las Animas for the purpose of developing taxi business, applicant to charge in excess of thirty-three and one-third per cent more for transportation per passenger than charged by scheduled carriers (both passenger and rail, singly or in combination), for transportation between same points, without the right to operate as a common carrier at any time, between Las Animas and Pueblo, Colorado: Transportation of passengers and their baggage, in the same vehicle, by means of five passenger sedan taxicabs, and a small package delivery service, to and from Las Animas, Colorado and a ten-mile radius around Las Animas, to all other points and places within the State of Colorado, with no pick-up service out of the ten-mile radius of Las Animas; transportation of packages to be performed in taxicabs, only, and no individual shipment then shall exceed fifty pounds in weight, and provided that each delivery from one origin to one destination shall be charged as though applicant had one passenger from origin to point of delivery; in addition, to any charge for leaving the vehicle to pick up or deliver such item; and that the applicant shall charge 33-1/3 per cent more for transportation per passenger than charged by scheduled carriers, when in competition therewith."

(Decision No. 75463)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ORVILLE JENKINS AND ORVILLE J. JENKINS, DOING BUSINESS AS "ARVADA TRANSFER," 7701 NORTH RALEIGH STREET, WESTMINSTER, COLORADO, FOR TEMPORARY APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 247 AND PUC NO. 247-I TO ORVILLE JENKINS AND ESTHER A. JENKINS, DOING BUSINESS AS "ARVADA TRANSFER," 7701 NORTH RALEIGH STREET, WESTMINSTER, COLORADO.

APPLICATION NO. 24434-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

July 27, 1970

The above-entitled application under CRS 1963, 115-6-20(2), being under consideration, and

It appearing, That Applicant has established the following: That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 247 and PUC No. 247-I to the above-named Transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicant or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Applicant be, and is hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75463)
July 27, 1970

APPENDIX

Application No. 24434-Transfer-TA

Orville Jenkins and Esther A. Jenkins
Doing Business As
"Arvada Transfer"
7701 North Raleigh Street
Westminster, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 247 and PUC No. 247-I with authority as follows:

"Transportation between the Town of Arvada and an area within a radius of 9 miles thereof and Denver, Colorado, of perishables in LCL quantities, consisting of fruits, vegetables, ice cream, dairy products, bakery goods, packing house products, machinery parts, auto accessories, livestock and trunks, all irrespective of weight, and all other shipments totaling less than 100 pounds.

Transportation between the Town of Arvada and an area within a radius of nine miles thereof, and Denver, Colorado, of freight, except livestock, and shipments because of their size and weight requiring special equipment, and household goods in excess of 2,000 lbs., it being definitely understood that said extended authority shall not extend to the Federal Center designated also as Romeo, or the Town of Golden, Colorado, or to that territory lying on or east of US Highway 85.

Between the Town of Arvada and an area within a radius of nine miles thereof, and Denver, Colorado, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

(Decision No. 75464)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DENVER-CLIMAX TRUCK LINE, INC., 4250 ONEIDA, DENVER, COLORADO, FOR TEMPORARY APPROVAL TO TRANSFER A PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 1195 TO GILPIN COUNTY EXPRESS & TRUCK LINE, INC., P. O. BOX 303, CENTRAL CITY, COLORADO.

APPLICATION NO. 24422-Transfer Portion-TA
ORDER GRANTING TEMPORARY APPROVAL

July 27, 1970

The above-entitled application under CRS 1963, 115-6-20(2), being under consideration, and

It appearing, That Applicant has established the following: That appropriate application has been made to this Commission for permanent authority to transfer a portion of Certificate of Public Convenience and Necessity PUC No. 1195 to the above-named transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicant or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Applicant be, and is hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75464)
July 27, 1970

APPENDIX

Application No. 24422-Transfer Portion-TA

Gilpin County Express & Truck Line, Inc.
P. O. Box 303
Central City, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under a portion of Certificate of Public Convenience and Necessity PUC No. 1195 with authority as follows:

"Transportation -- on schedule -- of

(1) General commodities:

Between Denver, Colorado, and a five mile radius thereof; and Frisco, Colorado, over U. S. Highway 6 and 40 serving all intermediate points west of Mount Vernon Canyon and the following designated off-route points:

(a) Empire, Colorado
(b) Breckenridge, Colorado
(c) The Public Service Construction Site on Cabin Creek
(d) Montezuma, Colorado
(e) Points on Colorado State Highway No. 9 north of Dillon, Colorado, to and including Silverthorne, Colorado

(2) General commodities

Between Idaho Springs, Colorado and Echo Lake, Colorado, via Colorado No. 103, serving all intermediate points."

(Decision No. 75465)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE L. HARR, 2720 MESA AVENUE,) APPLICATION NO. 24436-PP-TA
DURANGO, COLORADO, FOR TEMPORARY AUTH-) ORDER GRANTING TEMPORARY AUTHORITY
ORITY TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)
- -

- - - - - - -
July 27, 1970
- - - - - - -

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted temporary authority, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75465)
July 27, 1970

APPENDIX

Application No. 24436-PP-TA

Clarence L. Harr
2720 Mesa Avenue
Durango, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

(1) Ash, trash and other refuse

From all points within that portion of The Animas District of The San Juan National Forest, located within La Plata and San Juan Counties, State of Colorado, to designated and approved dumps and disposal sites located within La Plata and San Juan Counties, State of Colorado.

RESTRICTION: All transportation service to be rendered for one customer only, viz: United States Department of Agriculture, Forest Service."

(Decision No. 75466)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORTHERN NATURAL GAS COMPANY, 2223)
DODGE STREET, OMAHA, NEBRASKA 68102,)
FOR AN ORDER AUTHORIZING THE ISSUANCE) APPLICATION NO. 24404-Securities
OF SUBORDINATED DEBENTURE IN THE) SUPPLEMENTAL ORDER
PRINCIPAL AMOUNT OF $40,000,000 AND)
WARRANTS TO PURCHASE SHARES OF MOBIL)
OIL CORPORATION CAPITAL STOCK.)
- - - - - - - - - - - - - - - - - - -

- - - - - - -
July 27, 1970
- - - - - - -

Appearances: Dean W. Wallace, Esq., Omaha, Nebraska, for Applicant;
Harry A. Galligan, Jr., Esq., Denver, Colorado, for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On July 10, 1970, the Commission issued its Order and Decision No. 75372 authorizing the Applicant, Northern Natural Gas Company, to issue Subordinated Debentures in the principal amount of $40,000,000, due May 1, 1990 and Warrants to purchase 800,000 shares of Mobil Oil Corporation capital stock which will provide the lowest possible cost of money to Applicant.

On July 20, 1970, Applicant, through its attorney, filed a petition for reconsideration seeking to amend the Order by striking the words "which will provide the lowest possible cost of money to Applicant", which appear in the first sentence of the Order beginning on page 5 and ending on page 6 so that the first sentence under the heading "Order", beginning on page 5 and ending on page 6, will read "That Applicant, Northern Natural Gas Company, be, and it hereby is, authorized to issue Subordinated Debentures in the principal amount of $40,000,000 due May 1, 1990 and Warrants to purchase 800,000 shares of Mobil Oil Corporation capital stock."

By Decision Order No. 75372, the Commission retains jurisdiction of the proceeding, Application No. 24404 - Securities, to the end that it may make such further order or orders in the premises as to it may seem proper and desirable.

It is the conclusion of the Commission that Applicant's petition should be granted and the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

That the Commission's Decision and Order No. 75372 be amended by striking the words "which will provide the lowest possible cost of money to Applicant", which appear in the first sentence of the Order beginning on page 5 and ending on page 6 so that the first sentence under the heading "Order", beginning on page 5 and ending on page 6, reads as follows: "That Applicant, Northern Natural Gas Company, be, and it hereby is, authorized to issue Subordinated Debentures in the principal amount of $40,000,000 due May 1, 1990 and Warrants to purchase 800,000 shares of Mobil Oil Corporation capital stock."

That except as herein amended the Commission's Decision and Order No. 75372, remains unchanged in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of July, 1970.

bl

(Decision No. 75467)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FORREST C. CABLE, 724 BROWN, PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-5020 TO DICKIE DALE TRACY, 722 EUCLID, PUEBLO, COLORADO.	APPLICATION NO. 24391-PP-Transfer ORDER OF THE COMMISSION

July 28, 1970

Appearances: Harold C. Rudolph, Esq., Pueblo, Colorado, for Applicants.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms or corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Forrest C. Cable, 724 Brown, Pueblo, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-5020 to Dickie Dale Tracy, 722 Euclid, Pueblo, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-5020 shall read and be as follows, to-wit:

> "Transportation of newspapers from the office of The Star-Journal Publishing Corporation, 211 West Fifth, Pueblo, Colorado, to their dealers, agents, and customers located on the following-described routes:
>
> Pueblo to Eads, on Highway No. 96 and all intermediate points, Pueblo to Lamar, on Highway No. 50 and all intermediate points, Pueblo to Trinidad, on Highway No. 85 and intermediate points, Pueblo to Del Norte, on Highway 85 and 160 and intermediate points, Pueblo to Salida, on Highway No. 50 and intermediate points, and on Sundays from Monte Vista to Saguache and to Salida, on Highway No. 285 and returning to Pueblo on Highway No. 50 and all intermediate points.
>
> RESTRICTION: All transportation service rendered shall be for one customer only, viz: The Star-Journal Publishing Corporation, Pueblo, 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 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 right of Transferee to operate under this Order shall be dependent upon 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75468)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROMAINE STOLL, DOING BUSINESS AS "K & L SUPPLY," CARBONDALE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-6902 TO TOMMY L. WILKER, DOING BUSINESS AS "TOM WILKER," BOX 38, CARBONDALE, COLORADO.

APPLICATION NO. 24348-PP-Transfer

ORDER OF THE COMMISSION

July 28, 1970

Appearances: Romaine Stoll, Carbondale, Colorado, Transferor, pro se; Tommy L. Wilker, Carbondale, Colorado, Transferee, pro se.

It appearing, That by Order of the Commission dated May 27, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Romaine Stoll, doing business as "K & L Supply," Carbondale, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-6902 to Tommy L. Wilker, doing business as "Tom Wilker," Box 38, Carbondale, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-6902 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 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: Items 1, 2, 3, and 4 of this Permit are restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

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 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 right of Transferee to operate under this Order shall be dependent upon 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75469)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. O. DIEDRICH AND K. E. DIEDRICH, DOING BUSINESS AS "DIEDRICH CONSTRUCTION COMPANY," P. O. BOX 915, LEADVILLE, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-1976.	APPLICATION NO. 24304-PP-Extension ORDER OF THE COMMISSION

July 28, 1970

Appearances: Charles R. Casey, Esq., Leadville, Colorado, for Applicants.

It appearing, That by Order of the Commission dated April 30, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter extended and ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicants' transportation services as hereinafter extended and ordered;

We further find, That it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicants are fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That W. O. Diedrich and K. E. Diedrich, doing business as "Diedrich Construction Company," P. O. Box 915, Leadville, Colorado, be, and hereby are, authorized to extend operations under Contract Carrier Permit No. B-1976 to include the following:

"Transportation of

Slag

Between all points within Lake County, State of Colorado.

RESTRICTION: Restricted to serving not more than ten (10) customers at any one time."

That henceforth the full and complete authority under Contract Carrier Permit No. B-1976, as extended, shall read and be as follows, to-wit:

"Transportation of

(1) Ore

From mines in Leadville, Sugar Loaf, Breckenridge, Kokomo, and Salida Metal Mining districts, to Leadville, Colorado.

(2) Coal

From Salida, Colorado, to Leadville, Colorado, and mines located within the Sugar Loaf, Breckenridge, Kokomo, and Leadville districts.

(3) Coal

From mines within Crested Butte area to all points located within Leadville and a fifty (50) mile radius thereof.

(4) Sand and gravel

From pits and supply points located within Leadville, Colorado, and a fifty (50) mile radius thereof to construction jobs within said fifty (50) mile radius.

RESTRICTION: Items No. 3 and 4 of this Permit are restricted against the rendering of any transportation service to Alma, Colorado, and Fairplay, Colorado.

(5) Scrap Metal

From Climax Molybdenum Company, Climax, Colorado, to American Smelting and Refining Company at Leadville, Colorado.

(6) Logs

Between all points within a fifty (50) mile radius of Leadville, Colorado.

(7) Slag

Between all points within Lake County, State of Colorado.

RESTRICTION: Item No. 7 of this Permit is restricted to serving not more than ten (10) customers at any one time."

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

That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75470)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARMACK GRAIN CO. NO. 2, RFD PLATNER, OTIS, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-7290.	)))))	APPLICATION NO. 24411-PP-Extension ORDER OF THE COMMISSION

July 28, 1970

Appearances: John J. Conway, Esq., Denver, Colorado, for Applicant.

It appearing, That by Order of the Commission dated June 24, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter extended and ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter extended and ordered;

We further find, That it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Harmack Grain Co. No. 2, RFD Platner, Otis, Colorado, be, and hereby is, authorized to extend operations under Contract Carrier Permit No. B-7290 to include the following:

"Transportation of

Grain and processed feed

Between Denver, Colorado, and a five (5) mile radius thereof, on the one hand, and Wray, Colorado, and a five (5) mile radius thereof, on the other hand.

RESTRICTION:

(a) Restricted against the transportation of liquid commodities, in bulk, in tank vehicles.

(b) All transportation service to be rendered for one customer only, viz: Wray Feed Company, Wray, Colorado."

That henceforth the full and complete authority under Contract Carrier Permit No. B-7290, as extended, shall read and be as follows, to-wit:

"Transportation of

(1) Grain and processed feed

Between Denver, Colorado, and a five (5) mile radius thereof, on the one hand, and Cheyenne Wells, Colorado, on the other hand.

RESTRICTION: Item No. 1 of this Permit is restricted to rendering transportation service for one customer only, viz: Cheyenne Farmers Elevator Co., Inc.

(2) Grain and processed feed

Between Denver, Colorado, and a five (5) mile radius thereof, on the one hand, and Wray, Colorado, and a five (5) mile radius thereof, on the other hand.

RESTRICTION: Item No. 2 of this Permit is restricted to rendering transportation service for one customer only, viz: Wray Feed Company, Wray, Colorado.

RESTRICTION: Items No. 1 and 2 of this Permit are restricted against the transportation of liquid commodities, in bulk, in tank vehicles."

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75471)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROSS BATES, DOING BUSINESS AS "BATES' ASH & TRASH COLLECTION SERVICE," P. O. BOX 1004, GUNNISON, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24344 ORDER OF THE COMMISSION

July 28, 1970

Appearances: F. Lynn French, Esq., Gunnison, Colorado, for Applicant.

It appearing, That by Order of the Commission dated May 27, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter ordered;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Ross Bates, doing business as "Bates' Ash & Trash Collection Service," P. O. Box 1004, Gunnison, Colorado, be, and hereby is, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

"Transportation of

(1) Ash, trash, and other refuse

From points located within a ten (10) mile radius of the intersection of Main Street and Tomichi Avenue in the City of Gunnison, Colorado, to designated and approved dumps and disposal sites located within Gunnison County, State of Colorado.

(2) Ash, trash, and other refuse

From all points within an area described as follows: Commencing at Almont, Colorado, along the Taylor River to the intersection of Spring Creek and Taylor River; thence north along Spring Creek a distance of five (5) miles including an area on each side of said Taylor River and Spring Creek of one-half (½) mile, to designated and approved dumps and disposal sites located within Gunnison County, State of Colorado."

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

That the holder of this Certificate 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 the holder of this Certificate 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75472)

BEFORE THE PUBLIC UTILIITES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 550 - 15TH STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED 1,100,000 SHARES OF COMMON STOCK OF THE PAR VALUE OF $5 EACH, AND THE ISSUANCE OF $35,000,000 PRINCIPAL AMOUNT OF ITS FIRST MORTGAGE BONDS.

APPLICATION NO. 24419 - Securities

July 24, 1970

Appearances: Lee, Bryans, Kelly & Stansfield, Denver, Colorado, by E. A. Stansfield, Esq., Denver, Colorado, for Applicant;
Girts Krumins, Esq., Denver, Colorado, for the Staff of the Commission, and
M. R. Garrison, Denver, Colorado, of the Staff of the Commission.

PROCEDURE AND RECORD

Public Service Company of Colorado, a Colorado corporation, herein called "Applicant", filed with this Commission on July 1, 1970, pursuant to Colorado Revised Statutes 1963, 115-1-4, its application for an order of this Commission authorizing it to issue and sell:

(a) 1,000,000 shares of Common Stock of the par value of $5 per share to a group of underwriters pursuant to the provisions of an underwriting agreement to be entered into with such underwriters;

(b) Not to exceed 100,000 shares of Common Stock of the par value of $5 per share for subscription by employees of Applicant and certain of its subsidiaries; and

(c) $35,000,000 principal amount of its First Mortgage Bonds, to be dated September 1, 1970, and to mature September 1, 2000, to be issued as a

new series under and to be secured by Applicant's Indenture of Mortgage and Deed of Trust to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York) as Trustee, dated December 1, 1939, and Indentures supplemental thereto, and a new Supplemental Indenture to be dated as of September 1, 1970.

Due and proper notice was given by the Commission to all interested persons, firms or corporations of the filing of the aforesaid application and that the same had been set for hearing on July 21, 1970, at 9 a.m. in the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203. Pursuant to said notice, petitions for intervention were to be filed with the Commission on or before the hearing date.

This matter was heard at the aforesaid time and place by Commissioner Howard S. Bjelland, to whom the matter was assigned. At the conclusion of the hearing, the matter was taken under advisement. No petitions for intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Applicant is a corporation organized and existing under the laws of the State of Colorado and is a public utility operating company, subject to the jurisdiction of this Commission, engaged principally in the generation, purchase, transmission, distribution and sale of electricity and in the purchase, distribution and sale of natural gas. Applicant's operations are wholly within the State of Colorado, the principal center for distribution and sale of electricity and natural gas being in the five counties comprising the Denver Metropolitan Area.

Applicant is the owner of all the capital stock of Cheyenne Light, Fuel and Power Company, a Wyoming corporation; Western Slope Gas Company, a Colorado corporation; Green and Clear Lakes Company, a New York corporation; The Pueblo Gas and Fuel Company, a Colorado corporation; and 1480 Welton, Inc., a Colorado corporation. Applicant also holds a

controlling interest in three other relatively small companies whose operations are not significant and are not consolidated in Applicant's financial and statistical statements.

A certified copy of Applicant's Articles of Incorporation, as amended to date, heretofore has been filed with the Commission. Applicant's Exhibits A through J were admitted into evidence in this proceeding.

Witness for Applicant, Mr. R. D. Speer, its Vice President-Finance, Treasurer and member of its Board of Directors, testified to the following matters:

The authorized capital of Applicant consists of $250,000,000 divided into 20,000,000 shares of Common Stock of the par value of $5 each, and 1,500,000 shares of Cumulative Preferred Stock of the par value of $100 each which is issuable in series. At March 31, 1970, there were issued and outstanding 14,447,700 shares of Common Stock, and 800,000 shares of its Cumulative Preferred Stock consisting of the various series set forth in the aforesaid application.

As of March 31, 1970, the funded indebtedness of Applicant was $303,800,000 consisting of First Mortgage Bonds issued in the various series set forth in Exhibit A pursuant to Applicant's aforesaid Indenture of Mortgage and Deed of Trust, dated as of December 1, 1939, as supplemented.

Applicant's Exhibit D consisted of its balance sheet at March 31, 1970, and its statement of income and earned surplus for the twelve months ended March 31, 1970. Its statement of income and earned surplus showed that Applicant for such period had operating revenues of $190,590,524 and net income of $28,719,909, and that during such period the amount of $3,668,650 was appropriated for dividends on its Cumulative Preferred Stock, and the amount of $15,314,562 for dividends on its Common Stock. Applicant, as shown from its Exhibit B, incurred interest charges during such period of $15,013,948.

Applicant's witness testified that Applicant's aggregate outstanding short-term indebtedness at June 30, 1970, was $45,244,500 consisting of short-term bank notes of $43,244,500 and $2,000,000 in commercial paper. Such witness further testified that at the time the proceeds from the sale of Applicant's proposed new series of first mortgage bonds are realized, Applicant's short-term indebtedness would be approximately $52,300,000.

Applicant's Exhibit E contained a description of Applicant's proposed construction program for the years 1970, 1971 and 1972, and the estimated cost thereof as of May 31, 1970. Construction expenditures for 1970 are estimated at $79,848,000, for 1971 at $74,263,000, and for 1972 at $73,605,000.

Applicant anticipates that it will be able to finance approximately 50% of this three-year construction program with funds from internal sources, with the balance thereof to be provided from external sources.

Applicant seeks authority to issue and sell not to exceed 1,100,000 shares of its Common Stock of the par value of $5 per share. Of this amount 1,000,000 shares are to be offered to the public by underwriters on a negotiated direct sale basis for cash on or about September 30, 1970. The price at which the offering will be made will be determined immediately after the closing of the New York Stock Exchange on September 29, 1970. In connection with such offer, Applicant proposes to enter into an underwriting agreement with a group of investment houses to be headed by Merrill Lynch, Pierce, Fenner & Smith, Incorporated, and The First Boston Corporation as managing underwriters to facilitate the orderly pricing and distribution of such shares.

The remaining 100,000 shares of said 1,100,000 shares of Common Stock will be offered for subscription to all regular full-time

employees of Applicant and certain of its subsidiaries at the same per share price as the shares to be sold to underwriters are offered to the public. Such shares may be purchased by eligible employees for cash, or on a payroll deduction basis. Each eligible employee may make a primary subscription of not to exceed 100 shares, and also may make a supplemental subscription of 200 shares, both of which will be subject to allotment. Payroll deductions may be made at the rate not to exceed $1.00 per share per month with the right of prepayment; but no payroll deduction shall be for more than 25% of an employee's monthly base compensation. Employees will have the right of cancellation at any time. Interest will be paid by Applicant on payroll deductions at the rate of 5½% per annum. The employee offering will not be underwritten and the portion, if any, of the 100,000 shares of Common Stock not subscribed for by eligible employees will not be issued.

A copy of Applicant's Registration Statement on Form S-7 filed on July 16, 1970, with the Securities and Exchange Commission under the Securities Act of 1933, including separate propectuses relating to the proposed issuance and sale of 1,000,000 shares of Applicant's Common Stock to the public through underwriters, and to the proposed offer of 100,000 shares of such stock to eligible employees for subscription was received in evidence as Exhibit J. Applicant anticipates that such Registration Statement will become effective on or about September 30, 1970. The additional shares of Common Stock will be listed on the New York and Midwest Stock Exchanges, and will have the same rights and privileges as has its currently outstanding Common Stock. Applicant's witness estimates the expense of issuing and selling the proposed additional shares, excluding underwriters' compensation, will be approximately $110,000. The net proceeds derived by Applicant from such proposed issuance and sale will be applied to the reduction of its outstanding short-term indebtedness, and to Applicant's 1970 construction program.

Applicant also seeks authority to issue and sell, at a price and at an interest rate to be determined by competitive bidding, $35,000,000 principal amount of new First Mortgage Bonds to be dated September 1, 1970, and to mature September 1, 2000, herein called the "New Bonds." The New Bonds are to be issued as a new series under and to be secured by Applicant's Indenture of Mortgage and Deed of Trust, as supplemented, hereinabove referred to, and a new Supplemental Indenture to be dated as of September 1, 1970, creating the New Bonds. Such new Supplemental Indenture, a July 8, 1970, proof copy of which was received in evidence as Exhibit H, will contain the interest rate and redemption provisions relating to the New Bonds, including a provision that none of the New Bonds may be redeemed prior to September 1, 1975, from the proceeds of or in anticipation of any refunding operation involving the incurring of indebtedness having a cost of money to Applicant (calculated in accordance with accepted financial practice) of less than the cost of money to Applicant in connection with the issuance of the New Bonds.

A copy of Applicant's Registration Statement on Form S-7 filed on July 16, 1970, with the Securities and Exchange Commission under the Securities Act of 1933, including a prospectus relating to the proposed issuance and sale of the New Bonds was received in evidence as Exhibit I. The New Bonds are to be offered to underwriters at competitive bidding pursuant to a public invitation for bids. Each bid will be required to specify the interest rate and the price (not less than 99% of the principal amount and exclusive of accrued interest) to be paid to Applicant. Applicant proposes to accept the bid which will provide it with the lowest annual cost of money. In the bid invitation Applicant will reserve the right to revoke the same before the bid opening, or to reject all bids received. The interest rate, price and the redemption premiums will be determined by the bid Applicant accepts. Applicant anticipates that its

Registration Statement with respect to the New Bonds will become effective on or about August 6, 1970. The New Bonds will be listed on the New York Stock Exchange.

Applicant's witness testified that if the present bond market continues, Applicant should be able to sell the New Bonds at a coupon rate of between 9% and 9-5/8%. Applicant estimates that its expense in issuing and selling the New Bonds, excluding underwriters' compensation, to be approximately $100,000. The net proceeds derived by Applicant from such issuance and sale will be applied to the reduction of its short-term indebtedness.

After giving effect to the proposed issuance and sale of the additional 1,100,000 shares of common stock at $18.25 per share net proceeds to Applicant and to the proposed issuance and sale of $35,000,000 principal amount of New Bonds, the pro forma capital structure of Applicant as of March 31, 1970, as shown by Exhibit F will be as follows, with the percentages of each item to total capitalization being shown in the right-hand column:

First Mortgage Bonds	$338,800,000	52.3%
Preferred Stock, Incl. Premium	80,007,500	12.3%
Common Stock	77,738,500)	
Premium on Common Stock	79,451,420)	
Earned Surplus	60,595,375)	
Earned Surplus Restricted	11,587,399)	35.4%
Total Capitalization	$648,180,194	100%

FINDINGS OF FACT

From the record herein, the Commission finds as fact, that:

1. Applicant, Public Service Company of Colorado, a Colorado corporation, is a public utility as defined in Colorado Revised Statutes, 1963, 115-1-3.

2. This Commission has jurisdiction of Applicant and the subject matter of the aforesaid application.

3. This Commission is fully advised in the premises.

4. The facts contained in the foregoing Statement be, and they hereby are, made a part of these Findings by reference.

5. The proposed issuance and sale by Applicant of 1,000,000 shares of its Common Stock of the par value of $5 each to a group of underwriters as hereinabove set forth, and the proposed issuance and offer to sell not to exceed 100,000 shares of its Common Stock of the par value of $5 per share to employees of Applicant and certain of its subsidiaries as hereinabove set forth, is reasonably required and necessary for Applicant's proper corporate financing.

6. The proposed issuance and sale by Applicant of $35,000,000 principal amount of First Mortgage Bonds as a new series as hereinabove set forth is reasonably required and necessary for Applicant's proper financing.

7. The aforesaid proposed securities transactions are not inconsistent with the public interest; that the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115 of Colorado Revised Statutes, 1963.

8. The due and timely execution of the Commission's functions imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner be omitted, and that the Commission make the initial decision in this case, even though it has not presided at the taking of evidence.

CONCLUSION

It is the conclusion of the Commission that the authorizations sought in the aforesaid application should be granted, and the following Order should be entered and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Public Service Company of Colorado, be, and it hereby is, authorized to issue and sell 1,000,000 shares of its Common Stock of the par value of $5 per share to a group of underwriters headed by Merrill Lynch, Pierce, Fenner & Smith, Incorporated, and The First Boston Corporation, as managing underwriters, at a price to be later determined and set forth in the underwriting agreement to be entered into between Applicant and such underwriters.

That Applicant be, and it hereby is, authorized to issue and offer to sell not to exceed 100,000 shares of its Common Stock of the par value of $5 per share to employees of Applicant and certain of its subsidiaries at the same price at which the shares to be purchased by the underwriters aforesaid are sold to the public.

That Applicant, within fifteen (15) days after the sale price of the new shares of Common Stock to be offered by the underwriters to the public has been determined, shall make a certified report to this Commission of such price, and accompany such report with a conformed copy of all amendments to Applicant's Registration Statement filed with the Securities and Exchange Commission in connection with the new shares of Common Stock authorized to be issued and sold hereunder.

That Applicant be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage Bonds in the principal amount of $35,000,000, at the best price obtainable through competitive bidding but not less than 99% of the principal amount thereof, to be dated September 1, 1970, to mature September 1, 2000, and to bear interest at a rate to be established by the bid the Applicant accepts which shall provide Applicant with the lowest annual cost of money. The First Mortgage Bonds authorized to be issued and sold hereunder are to be issued as a new series under and to be secured by the Indenture of

Applicant to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), as Trustee, dated as of December 1, 1939, and the indentures supplemental thereto, including a Supplemental Indenture to be dated as of September 1, 1970, substantially in the form of Exhibit H received in evidence at the hearing in this matter, with such modifications as Applicant or its counsel may deem necessary or proper or find desirable in arranging for the issuance and sale of such bonds. Such Supplemental Indenture shall contain the interest rate, the redemption premiums, and other provisions applicable to the bonds, including a provision that none of the bonds may be redeemed prior to September 1, 1975, from the proceeds of or in anticipation of any refunding operation involving the incurring of indebtedness having a cost of money to Applicant (calculated in accordance with the accepted financial practice) of less than the cost of money to Applicant through the issuance and sale of the bonds herein authorized.

That Applicant, within fifteen (15) days after the issuance and sale of the First Mortgage Bonds authorized to be issued and sold hereunder, shall file with this Commission a copy of all amendments to its Registration Statement filed with the Securities and Exchange Commission in connection with the issuance and sale of the bonds; a statement showing all bids received, the bid accepted, the coupon rate, the price to Applicant, and annual cost of money to Applicant resulting from such sale; a conformed copy of the Supplemental Indenture dated as of September 1, 1970, as executed covering the issuance of the bonds; and shall make a verified report to this Commission of the issue and disposition of the bonds, the fees, commission, and expenses incident to such issuance and sale.

That the securities authorized to be issued and sold hereunder shall bear on their face a serial number for proper and easy

identification; and within ninety (90) days from the issuance and delivery of the First Mortgage Bonds authorized to be issued and sold hereunder, and within ninety (90) days after the issuance and first sale of the Common Stock authorized to be issued and sold hereunder, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities.

That Applicant be, and it hereby is, authorized to use the net proceeds derived from the issuance and sale of the securities authorized herein to reduce Applicant's outstanding short-term indebtedness, and for Applicant's 1970 construction program.

That Applicant be, and it hereby is, authorized in reflecting in its accounts the consummation of the financing authorized herein, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted as revised by this Commission.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the aforesaid securities to be issued by Applicant as herein authorized, on the part of the State of Colorado.

That within thirty (30) days after the date of issuance and sale of the First Mortgage Bonds authorized to be issued and sold hereunder, Applicant shall file with this Commission a statement of the amount of Applicant's outstanding short-term indebtedness retired from the proceeds of such issuance and sale.

That the 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 proper or desirable.

That the authority herein granted shall be exercised from and after the date of this Order, this Order being effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
24th day of July, 1970.

vr

(Decision No. 75473)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THELMA SAMPSON, GENE F. SAMPSON, DEAN E. SAMPSON AND CAROLYN B. SAMPSON, OWNERS OF ALL THE OUTSTANDING STOCK OF THE D & G SANITATION, INC., LOCATED AT P.O. BOX 476, LOVELAND, COLORADO, RECORD OWNER OF PUC NO. 5257 FOR AUTHORITY TO TRANSFER THEIR STOCK TO ROBERT REED REICHERT.	APPLICATION NO. 24267-Stock Transfer RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

July 28, 1970

Appearances: William A. Wilson, Esq.,
Denver, Colorado, for Applicants.

PROCEDURE AND RECORD

Under date of March 19, 1970, Applicants filed the above-entitled application for authority to transfer all the outstanding stock in and to D & G Sanitation, Inc., record owner of PUC No. 5257, from Thelma Sampson, Gene F. Sampson, Dean E. Sampson and Carolyn B. Sampson to Robert Reed Reichert.

Transferee requested temporary authority for the interim period prior to the granting of permanent authority, and on April 14, 1970, was granted such temporary authority.

The Commission assigned No. 24267-Stock Transfer to the application for permanent authority.

Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on June 10, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Dean E. Sampson, a Transferor, and Robert Reed Reichert, Transferee testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Official notice was taken of the following documents on file with the Commission, to-wit: Articles of Incorporation, Financial Statement, and Equipment List.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant corporation, D & G Sanitation, Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. Applicant corporation is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 5257.

3. Thelma Sampson, Gene F. Sampson, Dean E. Sampson and Carolyn B. Sampson are the owners of all the outstanding stock of D & G Sanitation, Inc.

4. Thelma Sampson, Gene F. Sampson, Dean E. Sampson and Carolyn B. Sampson petition this Commission for authority to transfer all of their outstanding stock of D & G Sanitation, Inc., to Robert Reed Reichert.

5. Transferee, Robert Reed Reichert, does hold previously granted authority from this Commission, to-wit: PUC No. 3740, which authority has no bearing on the herein matter.

6. The parties have entered into an Agreement for the transfer of all of the issued and outstanding stock of D & G Sanitation, Inc., and the consideration to be paid is fair and reasonable.

7. The Certificate is free and clear of any debts, encumbrances or obligations. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents.

8. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

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

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

11. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Thelma Sampson, Gene F. Sampson, Dean E. Sampson, and Carolyn B. Sampson, P.O. Box 476, Loveland, Colorado, be, and hereby are, authorized to transfer all of their outstanding stock of D & G Sanitation, Inc., a Colorado corporation, record owner of Certificate of Public

Convenience and Necessity PUC No. 5257 to Robert Reed Reichert, P.O. Box 476, Loveland, Colorado, subject to encumbrances, if any, against said authority.

2. That the encumbrance to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

3. That said transfer of stock shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said stock 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 within thirty (30) days from the effective date of this Order shall automatically revoke the authority granted herein to make the stock transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Lyon
Examiner
rm/vr

(Decision No. 75474)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF ROBERT REED REICHERT, DOING BUSINESS AS "YELLOW BARREL DISPOSAL," 1001 AKIN, FORT COLLINS, COLORADO.	PUC NO. 3740
RE: MOTOR VEHICLE OPERATIONS OF D & G SANITATION, INC., P.O. BOX 476, LOVELAND, COLORADO.	PUC NO. 5257

July 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Robert Reed Reichert, individually and as President of D & G Sanitation, Inc., herein seeks authority to encumber PUC No. 3740 and PUC No. 5257 to Thelma Sampson, Gene F. Sampson, Dean E. Sampson and Carolyn B. Sampson to secure payment of the indebtedness in the amount of approximately $42,500, in accordance with the certain terms and conditions set forth in promissory note, and Security Agreement and Financing Statement properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code.

The Commission states and finds that the authority as herein sought 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 Robert Reed Reichert, doing business as "Yellow Barrel Disposal," and D & G Sanitation, Inc., be, and hereby are, authorized

to encumber all right, title and interest in and to PUC No. 3740 and PUC No. 5257 to Thelma Sampson, Gene F. Sampson, Dean E. Sampson and Carolyn B. Sampson to secure payment of the indebtedness in the sum of approximately $42,500 as set forth in the Statement preceding which is made a part hereof by reference.

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
28th day of July, 1970.

vr

(Decision No. 75475)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF COMMERCIAL GRAIN & CATTLE COMPANY, A COLORADO CORPORATION, BOX 187, CROOK, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	)	APPLICATION NO. 24392-PP ORDER OF THE COMMISSION

July 28, 1970

Appearances: Charles H. Sandhouse, Esq., Sterling, Colorado, for Applicant.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered;

IT IS ORDERED, That Commercial Grain & Cattle Company, a Colorado corporation, Box 187, Crook, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

(1) Protein feed

From Sterling, Colorado, to all points within the State of Colorado.

(2) Protein feed -- in bulk --

From Purina Co., Denver, Colorado, to Sterling, Colorado.

(3) Malting pellets -- in bulk --

From Adolph Coors Co., Golden, Colorado, to Sterling, Colorado.

RESTRICTION:

Items 1, 2, and 3 of this Permit are restricted to rendering transportation service for one customer only, viz: Beefbuilder, Inc., Sterling, Colorado."

and thid 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 as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75476)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ELTON C. SCHMIDT, DOING BUSINESS AS "SCHMIDT TRUCKING CO.," BURDETT ROUTE, AKRON, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24375-PP ORDER OF THE COMMISSION

July 28, 1970

Appearances: Frank D. Allen, Esq., Akron, Colorado, for Applicant.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms or corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered;

IT IS ORDERED, That Elton C. Schmidt, doing business as "Schmidt Trucking Co.," Burdett Route, Akron, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

(1) Hay

Between all points within Washington County, State of Colorado, and to and from said points, from and to points within the State of Colorado.

RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

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 as 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decison No. 75477)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RUSSEL E. NEIMAN, ROUTE 1, BOX 307, DURANGO, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	)	APPLICATION NO. 24396-PP ORDER OF THE COMMISSION

July 28, 1970

Appearances: Russel E. Neiman, Durango, Colorado, pro se.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms or corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Russel E. Neiman, Route 1, Box 307, Durango, Colorado, be, and hereby is, authorized to operate as a Class "B" contract 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 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: Items 1, 2, 3, and 4 of this Permit are restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

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 as 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEE TRESNER AND ROBERT DANIEL, DOING BUSINESS AS "HIGH PLAINS MILK TRANSPORT," 819 LINDA, FORT MORGAN, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24400-PP ORDER OF THE COMMISSION

July 28, 1970

Appearances: Lee Tresner, Fort Morgan, Colorado, pro se;
Robert Daniel, Fort Morgan, Colorado, pro se.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicants' transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicants are fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered;

IT IS ORDERED, That Lee Tresner and Robert Daniel, doing business as "High Plains Milk Transport," 819 Linda, Fort Morgan, Colorado, be, and hereby are, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

(1) Bulk milk (grade C)

From all points within the following described area: Commencing at the intersection of Colorado Highway 63 and U. S. Highway 36; thence west along U. S. Highway 36 to the junction of Colorado Highway 79; thence north along Colorado Highway 79 to its junction with Colorado Highway 52; thence east along Colorado Highway 52 approximately two (2) miles to a point; thence north along a line running north and south through Roggen, Colorado, to a point on the Colorado-Wyoming State line; thence east along the Colorado-Wyoming-Nebraska State lines a distance of thirty-one (31) miles to the east boundary of Weld County; thence south along the Logan-Weld County line to the north boundary of Morgan County; thence east and south along Morgan County to the north boundary of Washington County; thence east along the Washington County line to the intersection of Colorado Highway 63; thence south along Colorado Highway 63 to the point of beginning.

RESTRICTION: This Permit is restricted as follows:

(a) To the use of tank vehicles,

(b) All transportation service rendered shall be for one customer only, viz: The Carnation Co., Johnstown, 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 as deemed advisable.

That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of July, 1970.

bl

(Decision No. 75479)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: DETERMINATION OF CHARGES COMPUTED ON GROSS GALLONS, APPLICABLE TO COMMODITIES DESIGNATED IN Item 10, and INCREASED CHARGES FOR SPECIAL SERVICES (PETROLEUM PRODUCTS).	CASE NO. 1585

July 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 26, 1970 and July 2, 1970, the Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed with the Commission revised pages to its Motor Freight Tariff No. 7-A, Colorado PUC No. 12, applicable to the transportation of petroleum and petroleum products set forth in Item No. 10 thereof, and scheduled to become effective July 29, 1970 and August 3, 1970. The proposed changes are set forth in Appendix "A" attached hereto.

In support and as justification thereof, the Commission is in receipt of letters setting forth these basic facts: --

ITEM NO. 10: "We are advised that bulk petroleum products are sold and charged for on either the gross or net gallons delivered. The term "gross gallons" refers to those gallons loaded on a vehicle through a meter at the temperature at which the product may be, and the term "Net gallons" are those gallons loaded on a vehicle through a meter, corrected to a temperature of 60 degrees F. (Fahrenheit)

"Item No. 10 of the tariff has never specified whether gross or net gallons will be used in assessing rates and, at times, confusion and differences of opinion have arisen and have caused problems.

"We are advised, however, that the products named in Item 10 are usually sold on a gross gallons delivered basis without temperature correction.

"Our sole purpose in publishing this provision in Item 10 is to make the tariff conform to actual practice and to remove any question about the application of rates."

ITEM NO. 160: (Special Services) Wherein the increases are from $2.50 to $3.75 and $1.00 to $1.50. Supporting the increase, D. S. Smith, Vice President, Sales and Traffic, Ward Transport, Inc., states:

"We would like to point out to the Commission that since the special Service item was published, this Company has been caught in the inflationary spiral. We find that our operating cost per hour exceeds $10 per hour and that we are unable to continue offering this service at a loss. The same holds true for additional personnel. Since January 1, 1967, we have had three hourly wage increases plus fringe benefit increases.

"We find that we are unable to hold the line any longer and must increase our Special Service item to recover our full costs plus a reasonable return on our investment."

Since the publication appears to represent just, reasonable and compensatory rates, charges and provisions, the Commission states and finds that: --

1. Under the provisions of Rule 18C (1) (a) of the Rules of Practice and Procedure, Items Nos. 10 and 160, as amended, shall be the prescribed rates, rules and provisions applicable to petroleum products described in Item No. 10.

2. An Order shall be entered in Case No. 1585 prescribing for the future the aforesaid rates and provisions.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact, and Appendix "A" be, and are hereby, made a part hereof.

2. That the rates and charges set forth in Appendix "A" hereof shall be the prescribed rates of the Commission.

3. That on and after July 29 and August 3, 1970, the affected common carriers by motor vehicle herein shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed.

4. That all contract 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 prescribed for motor vehicle common carriers, on and after July 29 and August 3, 1970.

5. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further

Order of the Commission.

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

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
27th day of July, 1970. av

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
MOTOR FREIGHT TARIFF NO. 7-A
COLORADO PUC NO. 12

Item No.	RULES AND REGULATIONS
4th Revised Page No. 6	
	COMMODITIES FOR WHICH RATES ARE NAMED IN SECTIONS 1, 2 and 3:
	Petroleum and Petroleum Products, viz.:
	Absorption Oil
	Blended Gasoline (See Note 1)
	Gasoline (except casinghead (Natural) Gasoline)
	Jet Fuel
	Naptha
	Refined Oil, viz.: Illuminating or Burning (See Note 2): Gas Oil: Diesel Fuel, or Distillate.
	Turbine Fuel
	In bulk in tank trucks.
	When due to laws restricting gross weight of equipment and loads, carrier is unable to load to capacity of the equipment furnished, charges will be based on the actual gallons transported.
	NOTE 1: The term "Blended Gasoline" covers motor fuels containing 50 per cent or more of gasoline.
10	NOTE 2: Does not include Residual Fuel Oil or Burner Fuel Nos. 3,4, 5 and 6.
	(A) Except as otherwise provided, rates named in Column A apply on gasoline; Jet Fuel (JP 1, 2 or 3); napthas or solvents weighing 6.6 pounds per gallon or less, and turbine fuel weighing 6.6 pounds per gallon or less, in bulk in tank vehicles, minimum shipment 8,000 gallons.
	(B) Except as otherwise provided, rates named in Column B apply on kerosene; distillate fuel oils; jet fuel (JP 4 and 5); Napthas or solvents weighing more than 6.6 pounds per gallon, and turbine fuel weighing more than 6.6 pounds per gallon, in bulk in tank vehicles, minimum shipment 7,000 gallons.
	(C) When two or more commodities named in this tariff and taking different rates are shipped at one time in a compartment transport or tank truck, the charges shall be computed on the basis of actual gallonage of each commodity at its respective rate, subject to a minimum charge on the entire shipment based on the lowest rate applicable to any commodity in the shipment and the minimum gallons applicable to that rate.
	/(D) Freight charges will be computed on gross gallons tendered to the carrier.
	ISSUED: JUNE 26, 1970 EFFECTIVE: JULY 29, 1970

Item No. | RULES AND REGULATIONS

3rd Revised Page No. 18-B

SPECIAL SERVICES:

These services include but are not limited to:

1. Transfer of product, by carrier pump, from customer's underground storage to carrier's equipment for subsequent highway movement;

2. Service involving pumping and/or storage wholly within a refinery, bulk plant, or construction site;

3. Movement from, to or between pipelines other than regular loading or unloading facilities;

4. Other services not specifically set out in other portions of this tariff.

CHARGES FOR SPECIAL SERVICES:

1. A charge of (A) $3.75 per one-quarter hour or portion thereof will be assessed for such special services. This includes the services of carrier's equipment and
160 one man only.

2. When additional personnel are required, and not furnished by the customer, a charge of (A) $1.50 per one-quarter hour or portion thereof, shall be assessed for each such additional person.

3. The charges enumerated immediately above are subject to the following:

   A. Time used to assess these charges is to commence at carrier's terminal, or other agreed starting point, and shall include travel time to and from the job and time on the job.

   B. When such special services are in conjunction with a regular highway movement, covered in other sections of this tariff, such charges shall apply for that portion of time consumed in the special service only, and shall include travel time to and from the job as well as time on the job. These charges shall be in addition to the charges for the regular highway transportation service.

   C. Chargeable time shall not include time off for meals, carrier's mechanical failure or other delays attributable directly to the carrier.

ISSUED: JULY 2, 1970 EFFECTIVE: August 3, 1970

/ denotes - addition.

(A) denotes - increase.

(Decision No. 75480)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. D. SIMMONS, DOING BUSINESS AS "J. D. SIMMONS, CONTRACTOR," ROUTE 3, BOX 176, DURANGO, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1622 TO ANIMAS DEVELOPMENT CORPORATION, ROUTE 3, BOX 176, DURANGO, COLORADO.	APPLICATION NO. 24180-PP-Transfer RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

July 28, 1970

Appearances: L. W. McDaniel, Esq.,
Durango, Colorado, for Applicants.

PROCEDURE AND RECORD

Under date of January 28, 1970, Applicants filed the above-entitled application with this Commission for authority to transfer Permit No. B-1622, to operate as a contract carrier by motor vehicle for hire, from J. D. Simmons, doing business as "J. D. Simmons, Contractor," to Animas Development Corporation.

The Commission, pursuant to law, designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Columbine Room, Courthouse, Durango, Colorado, on May 27, 1970, at 9:00 o'clock A.M. The hearing was held at the aforesaid time and place.

J. D. Simmons, Transferor and President of Transferee corporation, testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Official notice was taken of the following documents on file with the Commission, to-wit: Financial Statement of Transferee, Articles of Incorporation, Insurance Papers, Designation of Agent and Customer List.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Transferor herein is the present owner and operator of Permit No. B-1622, 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 does hold previously granted authority from this Commission, to-wit: Permit No. M-12765, which has no bearing on the herein transfer proceeding.

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 Permit is free and clear of any debts, encumbrances or obligations.

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

7. The chief corporate officers as well as the employees of the Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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, 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.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That J. D. Simmons, doing business as "J. D. Simmons, Contractor," Route 3, Box 176, Durango, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-1622 to Animas Development Corporation, Route 3, Box 176, Durango, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Permit No. B-1622 shall read and be as follows, to-wit:

"Transportation of

(1) Gravel, cement, steel, and other highway construction material

Between all points within a radius of forty (40) miles of Dolores, Colorado.

RESTRICTION:

Item (1) of this Permit is restricted as follows:

(a) All transportation rendered shall be for highway construction projects, only.

(2) Farm products

From farms to towns located within a forty (40) mile radius of Dolores, Colorado.

RESTRICTION:

Item (2) of this Permit is restricted as follows:

(a) Restricted against rendering transportation service between towns located on U.S. Highway 160.

(3) Bakery products and laundry

Between Cortez, Dolores, and Durango, Colorado, serving points located on U.S. Highway 160 and Colorado Highways No. 145 and 147.

RESTRICTION:

Items (1), (2), and (3) of this Permit are restricted to serving not more than ten (10) customers at any one time."

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

4. The right of Transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of an annual report

by Transferor herein covering the operations under the Permit up to the time of the transfer of said Permit.

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iglenberger
Examiner

rm/hj

(Decision No. 75481)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. MERLE JESSUP TO TRANSFER CONTROL)
OF STOCK OWNERSHIP IN ELBERT TRANSFER)
COMPANY, RECORD OWNER OF PUC NO. 322)
AND PUC NO. 322-I, TO L. A. McELHINNY.)
- -

APPLICATION NO.
24193-Stock Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

- - - - - - - -
July 28, 1970
- - - - - - - -

Appearances: Jerry A. Smith, Esq.,
Colorado Springs, Colorado,
for Applicants.

PROCEDURE AND RECORD

Under date of February 10, 1970, Applicants filed the above-entitled application for authority to transfer the controlling capital stock in and to Elbert Transfer Company, record owner of PUC No. 322 and PUC No. 322-I, from H. Merle Jessup, who, at present, owns a majority interest in the stock of the aforesaid corporation, to L. A. McElhinny, who would, should this application be approved, become the owner of the majority interest.

The Commission assigned No. 24193-Stock Transfer to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on May 15, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

H. Merle Jessup and L. A. McElhinny testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Official notice was taken of the following documents on file with the Commission, to-wit: Articles of Incorporation, Financial Statement and Equipment List.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Elbert Transfer Company is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. The corporation is the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 322 and PUC No. 322-I.

3. There are fifty-seven (57) shares of issued and outstanding capital stock in the corporation. At the present, H. Merle Jessup is the majority stockholder and record owner of twenty-nine (29) shares. L. A. McElhinny is the minority stockholder and record owner of twenty-eight (28) shares.

4. Applicants petition this Commission for authority to transfer one (1) share of capital stock from H. Merle Jessup to L. A. McElhinny, thus transferring the controlling interest to the aforesaid L. A. McElhinny.

5. The parties have entered into an Agreement to transfer one (1) share of capital stock of Elbert Transfer Company and the consideration to be paid is fair and reasonable.

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

7. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

8. Transferee is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer herein sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That H. Merle Jessup, 6020 Galley Road, P.O. Box 9036, Colorado Springs, Colorado, be, and hereby is, authorized to transfer one (1) share of the issued and outstanding capital stock to L. A. McElhinny, 6020 Galley Road, P.O. Box 9036, Colorado Springs, Colorado, thus transferring control of stock ownership in and to Elbert Transfer Company, a Colorado corporation, record owner of Certificates of Public Convenience and Necessity PUC No. 322 and PUC No. 322-I, to the aforesaid L. A. McElhinny.

2. 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 stock 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 written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority granted herein to make the stock transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian A. Granberg
Examiner

rm/hj

(Decision No. 75482)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY GRUNDEI, BOX 258, MESA, COLORADO,)
FOR CLARIFICATION AND/OR EXTENSION OF)
OPERATIONS UNDER PUC NO. 1211.)

APPLICATION NO. 24320-Clarification and/or Extension

RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

July 29, 1970

Appearances: John P. Thompson, Esq., Denver, Colorado, for Applicant.

PROCEDURE AND RECORD

Under date of April 27, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned No. 24320-Clarification and/or Extension to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the District Court, Courthouse Annex, Grand Junction, Colorado, on June 18, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Application No. 24320-Clarification and/or Extension was heard on a joint record with Application No. 24297-Transfer.

Prior to the hearing, Applicant submitted a restrictive amendment as follows:

"That Certificate of Authority PUC No. 1211 should henceforth read in its entirety as follows:

'Transportation of livestock between points within twenty (20) miles of DeBeque, Colorado, and between such points, on the one hand, and, on the other hand, points in the State of Colorado'."

Whereupon all Protests were withdrawn.

Roy Grundei testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant presently holds authority from this Commission under Certificate of Public Convenience and Necessity PUC No. 1211 and PUC No. 1211-I which reads as follows:

"Transportation of farm products, livestock, and farm supplies from and to farms within a twenty-mile radius of DeBeque, Colorado, and from farms on Roan Creek within a thirty-mile radius of DeBeque, Colorado, and farms located in the water-shed area of Plateau Creek and its tributaries to and from the town of DeBeque and other towns in said area from and to points in the State of Colorado, provided, however, that said

authority is limited so that it will not be competitive with the services offered by the Plateau Valley Stage Lines under Certificate of Public Convenience and Necessity No. 212, and that no authority is granted authorizing transportation of freight from town to town along U.S. Highway No. 24. 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. All of the commodity description in this authority has been abandoned except "transportation of livestock" and all territory of the authority has been abandoned except "between points within a 20-mile radius of DeBeque, Colorado, and between such points, on the one hand, and, on the other hand, points in the State of Colorado."

4. The authority contained in Certificate of Public Convenience and Necessity PUC No. 1211 is vague and indefinite in its present language. However, the owner thereof, Mr. Roy Grundei, in good faith, operated the authority for many years in the vicinity of DeBeque, Colorado, and between that vicinity, on the one hand, and, on the other hand, points in the State of Colorado.

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

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

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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. There is a present and special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.

9. There is presently no service available in the area to which extension is sought.

10. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

11. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority sought by Applicant should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Roy Grundei, Box 258, Mesa, Colorado, be, and hereby is, authorized to clarify and/or extend operations under Certificate of Public Convenience and Necessity PUC No. 1211 as follows:

> "Transportation of livestock between points within twenty (20) miles of DeBeque, Colorado, and between such points, on the one hand, and on the other hand, points in the State of Colorado."

2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1211 and PUC No. 1211-I shall read and be as follows, to-wit:

> "Transportation of
>
> (1) Livestock

Between points within a twenty (20) mile radius of DeBeque, Colorado, and from and to points in said area, to and from all points in the State of Colorado.

(2) 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."

3. That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

4. That Applicant shall operate his carrier system in accordance with this Order, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14. CRS 1963. as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert K. Byd
Examiner

vr

(Decision No. 75483)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY GRUNDEI, R. O. BOX 258, MESA, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1211 TO PLATEAU VALLEY STAGE LINE, INC., BOX 398, COLLBRAN, COLORADO.	APPLICATION NO. 24297-Transfer RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

July 29, 1970

Appearances: John P. Thompson, Esq.,
Denver, Colorado,
for Applicants.

PROCEDURE AND RECORD

Under date of April 14, 1970, Applicants filed the above-entitled application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 1211, to operate as a common carrier by motor vehicle, from Roy Grundei to Plateau Valley Stage Line, Inc.

Transferee requested temporary authority for the interim period prior to the granting of permanent authority, and on April 29, 1970, was granted such temporary authority to operate Certificate of Public Convenience and Necessity PUC No. 1211.

The Commission assigned No. 24297-Transfer to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the District Court, Courthouse Annex, Grand Junction, Colorado, on June 18, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Application No. 24297-Transfer was heard on a joint record with Application No. 24320-Clarification and/or Extension.

Prior to the hearing, Applicants submitted a restrictive amendment as follows:

> "That Certificate of Authority PUC No. 1211 should henceforth read in its entirety as follows:
>
> 'Transportation of livestock between points within twenty (20) miles of DeBeque, Colorado, and between such points, on the one hand, and, on the other hand, points in the State of Colorado'."

Roy Grundei, Transferor, and Donald Gapter, Vice President of Transferee, testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application.

Applicants' Exhibits numbered 1 and 2 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 1211, which is the subject of this proceeding.

2. All of the commodity description in this authority has been abandoned except "transportation of livestock" and all territory

of the authority has been abandoned except "between points within a 20-mile radius of DeBeque, Colorado, and between such points, on the one hand, and, on the other hand, points in the State of Colorado."

3. Transferee presently holds Certificates of Public Convenience and Necessity PUC No. 212 and PUC No. 212-I. Therefore, PUC No. 1211-I should be cancelled and PUC No. 1211 should also be cancelled and the authority contained in PUC No. 1211 written into and made a part of PUC No. 212 and PUC No. 212-I.

4. Certificates of Public Convenience and Necessity PUC No. 212 and PUC No. 212-I have presently been the subject of redraft and are drafted under the present format. The authority being transferred, namely, PUC No. 1211 and PUC No. 1211-I, should, therefore, merely be added on to subparagraph (5) of PUC No. 212 and PUC No. 212-I.

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

8. The chief corporate officers as well as the employees of Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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, 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.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The Protest of Protestant, Don Ward, Inc., be, and hereby is, dismissed.

2. The transfer sought by Applicants should be granted as hereinafter set forth.

3. Certificates of Public Convenience and Necessity PUC No. 1211 and PUC No. 1211-I should be cancelled and the authority contained in said PUC No. 1211 and PUC No. 1211-I should be written into Certificates of Public Convenience and Necessity PUC No. 212 and PUC No. 212-I.

4. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Roy Grundei, P. O. Box 258, Mesa, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates of Public Convenience and Necessity PUC No. 1211 and PUC No. 1211-I to Plateau Valley Stage Line, Inc., a Colorado corporation, Box 398, Collbran, Colorado, subject to encumbrances, if any, against said authority.

2. That the authority contained in Certificates of Public Convenience and Necessity PUC No. 1211 and PUC No. 1211-I be, and hereby is, written into and consolidated with Certificates of Public Convenience and Necessity PUC No. 212 and PUC No. 212-I and Certificates of Public Convenience and Necessity PUC No. 1211 and PUC No. 1211-I be, and hereby are, cancelled.

3. That henceforth the full and complete authority under Certificates of Public Convenience and Necessity PUC No. 212 and PUC No. 212-I shall read and be as follows, to-wit:

"Transportation of

(1) Freight and express

Between Grand Junction and Collbran via Plateau City and intermediate points.

RESTRICTION:

Item (1) of this Certificate is restricted against service between Grand Junction and Palisade and points intermediate thereto.

(2) General commodities

To and from the Town of Mesa, to and from points between Grand Junction and Collbran via Plateau City and intermediate points.

RESTRICTION:

Item (2) of this Certificate is restricted against service between Grand Junction and Palisade and points intermediate thereto.

(3) Passengers and baggage

Between Grand Junction and Collbran and intermediate points over U.S. Highway No. 24 and Colorado Highway No. 65.

RESTRICTION:

Item (3) of this Certificate is restricted against service between Grand Junction and Palisade and points intermediate thereto.

(4) General commodities

To the rural area beyond the line-haul points at Mesa, Molina, Plateau City and Collbran, to include the following-described area: From a point five (5) miles west of Mesa, Colorado; thence east along Plateau Valley, including all watersheds drained by Plateau Creek and Buzzard Creek and their tributaries.

(5) Livestock

Between points in the following-described area: From a point five (5) miles west of Mesa, Colorado; thence east along Plateau Valley,

including all watersheds drained by Plateau Creek and Buzzard Creek and their tributaries from said areas to the Towns of Silt and Rifle, Colorado.

(6) Livestock

Between points within a twenty (20) mile radius of DeBeque, Colorado, and from and to points in said area, to and from all points in the State of Colorado.

(7) Freight, passengers, baggage, and express

Between Mesa, Colorado, and Mesa Lakes Resort.

RESTRICTION:

Item (7) of this Certificate is restricted to service to be performed during only the summer or tourist season (June 1 to September 15 of each year).

(8) Express service

Between only Grand Junction and Mesa Lakes Resort.

(9) 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."

4. That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised this Commission that said Certificate has been formally assigned, and that said parties have accepted and, in the future, will comply with the conditions and requirments 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 this Commission, unless such time shall be extended by this Commission, upon proper application.

5. That the common carrier 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.

6. The right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificate up to the time of transfer of said Certificate.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Byrd
Examiner
VR

(Decision No. 75484)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. O. DIEDRICH AND K. E. DIEDRICH, DOING BUSINESS AS "DIEDRICH CONSTRUCTION COMPANY," P. O. BOX 915, LEADVILLE, COLORADO, FOR EMERGENCY TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-1976.

APPLICATION NO. 24304-PP-Extension
ORDER GRANTING EMERGENCY TEMPORARY AUTHORITY

July 28, 1970

The above-entitled application under CRS 1963, 115-6-20(4), being under consideration, and

It appearing, That Applicant has established the following: That appropriate application has been made to this Commission for emergency temporary authority as follows:

"Transportation of

Slag

Between all points within Lake County, State of Colorado.

RESTRICTION: Restricted to serving not more than ten (10) customers at any one time."

It further appearing, That there is an immediate and urgent need for the transportation service herein sought.

It further appearing, That failure to immediately grant emergency temporary authority may result in the lack of special equipment required to adequately meet the needs of the public in the aforementioned specialized transportation service.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

It is ordered, That W. O. Diedrich and K. E. Diedrich, doing business as "Diedrich Construction Company," be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days, commencing July 28, 1970, to extend operations under Contract Carrier Permit No. B-1976 as follows:

"Transportation of

Slag

Between all points within Lake County, State of Colorado.

RESTRICTION: Restricted to serving not more than ten (10) customers at any one time";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1970.

cj

(Decision No. 75485)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF HOYT E. BROWN DBA WESTERN FIRE EQUIPMENT COMPANY 740 Rood Avenue Grand Junction, Colorado 81501	AUTHORITY NO. M 8467 CASE NO. 5840-M-Ins.

July 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 27, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1970 .

bb

(Decision No. 75486)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
REEVES TRUCKING COMPANY)
Box 793) AUTHORITY NO. M 3171
Ft. Morgan, Colorado 80701)
) CASE NO. 5818-M-Ins.
)
)

July 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 27, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1970 .

bb

(Decision No. 75487)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALKIE & SONS, LTD., 3330 EAST 54TH AVENUE, DENVER, COLORADO, FOR TEMPORARY AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24462-PP-TA ORDER GRANTING TEMPORARY AUTHORITY

July 30, 1970

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted temporary authority, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

hj

APPENDIX

Application No. 24462-PP-TA

Walkie & Sons, Ltd.
3330 East 54th Avenue
Denver, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Class "B" Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

Foodstuffs

Between Denver, Colorado, on the one hand, and all points in the State of Colorado on the other hand.

RESTRICTION: All transportation service rendered to be for one customer only, viz: Red Seal, Snack Foods Division, Pet, Incorporated."

(Decision No. 75488)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
L. KARP & SONS, DOING BUSINESS AS)
KARPS BAKERS SUPPLY CO.)
3126 NORTH 30TH AVENUE)
PHOENIX, ARIZONA 85017)
)

PUC NO. 7214-I

July 30, 1970

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 July 10, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

vr

(Decision No. 75489)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SOUTHWIRE CO.)
Fertilla Street)
Carrollton, Georgia 30117)
)
)
)

PUC NO. 4632-I

July 30, 1970

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 July 21, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

vr

(Decision No. 75490)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
J. A. BURT)
BOX 476) PERMIT NO. B-1710
MEEKER, COLORADO 81641)
)
)

July 30, 1970

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 July 20, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

vr

(Decision No. 75491)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CIL, INC.)
7101 MEMPHIS STREET) PERMIT NO. B-6544-I
NEW ORLEANS, LOUISIANA 70124)
)

July 30, 1970

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 July 4, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

vr

(Decision No. 75492)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
IDAHO SPRINGS LUMBER CO.
1965 MINER STREET
BOX 130
IDAHO SPRINGS, COLORADO 80452

PERMIT NO. B-7110
SUPPLEMENTAL ORDER

July 30, 1970

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 July 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

vr

(Decision No. 75493)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
DONALD J. WILSON
6242 PIERSON STREET
ARVADA, COLORADO 80002

PERMIT NO. B-6303
SUPPLEMENTAL ORDER

July 30, 1970

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 July 11, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

vr

(Decision No. 75494)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
FRED GENTZ
ROUTE 2
STERLING, COLORADO 80751

PERMIT NO. B-3024
SUPPLEMENTAL ORDER

July 30, 1970

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 July 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970.

vr

(Decision No. 75495)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ALICE M. DRAKE)
901 WEST 10TH STREET) PUC NO. 3930
PUEBLO, COLORADO 81003)
)

July 30, 1970

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 July 23, 1970. to and including January 23, 1971.

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 30th day of July, 1970.

vr

(Decision No. 75496)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BEN B. TORRES DBA)
BEN'S DISPOSAL SERVICE) PUC NO. 3805
2580 GLADIOLA)
PUEBLO, COLORADO 81004)

July 30, 1970

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 August 18, 1970, to and including February 18, 1971.

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 30th day of July, 1970.

vr

(Decision No. 75497)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MAIN ELECTRIC, LTD., CORP. DBA)
ARKANSAS VALLEY TRASH SERVICE) PUC NO. 3808
1115 ERIE)
PUEBLO, COLORADO 81001)

July 30, 1970

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 July 23, 1970. to and including January 23, 1971.

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 30th day of July, 1970.

vr

(Decision No. 75498)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SANITARY SERVICES, INC., DBA)
MAIN RUBBISH REMOVAL, INC.)
5250 WEST 53RD STREET) PUC NO. 3558
ARVADA, COLORADO 80002)

July 30, 1970

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 April 22, 1970, to and including October 22, 1970.

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 30th day of July, 1970.

vr

(Decision No. 75499)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SPENCER L. AND JAMES TRYON, DBA)
TRYON AND TRYON TRUCKING)
RFD #1)
MINATARE, NEBRASKA 69356)

PUC NO. 7634-I

July 30, 1970

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 July 23, 1970, to and including January 23, 1971.

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 30th day of July, 1970.

vr

(Decision No. 75500)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BOWEN TRUCKING CO., P. O. BOX 387, FARMINGTON, NEW MEXICO, FOR EMERGENCY TEMPORARY APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 1370 AND PUC NO. 1370-I TO G & L TRACTOR SERVICE, INC., 1015 MIDLAND SAVINGS BUILDING, DENVER, COLORADO.

APPLICATION NO. 24468-Transfer-ETA

ORDER DENYING EMERGENCY TEMPORARY APPROVAL

July 31, 1970

The above-entitled application under CRS 1963, 115-6-20(4), being under consideration, and

It appearing, That the Applicants have not shown that there is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency temporary approval be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 31st day of July, 1970.

hj

(Decision No. 75501)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROSS H. JOHNSON, DOING BUSINESS AS) APPLICATION NO. 24454-TA
"BOULDER AIRPORT LIMOUSINE SERVICE,")
4521 NAVAJO PLACE, BOULDER, COLORADO,) ORDER DENYING TEMPORARY AUTHORITY
FOR TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE.)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
July 31, 1970
- - - - - - - - - -

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That the Applicant has not shown that there is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 31st day of July, 1970.

hj

(Decision No. 75502)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MILDRED TREMAINE, DOING BUSINESS AS "TREMAINE TAXI SERVICE," 509 NORTH SIXTH STREET, ROCKY FORD, COLORADO, FOR TEMPORARY AUTHORITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 24453-TA

ORDER DENYING TEMPORARY AUTHORITY

July 31, 1970

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That the Applicant has not shown that there is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 31st day of July, 1970.

hj

(Decision No. 75503)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARTHUR V. NEHRING, DOING BUSINESS AS "BIG 'D' TRASH & RUBBISH REMOVAL," RR #1, AUSTIN, COLORADO, FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 7047.	APPLICATION NO. 24456-Extension-TA ORDER GRANTING TEMPORARY AUTHORITY

July 31, 1970

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That Applicant be, and is hereby, granted temporary authority, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of July, 1970.
hj

(Decision No. 75503)
July 31, 1970

APPENDIX

Application No. 24456-Extension-TA

Arthur V. Nehring
Doing Business As
"Big 'D' Trash & Rubbish Removal"
RR #1
Austin, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 7047 with authority as follows:

"Transportation of

Ashes, trash, and other refuse

From points within Montrose, Colorado, and a twenty (20) mile radius of the County Court House located in Montrose, Colorado, to designated and approved dumps and disposal sites located within Montrose and Delta Counties, State of Colorado."

(Decision No. 75504)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. T. LANDRETH AND RICHARD N. JONES, DOING BUSINESS AS "LANDRETH & JONES MILLING CO.," P. O. BOX 187, WILEY, COLORADO, FOR TEMPORARY APPROVAL TO TRANSFER CONTRACT CARRIER PERMIT NO. B-6486 TO RICHARD N. JONES, DOING BUSINESS AS "LANDRETH & JONES MILLING CO.," P. O. BOX 187, WILEY, COLORADO.

APPLICATION NO. 24455-PP-Transfer-TA

ORDER GRANTING TEMPORARY APPROVAL

July 31, 1970

The above-entitled application under CRS 1963, 115-6-20(2), being under consideration, and

It appearing, That Applicants have established the following: That appropriate application has been made to this Commission for permanent authority to transfer Contract Carrier Permit No. B-6486 to the above-named Transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicants or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Applicants be, and are hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicants have received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicants to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of July, 1970.
hj

(Decision No. 75504)
July 31, 1970

APPENDIX

Application No. 24455-PP-Transfer-TA

Richard N. Jones
Doing Business As
"Landreth & Jones Milling Co."
P. O. Box 187
Wiley, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Class "B" Contract

SERVICE AUTHORIZED:

Temporary approval to operate under Contract Carrier Permit No. B-6486 with authority as follows:

"Transportation of

Alfalfa hay meal, in bulk, grain and ensilage

From point to point within a radius of sixty (60) miles of Wiley, Colorado."

(Decision No. 75505)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. W. ESTES, DOING BUSINESS AS "ESTES TRASH SERVICE," P. O. BOX 7085, FORT WORTH, TEXAS, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 2451 TO LIBERTY SUTHERLAND, DOING BUSINESS AS "ESTES TRASH SERVICE," ROUTE 4, BOX 113, PUEBLO, COLORADO.

APPLICATION NO. 24328-Transfer

ORDER OF THE COMMISSION

August 6, 1970

Appearances: John R. Naylor, Esq., Pueblo, Colorado, for Applicants.

It appearing, That by Order of the Commission dated May 13, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered;

IT IS ORDERED, That J. W. Estes, doing business as "Estes Trash Service," P. O. Box 7085, Fort Worth, Texas, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 2451 to Liberty Sutherland, doing business as "Estes Trash Service," Route 4, Box 113, Pueblo, 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. 2451 shall read and be as follows, to-wit:

"Transportation of

(1) Ashes, trash, and other refuse

From all points within the City of Pueblo, Colorado, and a fifteen (15) mile radius of the intersection of 4th and Main Streets, to designated and approved dumps and disposal sites located within Pueblo County, State of Colorado.

(2) Sand, gravel, aggregate, and fertilizer

Between all points within an area comprised of the County of Pueblo, 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 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 right of Transferee to operate under this Order shall be dependent upon 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 Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
th day of August, 1970.

vr

(Decision No. 75506)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GLEN R. PRATT AND LOIS J. PRATT, DOING BUSINESS AS "PARK ASH AND TRASH," BOX 66, GRANT, COLORADO, FOR TEMPORARY APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 7375 TO JAMES J. FISH, DOING BUSINESS AS "PARK ASH & TRASH," BOX 167, SHAWNEE, COLORADO.

APPLICATION NO. 24445-Transfer-TA

ORDER GRANTING TEMPORARY APPROVAL

July 31, 1970

The above-entitled application under CRS 1963, 115-6-20(2), being under consideration, and

It appearing, That Applicants have established the following: That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 7375 to the above-named Transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicants or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Applicants be, and are hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicants have received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicants to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 31st day of July, 1970.

hj

(Decision No. 75506)
July 31, 1970

APPENDIX

Application No. 24445-Transfer-TA

James J. Fish
Doing Business As
"Park Ash & Trash"
Box 167
Shawnee, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 7375 with authority as follows:

"Transportation of

Ashes, trash and other refuse

From all points within the County of Park, State of Colorado, to regularly designated and approved dumps and disposal sites located within the County of Park, State of Colorado."

(Decision No. 75507)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FULARC COMPANY, LAKE COUNTY AIRPORT, LEADVILLE, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24388 ORDER OF THE COMMISSION

August 10, 1970

Appearances: Warren D. Braucher, Esq., Wheatridge, Colorado, for Applicant.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter ordered;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Fularc Company, Lake County Airport, Leadville, Colorado, be, and hereby is, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

"Transportation -- on call and demand -- of

Passengers

Between the Lake County Airport (approximately two (2) miles southwest of Leadville, Colorado) on the one hand and all points in Lake, Pitkin, Eagle, Summit, and Clear Creek Counties, State of Colorado, on the other hand.

RESTRICTIONS: This Certificate is restricted as follows:

(a) All transportation service rendered shall be for passengers having prior or subsequent movement by air.

(b) To the use of vehicles not to exceed ten (10) passengers including the driver."

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

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

That the holder of this Certificate 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 the holder of this certificate 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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
10th day of August, 1970.

vr

(Decision No. 75508)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES APPLICABLE TO THE OPERATIONS OF MERRITT PACKING & CRATING SERVICE, INC., UNDER CERTIFICATES NO. 440 AND 4020.

INVESTIGATION AND SUSPENSION
DOCKET NO. 649

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER.

July 30, 1970

Appearances: Keith Merritt, Denver, Colorado, pro se.

Girts Krumins, Esq., Denver, Colorado, for the Staff of the Commission.

PROCEDURE AND RECORD

On March 23, 1970, Keith S. Merritt, President, Merritt Packing & Crating Service, Inc., filed Local Cartage Tariff No. 9, Colorado PUC No. 9; 6th Revised Page No. 13 and 5th Revised Page No. 16, to Motor Freight Tariff No. 5, Colorado PUC No. 5, increasing hourly rates applicable to utilization of labor and equipment combined, and separately for labor, as more specifically set forth therein.

On April 22, 1970, the Commission, being of the opinion that the increased rates and charges may be in violation of the Public Utilities Law, entered its Decision No. 74771, which suspended, to and including August 23, 1970, Local Cartage Tariff No. 9, Colorado PUC No. 9; 6th Revised Page No. 13 and 5th Revised Page No. 16, to Motor Freight Tariff No. 5, Colorado PUC No. 5, published by Keith S. Merritt, President, Merritt Packing & Crating Service, Inc., scheduled to become effective April 25, 1970.

The Commission, pursuant to law, designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and,

after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, on July 1, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Testimony was presented by way of Stipulation of the parties and, at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. The proposed rates as published in Items 360 and 430 of Merritt Packing & Crating Service, Inc., Motor Freight Tariff No. 5, Colorado PUC No. 5, are just and reasonable.

2. The proposed hourly rates for a motor van including a driver and helper; a motor van including a driver only; and the overtime labor rates as published on Page 2 of Merritt Packing & Crating Service, Inc., Local Cartage Tariff No. 9, Colorado PUC No. 9, are just and reasonable.

3. The increased labor charges as published in Item 350 of Merritt Packing & Crating Service, Inc., Tariff No. 5, Colorado PUC No. 5, and the similar increased labor charge as published on Page 2 of Merritt's Tariff No. 9, Colorado PUC No. 9, have not been shown to be just and reasonable.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The proposed rates as published in Items 360 and 430 of Merritt Packing & Crating Service, Inc., Tariff No. 5, Colorado PUC No. 5, should be allowed to become effective.

2. The hourly rates for a motor van including a driver and helper; a motor van including a driver only; and the overtime and labor rates as published on Page 2 of Merritt Packing & Crating Service, Inc., Local Cartage Tariff No. 9, Colorado PUC No. 9, should be allowed to become effective.

3. The increased labor charges as published in Item 350 of Respondent's Tariff No. 5, Colorado PUC No. 5, and the similar charges as published in Respondent's Tariff No. 9, Colorado PUC No. 9, should be withdrawn and cancelled.

4. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That the proposed rates in Items 360 and 430 of Respondent's Tariff No. 5, Colorado PUC No. 5, and the proposed hourly rates for a motor van including a driver and helper, a motor van including a driver only, the overtime labor rates as published on Page 2 of Respondent's Tariff No. 9, Colorado PUC No. 9, shall become effective by not less than one (1) day's filing and posting the appropriate tariff supplement or revised pages in the manner prescribed by law and the rules and regulations of the Commission.

2. That the increased labor charges as published in Item 350 of Respondent's Tariff No. 5, Colorado PUC No. 5, and the increased extra labor charge as published on Page 2 of Respondent's Tariff No. 9, Colorado PUC No. 9 shall be withdrawn and cancelled

by not less than one (1) day's filing and posting the appropriate Tariff Supplement or Revised Pages in the manner prescribed by law and the rules and regulations of the Commission.

3. That this proceeding be, and it is hereby, discontinued.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Byle
Examiner
rm/av

(Decision No. 75509)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAYMOND J. HENRY, BOX 505, JOHNSTOWN, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-577 TO RICHARD McVAUGH, BOX 375, JOHNSTOWN, COLORADO.	APPLICATION NO. 24407-PP-Transfer
IN THE MATTER OF THE APPLICATION OF RAYMOND J. HENRY, BOX 505, JOHNSTOWN, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-4446 TO RICHARD McVAUGH, BOX 375, JOHNSTOWN, COLORADO.	APPLICATION NO. 24408-PP-Transfer
RE: MOTOR VEHICLE OPERATIONS OF RAYMOND J. HENRY, BOX 505, JOHNSTOWN, COLORADO.	PERMIT NO. A-577

ORDER OF THE COMMISSION

July 31, 1970

Appearances: Raymond J. Henry,
Johnstown, Colorado,
Transferor, pro se.

Richard McVaugh,
Johnstown, Colorado,
Transferee, pro se.

It appearing, That by Order of the Commission dated June 24, 1970, notice of the filing of the above-entitled applications was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the herein proceedings have been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceedings are therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matters are ones which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in these proceedings should be by reference to the verified applications as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filings, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfers as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfers, in the manner as hereinafter ordered and set forth, are compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authorities to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Raymond J. Henry, Box 505, Johnstown, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit Nos. A-577 and B-4446 to Richard McVaugh, Box 375, Johnstown, Colorado, subject to encumbrances, if any, against said authorities approved by this Commission.

That upon acceptance in the manner as hereinafter provided, Contract Carrier Permit No. A-577 be, and the same hereby is, transformed and converted to that of a "Class 'B' Permit" to be known and numbered as "Contract Carrier Permit No. B-577" on the records of the Commission.

That, in view of the above conversion, the full and complete authority under Contract Carrier Permit No. B-577 shall read and be as follows, to-wit:

"Transportation of

(1) Milk

From points within the following-described area:

Beginning at Johnstown; thence north to U.S. Highway No. 35; thence east along said highway to the northeast corner of Section 12, Township 5-North, Range 66-West; thence south to the southeast corner of Section 13, Township 4-North, Range 66-West; thence west to the southwest corner of Section 16, Township 5-North, Range 67-West; thence north to the point of beginning;

to Johnstown, Colorado, with back-haul of empty cans;

(2) Milk

From points within the following-described area:

Sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, in Township 4-North, Range 67-West; and Sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, in Township 4-North, Range 68-West, and Sections 3 to 10, inclusive, in Township 3-North, Range 67-West, and Sections 1, 2, 11, and 12, in Township 3-North, Range 68-West;

to Johnstown, Colorado, with back-haul of empty cans.

RESTRICTION: Items 1 and 2 of this Permit are restricted to serving only the Carnation Company, Johnstown, Colorado."

That henceforth the full and complete authority under Contract Carrier Permit No. B-4446 shall read and be as follows, to-wit:

"Transportation of

Milk (in cans)

From all points within a radius of seventeen (17) miles of Platteville, Colorado, to Johnstown, Colorado, with return of empty containers.

RESTRICTION: This Permit is restricted to serving only the Carnation Company, Johnstown, 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 Permits 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 days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfers, without further Order of the Commission, unless such time shall be extended by the Commission, upon proper application.

That the right of Transferee to operate under this Order shall be dependent upon 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 Permits up to the time of transfer of said Permits.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
31st day of July, 1970.

vr

(Decision No. 75510)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
LEE C. TOVREA DBA)
TOVS SERVICE) AUTHORITY NO. M 13475
Box 157)
Nucla, Colorado 81424) CASE NO. 4036-M-Ins.
)
)

July 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1969 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1970

bb

(Decision No. 75511)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM E. MURRAY, DOING BUSINESS AS "W. E. MURRAY TRUCKING," 1710 BONITA DRIVE, FOUNTAIN, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24418-PP ORDER OF THE COMMISSION

August 6, 1970

Appearances: Lawrence E. Addy, Esq.,
Colorado Springs, Colorado,
for Applicant.

It appearing, That by Order of the Commission dated July 9, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That William E. Murray, doing business as "W. E. Murray Trucking," 1710 Bonita Drive, Fountain, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 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;

RESTRICTIONS: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

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 as 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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
6th day of August, 1970.

vr

(Decision No. 75512)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. A. ONSTOTT, ROUTE 1, BOX 283A, DURANGO, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24458-PP ORDER OF THE COMMISSION

August 6, 1970

Appearances: E. A. Onstott,
Durango, Colorado,
pro se.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-5651," being the number of a permit formerly held by Applicant.

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That E. A. Onstott, Route 1, Box 283A, Durango, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTIONS: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-5651," and this Order shall be deemed to be, and be, a PERMIT therefor.

That all operations hereunder shall be stricly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as 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

COMMISSIONER HOWARD S. BJELLAND NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
6th day of August, 1970.

vr

(Decision No. 75513)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PAUL A. FRAZIER, P. O. BOX 517, MANCOS, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24399-PP ORDER OF THE COMMISSION

August 6, 1970

Appearances: Paul A. Frazier,
Mancos, Colorado,
pro se.

It appearing, That by Order of the Commission dated May 28, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-6302," being the number of a permit formerly held by Applicant;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Paul A. Frazier, P. O. Box 517, Mancos, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills in said one hundred (100) mile radius to markets in the State of Colorado;

RESTRICTIONS: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-6302," and this Order shall be deemed to be, and be, a PERMIT therefor.

That all operations hereunder shall be stricly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as 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

COMMISSIONER HOWARD S. BJELLAND NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
6th day of August, 1970.

vr

(Decision No. 75514)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD L. GALLAVAN, BOX 11, PAGOSA)
SPRINGS, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24459-PP

ORDER OF THE COMMISSION

August 4, 1970

Appearances: Richard L. Gallavan,
Pagosa Springs, Colorado,
pro se.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered.

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-5621," being the number of a permit formerly held by Applicant.

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Richard L. Gallavan, Box 11, Pagosa Springs, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 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: Items 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Coal

Between all points within an area comprised of Montezuma, LaPlata, San Juan, and Archuleta Counties, State of Colorado.

RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-5621," 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 as 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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado, this
4th day of August, 1970.

vr

(Decision No. 75515)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF TROY D. HUBBARD, DOING BUSINESS AS "T. D. HUBBARD," 4922 BRYANT, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24312-PP ORDER OF THE COMMISSION

August 4, 1970

Appearances: Troy D. Hubbard,
Denver, Colorado,
pro se.

It appearing, That by Order of the Commission dated April 23, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear the the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-5575," being the number of a permit formerly held by Applicant.

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Troy D. Hubbard, doing business as "T. D. Hubbard," 4922 Bryant, Denver, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 one hundred fifty (150) 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 fifty (150) 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 fifty (150) 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 fifty (150) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-5575," 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 as 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

COMMISSIONER HOWARD S. BJELLAND NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
4th day of August, 1970.

vr

(Decision No. 75516)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LOGGERS, INC., BOX 1291, MONTROSE, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24383-PP ORDER OF THE COMMISSION

August 4, 1970

Appearances: Glenn D. Brittain,
Montrose, Colorado,
for Applicant.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-7396", being the number of a Permit formerly held by Applicant.

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Loggers, Inc., Box 1291, Montrose, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 one hundred fifty (150) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred fifty (150) mile radius of forests to markets in the State of Colorado.

RESTRICTIONS: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-7396", 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 as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado, this
4th day of August, 1970.

vr

(Decision No. 75517)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
JACK FROST)
Box 111) AUTHORITY NO. M 5562
Carlsbad, New Mexico 88220)
) CASE NO. 5311-M-Ins.
)
)

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

- - - - - - - - - -

August 26, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 9, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of August, 1970.

bb

(Decision No. 75518)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RIO GRANDE MOTOR WAY, INC., 1400 WEST 52ND AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 149 AND PUC NO. 149-I.

APPLICATION NO. 24289-Extension

INTERIM ORDER

August 26, 1970

STATEMENT AND FINDINGS OF THE COMMISSION

BY THE COMMISSION:

On June 30, 1970, by proper notice mailed to all parties, the above-captioned matter was set for hearing on September 8, 9, 10 and 11, 1970, for the presentation of Applicant's case and was set for further hearing on September 23, 24, 25 and 30, 1970, for the presentation of Protestants' case. At the time the within matter was set for hearing, Counsel for Applicant and Protestants were invited to be present to avoid a conflict in schedules.

On August 24, 1970, the Secretary of the Commission received a letter dated August 21, 1970, wherein Joseph F. Nigro, Esq., attorney for Protestants, Weicker and Gottula, requested that the aforesaid hearing dates be stricken from the docket and the within matter be set for hearing at a later date and gave as his reasons therefor that a conflict in his schedule would not permit participation in the hearings on the aforesaid dates.

The Commission finds that the request of Counsel for a continuance in the within matter was not timely made and would cause the hearings to be delayed several months because of the crowded Commission docket and further finds that the request of Counsel for a continuance should be denied.

O R D E R

THE COMMISSION ORDERS THAT:

(1) Request for a continuance of the hearing dates by Protestants, Weicker and Gottula, be, and hereby is, denied.

(2) This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
26th day of August, 1970.

vr

(Decision No. 75519)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
PAUL D. DUBBS DBA)
PAWNEE TRADING POST) AUTHORITY NO. M 13835
120 North Second St.)
Sterling, Colorado 80751) CASE NO. 5949-M-Ins.
)
)
-)

August 26, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 24, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of August, 1970 .

bb

(Decision No. 75520)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3383)
)
By: Bonanza Moving & Storage Co.)
4585 Ironton Street)
Denver, Colorado 80239)
Respondent.)

CASE NO. 37-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75521)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 346

By: Cornelius Transfer & Storage
1st and Santa Fe
La Junta, Colorado 80150
Respondent.

CASE NO. 38-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75522)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 2032)
)
By: Claude A. Persinger)
3265 So. Corona Street)
Englewood, Colorado 80110)
Respondent.)

CASE NO. 41-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75523)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 910 & I

By: Stewart's, Route 2, Box 61M
Fort Collins, Colorado 80521

Respondent.

CASE NO. 42-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75524)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 342 & I)
)
By: Wandell & Lowe Transfer &)
Storage Co.,4425 Sinton Road)
Colorado Springs, Colorado 80907)
Respondent.)

CASE NO. 43-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75525)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 624 & I)
)
By: Young Bros. Transfer & Storage)
1531 19th Street)
Denver, Colorado 80202)
Respondent.)

CASE NO. 44-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75526)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3800)
)
By: Bankers Dispatch Corp. of Colo.)
330 South Jefferson Street)
Chicago, Illinois 60606)
Respondent.)

CASE NO. 46-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75527)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 4249)
)
By: Dwight Foust d/b/a Bryant Tsfr.)
P.O. Box 2086)
Fort Collins, Colorado 80521)
Respondent.)

CASE NO. 49-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75528)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3382)
)
By: Burch Warehouse & Transfer Co.,)
Inc. 200 Santa Fe Avenue)
Pueblo, Colorado 81001)
Respondent.)

CASE NO. 50-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75529)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 6830, and Permit No.B-6654)
)
By: Columbine News Service)
745 Lipan Street)
Denver, Colorado 80204)
Respondent.)

CASE NO. 51-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75530)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 17)
)
By: Grand Junction-Palisade Freight)
Line, P.O. Box 367)
Palisade, Colorado 81526)
Respondent.)

CASE NO. 57-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75531)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 1061 and Permit No. B-2726)
)
By: Grand River Transfer Inc.)
P.O. Box 1036)
Adams City, Colorado 80022)
Respondent.)

CASE NO. 58-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75532)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3593)
)
By: John's Express)
2256 South Lindley Court)
Denver, Colorado 80219)
Respondent.)

CASE NO. 59-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75533)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 1416)
)
By: Morgan Cab Company)
311 E Kiowa Avenue)
Fort Morgan, Colorado 80701)
Respondent.)

CASE NO. 62-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75534)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PETE GALLEGOS, DOING BUSINESS AS "ALAMOSA TAXI SERVICE," 432 SEVENTH STREET, ALAMOSA, COLORADO, FOR AUTHORITY TO LEASE PUC NO. 1921 TO ROBERT E. AMES, DOING BUSINESS AS "ALAMOSA TAXI SERVICE," SIXTH AND STATE STREET, ALAMOSA, COLORADO.	APPLICATION NO. 24296-Lease RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

August 4, 1970

Appearances: Robert L. McMichael, Esq., Pueblo, Colorado, for Applicants.

PROCEDURE AND RECORD

Under date of April 6, 1970, Applicants filed the above-entitled application for authority to lease Certificate of Public Convenience and Necessity PUC No. 1921, to operate as a common carrier by motor vehicle for hire, from Pete Gallegos, doing business as "Alamosa Taxi Service," to Robert E. Ames, doing business as "Alamosa Taxi Service."

Lessee requested temporary authority for the interim period prior to the granting of permanent authority, and on April 30, 1970, was granted such temporary authority.

The Commission assigned No. 24296-Lease to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Del Norte, Colorado, on June 23, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Pete Gallegos, Lessor, and Robert E. Ames, Lessee, testified in support of the application. No person appeared at the hearing to protest

the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Official notice was taken of the following documents filed by Lessee, to-wit: Equipment List, Insurance Papers, Financial Statement, and Lease Agreement.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Lessor herein is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 1921, which is the subject of this proceeding.

2. By this application, the parties seek Commission approval to lease Certificate of Public Convenience and Necessity PUC No. 1921 from Pete Gallegos, doing business as "Alamosa Taxi Service," to Robert E. Ames, doing business as "Alamosa Taxi Service."

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

4. Lessee does not hold previously granted authority from this Commission.

5. The parties have entered into a Lease and Option Agreement which said Agreement is on file with the Commission and the consideration as set forth therein is fair and reasonable.

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

7. Lessee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority.

8. Lessee is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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 lease is approved, Lessee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

10. The lease is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The lease sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Pete Gallegos, doing business as "Alamosa Taxi Service," 432 Seventh Street, Alamosa, Colorado, be, and hereby is, authorized to lease all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1921 to Robert E. Ames, doing business as "Alamosa Taxi Service," Sixth and State Street, Alamosa, Colorado, pursuant to and in accordance with the Lease and Option Agreement entered into by and between the parties on March 2, 1970, and properly filed with the Commission, up to and until March 1, 1971, unless otherwise terminated pursuant to the terms of said Lease or by Order of the Commission.

2. That the Commission shall consider the purchase or transfer of PUC No. 1921 only after an application has been duly made therefor and the Commission has rendered a Decision thereon.

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

4. That the right of Lessee to operate under this Order shall depend upon the prior filing of an annual report by Lessor herein, covering the operations under said Certificate up to the time of lease of said Certificate.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iguna

Examiner

rm/hj

(Decision No. 75535)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF TITO T. DE VARGAS, BOX 93, CENTER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24277-PP RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

August 4, 1970

Appearances: Elizabeth A. Conour, Esq., Del Norte, Colorado, for Applicant.

PROCEDURE AND RECORD

Under date of March 25, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24277-PP to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Del Norte, Colorado, on June 23, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Tito T. De Vargas testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant cannot handle more than ten (10) customers at any one time.

5. Applicant has sufficient equipment which he shall use in performing the transportation services applied for.

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

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

8. Applicant is amply insured.

9. There is a present and special need for the service of Applicant.

10. Applicant presently has a contract or contracts with his customers.

11. 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.

12. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Tito T. De Vargas, Box 93, Center, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

(1) Potatoes, hay, and barley

Between all points within a thirty-five (35) mile radius of Center, Colorado.

RESTRICTION:

This Permit is restricted to serving not more than ten (10) customers at any one time";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Dennhardt
Examiner

rm/hj

(Decision No. 75536)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE R. BRANTNER, DOING BUSINESS)
AS "WESTERN TRASH SERVICE," ROUTE 3,)
BOX 446 1/2, GREELEY, COLORADO, TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-7066.)
- - - - - - - - - - - - - - - - - - - -

APPLICATION NO.
24220-PP-Extension

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER.

- - - - - - - - - -
August 4, 1970
- - - - - - - - - -

Appearances: Melvin Dinner, Esq.,
Greeley, Colorado, for Applicant.
Arthur R. Hauver, Esq.,
Denver, Colorado, for Bestway
Disposal Co., Protestant.

PROCEDURE AND RECORD

Under date of February 25, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on March 11, 1970, was granted such temporary authority.

The Commission assigned No. 24220-PP-Extension to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the District Court, Courthouse, Greeley, Colorado, on June 26, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Prior to the presentation of testimony, Applicant offered, and there was accepted, a restrictive amendment to the application which was presented as Exhibit No. 1, amending the application to provide for:

"Transportation of ashes, trash and other waste materials from and between points in the Towns of Pierce and Nunn, State of Colorado, and a three mile radius of each of said towns, to designated and approved dumps and disposal sites in Weld County, State of Colorado."

The amendment was granted by the Examiner, whereupon Protestant withdrew.

Eugene R. Brantner and Fern Sharp testified in support of the application.

Applicant's Exhibits numbered 1, 2, and 3 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual doing business as "Western Trash Service."

2. Applicant presently holds authority from this Commission under Permit No. B-7066, which reads as follows:

"Transportation of ashes, trash and other waste materials from and between points in the Towns of Johnstown, Milliken, Gilcrest, Platteville, La Salle, State of Colorado, and a 3-mile radius of each of said towns, and from and between points in the Town of Evans, Colorado, and a 1 1/2-mile radius thereof, to designated and approved dumps and disposal sites in Weld County, State of Colorado; restricted, however, against the rendering of any transportation service within the present city limits of Greeley, Colorado, and against the rendering of any transportation service north of U.S. Highway No. 34 By-Pass."

3. The authority to which extension is hereby sought, Permit No. B-7066, has been continually operated in the past and is presently in good standing with the Commission.

4. By this application, Applicant seeks to extend his present authority, Permit No. B-7066, to include the following:

> "Transportation of ashes, trash and other waste materials from and between points in the Towns of Pierce and Nunn, State of Colorado, and a three mile radius of each of said towns, to designated and approved dumps and disposal sites in Weld County, State of Colorado."

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 which he shall use in performing the transportation services applied for.

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

8. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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 of Applicant.

11. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Eugene R. Brantner, doing business as "Western Trash Service," Route 3, Box 446 1/2, Greeley, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-7066 as follows:

> "Transportation of ashes, trash and other waste materials from and between points in the Towns of Pierce and Nunn, State of Colorado, and a three mile radius of each of said towns, to designated and approved dumps and disposal sites in the County of Weld, State of Colorado."

2. That henceforth the full and complete authority under Permit No. B-7066 shall be and read as follows, to-wit:

"Transportation of

(1) Ashes, trash and other refuse

From all points within the towns of Gilcrest, Platteville, and La Salle, Colorado, and a three (3) mile radius of each to designated and approved dumps and disposal sites located within the County of Weld, State of Colorado.

(2) Ashes, trash and other refuse

From all points within the town of Evans, Colorado, and a one and one-half (1 1/2) mile radius thereof, to designated and approved dumps and disposal sites located within the County of Weld, State of Colorado.

RESTRICTION:

Item (2) of this Permit is restricted as follows:

(a) Restricted against rendering transportation service within the city limits of Greeley, Colorado, as of October 23, 1968.

(b) Restricted against rendering transportation service north of U.S. Highway No. 34 By-Pass.

(3) Ashes, trash and other refuse

From and between points in the towns of Pierce and Nunn, Colorado, and a three (3) mile radius of each of said towns, to designated and approved dumps and disposal sites in the County of Weld, State of Colorado.

RESTRICTION:

> Item (3) of this Permit is restricted to serving two (2) customers only, viz: the municipality of Pierce, Colorado, and the municipality of Nunn, Colorado."

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

4. 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.

5. 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.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rm/hj

(Decision No. 75537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE OSBORNE, 324-14TH STREET, GREELEY, COLORADO, FOR REINSTATEMENT OF PUC NO. 4819, AND CONCURRENTLY THEREWITH, TO TRANSFER SAID PUC NO. 4819 FROM GEORGE OSBORNE TO EUGENE R. BRANTNER, ROUTE 3, BOX 446 1/2, GREELEY, COLORADO, AND DONALD L. BRANTNER, 137 SOUTH 5TH STREET, LA SALLE, COLORADO, DOING BUSINESS AS "WESTERN TRASH SERVICE," IN THE EVENT THE REINSTATEMENT IS APPROVED.	APPLICATION NO. 24270-Transfer RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 4, 1970

Appearances: Melvin Dinner, Esq., Greeley, Colorado, for Applicants.
Arthur R. Hauver, Esq., Denver, Colorado, for Bestway Disposal Co.; Clarence, Martin and Louise Frei, doing business as "The Way Rubbish Removal"; Londell A. Bunting, doing business as "Bunting Trash Service"; and John Kline, doing business as "Kline's Rubbish Removal," Protestants.
Dalton O. Ford and George L. Baker, Denver, Colorado, of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of March 20, 1970, Applicants filed the above-entitled application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 4819, to operate as a common carrier by motor vehicle, from George Osborne to Eugene R. Brantner and Donald L. Brantner, doing business as "Western Trash Service."

The Commission assigned No. 24270-Transfer to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested

persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Greeley, Colorado, on June 26, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

At the close of Applicant's testimony, Protestants moved to dismiss the application and said motion was granted.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. This is an application to transfer Certificate of Public Convenience and Necessity PUC No. 4819 from one George Osborne to Eugene R. Brantner and Donald L. Brantner, doing business as "Western Trash Service."

2. Certificate of Public Convenience and Necessity PUC No. 4819 was revoked and cancelled by this Commission by Decision and Case No. 821-H dated January 9, 1968, and no action has been taken since that date to reinstate said authority until the time of this hearing -- June 26, 1970.

3. Certificate of Public Convenience and Necessity PUC No. 4819 has admittedly been dormant since January 9, 1968.

4. Following the granting of Protestant's motion to dismiss the application, there was an offer of proof made by the testimony of Doctor W. W. Webster, who treated George Osborne, the former owner of Certificate of Public Convenience and Necessity PUC No. 4819. However, even if said testimony were admitted into evidence, it is found as fact therefrom that said George Osborne was, in fact, released from the hospital

on January 22, 1968, and was released to the care of a grandson. Further, no reason was shown whatsoever why that grandson or other guardian could not or should not have been appointed to preserve the assets of the aforementioned George Osborne.

5. Certificate of Public Convenience and Necessity PUC No. 4819 is no longer in existence.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Application No. 24270-Transfer should be dismissed.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Application No. 24270-Transfer, being an application to transfer Certificate of Public Convenience and Necessity PUC No. 4819 from George Osborne, 324-14th Street, Greeley, Colorado, to Eugene R. Brantner, Route 3, Box 446 1/2, Greeley, Colorado, and Donald L. Brantner, 137 South 5th Street, La Salle, Colorado, doing business as "Western Trash Service," be, and hereby is, dismissed.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rm/hj

(Decision No. 75538)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EUGENE R. BRANTNER, ROUTE 3, BOX 446 1/2, GREELEY, COLORADO, AND DONALD L. BRANTNER, 137 SOUTH 5TH STREET, LA SALLE, COLORADO, DOING BUSINESS AS "WESTERN TRASH SERVICE," FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 24271

RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 4, 1970

Appearances: Melvin Dinner, Esq., Greeley, Colorado, for Applicants.
Arthur R. Hauver, Esq., Denver, Colorado, for Londell A. Bunting, doing business as "Bunting Trash Service"; John Kline, doing business as "Kline's Rubbish Removal"; Bestway Disposal Company; Clarence Frei, Martin Frei, and Louise Frei, doing business as "The Way Rubbish Removal," Protestants.
Dalton O. Ford and George L. Baker, Denver, Colorado, of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of March 20, 1970, Applicants filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24271 to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Greeley, Colorado, beginning on June 26, 1970, at 10 a.m. The hearing was commenced at the aforesaid time and place and was subsequently continued for further hearing on July 3, 1970.

The Applicants and numerous supporting witnesses testified in support of the granting of the application. Protestants each presented testimony against the granting of the application.

Applicants' Exhibits numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 17, and Protestants' Exhibits numbered 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 were tendered and admitted into evidence.

Notice was taken of the following matters:

Permit No. B-7066 which is the present authority of one of the Applicants, Eugene R. Brantner
Cert. No. 4522 - Dec. No. 62963 - The Way Rubbish Removal
Cert. No. 4856 - Dec. No. 64900 - The Way Rubbish Removal
Cert. No. 5191 - Dec. No. 69183 - The Way Rubbish Removal
Cert. No. 4239 - Dec. No. 51434 - John Kline
Cert. No. 4587 - Dec. No. 72255 - Londell A. Bunting
Cert. No. 3995 - Dec. No. 73920 - D. R. Hart Rubbish Removal
Cert. No. 4923 - Dec. No. 55992 - Morey's Light Haul
Cert. No. 4615 - Dec. No. 72271 - Bestway Disposal Co.
The Otto Streeb Certificate

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. The Applicants, Eugene R. Brantner and Donald L. Brantner, will conduct their operations as a partnership doing business under the trade name of "Western Trash Service" with a business address of Route 3, Box 446 1/2, Greeley, Colorado 80631.

2. Applicant, Eugene R. Brantner, has heretofore been granted authority by the Public Utilities Commission by virtue of Decision No. 69558 entered May 23, 1967, and as modified by Extension Decision No.

72074 entered October 23, 1968. These Decisions authorized said Applicant to operate as a Class "B" Private Carrier by motor vehicle for hire under Permit No. B-7066 with authority to transport the following designated commodities within the territory or area described:

> "Transportation of ashes, trash and other waste materials,
>
> From and between points in the Towns of Johnstown, Milliken, Gilcrest, Platteville, La Salle, State of Colorado, and a 3 mile radius of each of said towns, and from and between points in the Town of Evans, Colorado, and a 1 1/2 mile radius thereof to designated and approved dumps and disposal sites in Weld County, State of Colorado.
>
> RESTRICTION: This permit is restricted as follows:
>
> (1) Restricted against the rendering of any transportation service within the present city limits of Greeley, Colorado.
>
> (2) Restricted against the rendering of any transportation service north of U.S. Highway No. 34 By-Pass."

3. Applicant, Eugene R. Brantner, has been engaged in ash, trash and waste hauling operations for a period of approximately five years prior to the date of the instant hearing, and the Applicant, Donald L. Brantner, in association with his brother, Eugene R. Brantner, has been engaged in ash, trash and waste removal operations for a period of approximately three years prior to the hearing on this application.

4. Permit No. B-7066 has been continually operated in the past by the Applicant, Eugene R. Brantner, and is presently in good standing with the Commission.

5. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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.

6. Protestants are the owners and holders of Certificates of Public Convenience and Necessity which authorize the transportation and

removal of ashes, trash and other waste materials, entirely or nearly entirely within the area of service sought by the Applicants in the present proceeding.

7. Protestants are inconsistent in their rates and their services, sometimes to the extent and detriment as well as the expense of the public. Serious questions arose as to whether the existing trash haulers, the Protestants herein, are actually guilty of collusion in their failure and refusal to compete with one another or to provide service to another carrier's customers even though requested by the customer to do so.

8. Because of the recent ban on burning of trash and waste materials, the existence of fewer dump facilities and disposal sites available for residents to haul their own trash, the population growth in Greeley and the surrounding region, the purchasing and gathering together of certain certificates by two of the Protestant carriers (Bestway Disposal Co. and Clarence Frei, Martin Frei, and Louise Frei, doing business as "The Way Rubbish Removal") so as to eliminate competition, a substantial increase in the volume of trash and waste materials per person caused by methods of merchandising, food packaging and the status of our affluent society, the existing service rendered by certificated common carriers is grossly inadequate to meet the particular transportation requirements sought herein, and for the same reasons as above expressed, the present and future public convenience and necessity requires or will require the services sought by the Applicants.

9. Protestants, in fact, through their own witnesses pointed out new and recent needs of the public for additional ash and trash service within the service area sought by the Applicants.

10. The testimony and evidence revealed that the purchase, acquisition, and transfer of common carrier certificates by Bestway Disposal Co. and Clarence Frei, Martin Frei, and Louise Frei, doing business as "The Way Rubbish Removal," authorizing service within the area sought by the Applicants herein for the identical service requested by said Applicants was clearly intended to eliminate competition of a substantial nature within the area involved.

11. The testimony, evidence, and records of the Public Utilities Commission disclosed and revealed that fourteen to fifteen common carrier certificates existed in years past for the hauling and transportation of ashes, trash, and other waste materials from and between points in the City of Greeley, Colorado, and the surrounding regions thereof to designated and approved dumps and disposal sites (PUC No. 3811, PUC No. 3995, PUC No. 4239, PUC No. 4522, PUC No. 4587, PUC No. 4819, PUC No. 4856, PUC No. 4923, PUC No. 5022, PUC No. 5191, PUC No. 5327, PUC No. 4615, PUC No. 4238, the Otto Streeb certificate and the Red and White certificate). The records of the Public Utilities Commission disclose that there are now only six certificated common carriers authorized to operate in the Greeley area and vicinity, namely: (1) Midia V. Hart, doing business as "D. R. Hart Rubbish Removal" (PUC No. 3995); (2) Morey's Light Haul (PUC No. 4923); (3) John Kline (PUC No. 4239); (4) Londell Bunting (PUC No. 4587); (5) Clarence H. Frei, Martin L. Frei, and Louise Frei, doing business as "The Way Rubbish Removal" (PUC No. 4522, PUC No. 4856, PUC No. 5191); and (6) Bestway Disposal Co. (PUC No. 3811, PUC No. 4238, PUC No. 4615, and the Red and White certificate, all of which have been consolidated and merged into PUC No. 4615, as well as the Otto Streeb certificate). The Otto Streeb certificate now owned by the Protestant, Bestway Disposal Co., is wholly and entirely duplicated by PUC No. 4615.

12. Certificate No. 4923 granted to John E. Moore, doing business as "Morey's Light Haul," has not been actively operated for at least a period of two to three years prior to this proceeding. Protestants, Clarence H. Frei, Martin L. Frei, and Louise Frei, doing business as "The Way Rubbish Removal," have contracted for the purchase of PUC No. 4923 owned by John E. Moore, doing business as "Morey's Light Haul." Protestant, The Way Rubbish Removal, has also entered into a contract for the purchase of the common carrier certificate owned by the Protestant, John Kline (PUC No. 4239); and said Protestant has also entered into an option contract for the purchase of the common carrier certificate owned by the Protestant, Londell A. Bunting (PUC No. 4587), and can exercise said option to purchase

and thus reduce the number of operating carriers in the service area to two in number, subject to the approval of transfers by the Public Utilities Commission. Protestant, The Way Rubbish Removal, is already the owner of Certificates No. 4522, No. 4856 and No. 5191. Certificate No. 4856 entirely overlaps and duplicates Certificate No. 5191, and Certificate No. 4522 entirely overlaps and duplicates Certificate No. 4856.

13. PUC No. 3995 transferred to Midia V. Hart, doing business as "D. R. Hart Rubbish Removal," on December 3, 1969, by Decision No. 73920 has never been operated within the area of service sought by the Applicants herein.

14. The Applicant, Eugene R. Brantner, has a net worth of $35,240 and his brother, the Applicant, Donald L. Brantner, has a net worth of $22,395 as shown by the Exhibits No. 10 and 17, respectively. Applicants have credit commitments in excess of $25,000 and, therefore, have sufficient net worth and financial standing and responsibility so as to adequately and sufficiently operate the authority herein applied for and to render the services contemplated in operating the authority applied for to the fullest extent. In fact, testimony reveals the Applicants are better off financially than some of the Protestants who hold and operate similar authority. It should be further noted that the Applicant, Eugene R. Brantner, is presently realizing an annual net income of from $18,000 to $24,000 in the operation of his now existing authority Permit No. B-7066. The Applicants have clearly demonstrated and shown their capabilities to operate an ash, trash and waste removal service with financial success. As a matter of fact, the services rendered by the Applicant, Eugene R. Brantner, were highly recommended by witnesses who appeared in support of the application. Applicants have suitable and satisfactory financial responsibility, sufficient equipment, or the ability to purchase or lease sufficient equipment, all of which are ample and suitable for the operation of the authority applied for herein.

15. Applicant, Eugene R. Brantner, is now and has for some time in the past been engaged in the business of collection and transportation of ashes, trash and other waste materials from the Towns of Johnstown, Milliken, Gilcrest, Platteville, La Salle and Evans, Colorado, to designated and approved dump sites and disposal places located in Weld County, Colorado, under and by virtue of municipal contracts entered into by said Eugene R. Brantner with each of said respective towns, each of which is a Colorado Municipal Corporation. Trash and waste removal service is provided to each of said communities on a weekly basis, on an organized, scheduled basis, with routine dispatch and satisfactory results. Applicants herein are fit by virtue of their experience to conduct the operations under the authority requested.

16. Pursuant to the provisions of 115-9-5 (2), CRS 1963, as amended, (commonly referred to as Senate Bill 208) the doctrine of regulated competition shall prevail in the granting of a certificate of public convenience and necessity to operate by motor vehicle for hire for the transportation of property and the Commission has authority to grant more than one certificate of public convenience and necessity to operate motor vehicles for the transportation of property over and along the same route or a part thereof or within the same territory or a part thereof if the Commission finds that the present or future public convenience and necessity requires or will require such operation. Ruinous competition would not occur by the granting of the authority herein requested but, quite to the contrary, the granting of the authority requested in this application would be in the public interest and would promote the desired objective of providing adequate service to the public under the doctrine of "regulated competition" noted in the statute above referred to. Further, the granting of the authority herein requested would be economically sound and feasible even though other carriers, namely, the Protestants, are presently operating within the same territory or a part thereof.

17. Protestants offered no competent, reliable or relevant testimony to establish their ability to meet the needs of the public within the territory of the application or to counteract the testimony of dissatisfied members of the public concerning the existing service. Further, the testimony presented by the Protestants was so confusing and unreliable that its credibility is seriously challenged. In fact, the actions of Protestants appeared to be dilatory, obstructive and not in the public interest. No explanation was offered as to the specific complaints outlined by the witness, Matthew Weigand, Manager of the J. C. Penney's Store located in Greeley, Colorado, to the effect that The Way Rubbish Removal and Bestway Disposal Co. were actually in collusion with one another to the detriment and additional cost and expense of this particular customer.

18. The service now provided by the existing carriers certified to engage in said service is inadequate, insufficient and incomplete; and the public convenience and necessity requires the granting of additional service, and more particularly the granting of the authority sought by the Applicants herein for the performance of the service as contemplated.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The protests of Protestants should be, and hereby are, dismissed.

2. The authority sought by Applicants should be granted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Eugene R. Brantner, Route 3, Box 446 1/2, Greeley, Colorado, and Donald L. Brantner, 137 South 5th Street, La Salle, Colorado, doing business as "Western Trash Service," be, and hereby are, authorized

to operate as a common carrier by motor vehicle for hire for the following:

"Transportation of

Ashes, trash, and other waste materials

From and between points in the City of Greeley, Colorado, and a twelve (12) mile radius thereof, to designated and approved dumps and disposal sites in Weld County, Colorado";

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

2. That Applicants shall operate their carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Lyon
Examiner

rm/hj

(Decision No. 75539)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KEMP & HOFFMAN, INC., ROUTE NO. 1, BOX 042A, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24308-PP RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 4, 1970

Appearances: Lysle R. Dirrim, Esq.,
Brighton, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of April 23, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on May 12, 1970, was granted such temporary authority.

The Commission assigned No. 24308-PP to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on July 2, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

John G. Kemp, President of Applicant corporation, testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

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

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant proposes to and will use equipment suitable and sufficient for the transportation services requested, to-wit: Two (2) dump trucks and one (1) auto car tractor.

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

6. The chief corporate officers as well as the employees of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.

7. Applicant is amply insured.

8. There is a present and special need for the service of Applicant.

9. Applicant presently has a contract or contracts with its customers.

10. 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.

11. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that it intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Kemp & Hoffman, Inc., Route No. 1, Box 042A, Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" contract 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 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;

RESTRICTIONS:

Items (1), (2), (3), and (4) of this Permit are restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials;

(b) To serving not more than ten (10) customers at any one time.

(5) Liquid waste

From Continental Oil Co., 5801 Brighton Blvd., Commerce City, Colorado, to designated and approved dumps and disposal sites located within the Counties of Adams, Arapahoe, and Douglas, State of Colorado;

RESTRICTION:

Item (5) of this Permit is restricted to rendering transportation service for one (1) customer only, viz: Continental Oil Co., Commerce City, Colorado";

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

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

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

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

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rm/hj

(Decision No. 75540)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALEX R. SCHIMPF, 4449 LEAF COURT,) APPLICATION NO. 24350-PP
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT) RECOMMENDED DECISION OF
CARRIER BY MOTOR VEHICLE FOR HIRE.) ROBERT L. PYLE, EXAMINER.
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August 7, 1970
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Appearances: Alex R. Schimpf, Denver, Colorado, pro se.

PROCEDURE AND RECORD

Under date of May 18, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on May 26, 1970, was granted such temporary authority.

The Commission assigned No. 24350-PP to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on July 2, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Alex R. Schimpf testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant proposes to and will use equipment suitable and sufficient for the transportation services requested, to-wit: One (1) dump truck.

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

6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

7. Applicant is amply insured.

8. There is a present and special need for the service of Applicant.

9. Applicant presently has a contract or contracts with his customers.

10. 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.

11. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Alex R. Schimpf, 4449 Leaf Court, Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" contract 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 seventy-five (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 seventy-five (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 seventy-five (75) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of seventy-five (75) miles of said pits and supply points;

RESTRICTIONS:

This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials;

(b) To serving not more than three (3) customers at any one time";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert K. Pyle
Examiner

rm/hj

(Decision No. 75541)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ERVIN J. HIRSCH, BOX 128, PIERCE,) APPLICATION NO. 24293-PP
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A CONTRACT CARRIER BY) RECOMMENDED DECISION OF
MOTOR VEHICLE FOR HIRE.) ROBERT L. PYLE, EXAMINER.
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August 10, 1970
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Appearances: William L. West, Esq.,
Greeley, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of March 23, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24293-PP to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Greeley, Colorado, on June 26, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Ervin J. Hirsch testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits

herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant proposes to and will use equipment suitable and sufficient for the transportation services requested, to-wit: One (1) dump truck.

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

6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

7. Applicant is amply insured.

8. There is a present and special need for the service of Applicant.

9. Applicant presently has a contract or contracts with his customers.

10. 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.

11. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Ervin J. Hirsch, Box 128, Pierce, Colorado, be, and hereby is, authorized to operate as a Class "B" contract 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 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) Farm products and natural fertilizer

Between all points within an area comprised of the Counties of Larimer, Weld, Morgan, and Logan, State of Colorado;

RESTRICTION:

Item (5) of this Permit is restricted against the transportation of livestock, bulk milk, and dairy products.

RESTRICTION:

This Permit is restricted to serving not more than ten (10) customers at any one time";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rm/hj

(Decision No. 75542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT F. SELBY, R. R. #1, JOHNSTOWN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24302-PP RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 10, 1970

Appearances: Robert F. Selby,
Johnstown, Colorado, pro se.

PROCEDURE AND RECORD

Under date of April 17, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24302-PP to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on July 2, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Robert F. Selby testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant has sufficient equipment which he shall use in performing the transportation services applied for.

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

6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

7. Applicant is amply insured.

8. There is a present and special need for the service of Applicant.

9. Applicant presently has a contract or contracts with his customers.

10. 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.

11. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Robert F. Selby, R. R. #1, Johnstown, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

Farm products and sacked processed livestock feed

Between all points within an area comprised of the Counties of Weld, Larimer, Boulder, Adams, Morgan, Logan, and Arapahoe, State of Colorado, and to and from said points, from and to points located within the State of Colorado.

RESTRICTIONS:

This Permit is restricted as follows:

(a) Against the transportation of livestock, bulk milk, and dairy products;

(b) To serving not more than ten (10) customers at any one time";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rm/hj

(Decision No. 75543)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RICHARD T. BENNING, DOING BUSINESS AS "RICH'S HAULING," 377 STUART STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24300-PP RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 7, 1970

Appearances: Robert H. Sonheim, Esq., Arvada, Colorado, for Applicant.

PROCEDURE AND RECORD

Under date of April 14, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on May 12, 1970, was granted such temporary authority.

The Commission assigned No. 24300-PP to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on July 2, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Richard T. Benning testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual doing business as "Rich's Hauling."

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

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

4. Applicant proposes to and will use equipment suitable and sufficient for the transportation services requested, to-wit: One (1) dump truck.

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

6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

7. Applicant is amply insured.

8. There is a present and special need for the service of Applicant.

9. Applicant presently has a contract or contracts with his customers.

10. 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.

11. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Richard T. Benning, doing business as "Rich's Hauling," 377 Stuart Street, Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" contract 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 thirty (30) 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 thirty (30) 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 thirty (30) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of thirty (30) 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) Peat moss

From points located within the County of Gilpin, State of Colorado, to all points within the City and County of Denver, State of Colorado.

RESTRICTION:

This Permit is restricted to serving not more than ten (10) customers at any one time";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rm/hj

(Decision No. 75544)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MOUNTAIN AGGREGATES, INC., BOX H, EMPIRE, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-7200.	APPLICATION NO. 24187-PP-Extension-Amended RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 7, 1970

Appearances: Stow L. Witwer, Esq.,
Greeley, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of February 9, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle for hire as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on February 26, 1970, was granted such temporary authority.

The Commission assigned No. 24187-PP-Extension-Amended to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the District Court, Courthouse, Greeley, Colorado, on June 26, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Curtis Strong, President of Applicant corporation, and Howard Rice testified in support of the application. No person appeared at the

hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Applicant's Exhibit No. 1 was tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

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

2. Applicant presently holds authority from this Commission under Permit No. B-7200, which reads as follows:

> "Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points; 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; 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; transportation of sugar beets from supply points to factories and processing plants within one hundred (100) mile radius of said supply points; transportation of natural fertilizer from supply points to points within a fifty (50) mile radius of said supply points; restricted, however, against the use of tank vehicles when transporting road-surfacing materials."

3. Applicant also holds other previously granted authority from this Commission, to-wit: Permit No. M-1643, which has no bearing on the herein extension application.

4. The authority to which extension is hereby sought, Permit No. B-7200, has been continually operated in the past and is presently in good standing with the Commission.

5. By this application, Applicant seeks to extend its present authority, Permit No. B-7200, to include the following:

> "Transportation of junk metals and scrap iron from Greeley, Colorado, to points located within the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado, for Winograd's Steel and Supply Division of Greeley, Colorado."

6. Applicant has only one contract at this point and only one customer, namely, Winograd's Steel and Supply Division of Greeley, Colorado. Its authority should, therefore, be restricted to that one customer as hereinafter set forth.

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

8. Applicant has sufficient equipment which it shall use in performing the transportation services applied for.

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

10. The chief corporate officers as well as the employees of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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.

11. 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.

12. There is a present and special need for the service of Applicant.

13. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Mountain Aggregates, Inc., a Colorado corporation, Box H, Empire, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-7200 as follows:

> "Transportation of junk metals and scrap iron from Greeley, Colorado, to points located within the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado, for Winograd's Steel and Supply Divison of Greeley, Colorado."

2. That henceforth the full and complete authority under Permit No. B-7200 shall be and read 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 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:

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

(5) Sugar beets

From supply points to factories and processing plants within a radius of one hundred (100) miles of said supply points.

(6) Natural fertilizer

From supply points to points within a radius of fifty (50) miles of said supply points.

RESTRICTION:

Items (1), (2), (3), (4), (5), and (6) of this Permit are restricted to serving no more than ten (10) customers at any one time.

(7) Scrap metal

From points within Greeley, Colorado, to points located within an area comprised of the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado.

RESTRICTION:

Item (7) of this Permit is restricted to serving one customer only, viz: Winograd's Steel and Supply Division of Greeley, Colorado."

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

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

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner
rm:hj

(Decision No. 75545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM LYNN HULSE, 412 GROVE AVENUE, LAS ANIMAS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24207-PP RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 7, 1970

Appearances: Peter J. Crouse, Esq.,
Denver, Colorado, for Applicant.

PROCEDURE AND RECORD

Under date of February 20, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24207-PP to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on June 15, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

William Lynn Hulse, Applicant, and Richard F. Smith testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

3. By this application, Applicant seeks contract carrier authority (a Class "B" private carrier permit) to perform a general cartage service of pickup and delivery of LCL freight shipments moving on rail billing in intrastate commerce from or to the Atchison, Topeka & Santa Fe Railway Station, in Las Animas, Colorado, on the one hand, and from or to points within the city limits of Las Animas, Colorado. Applicant further seeks waiver of specific rules and regulations governing private carriers as specified by Commission Decision No. 54133.

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

5. By Decision No. 54133, this Commission has heretofore authorized the waiver of certain rules when granting an authority similar to that applied for herein and said waiver should also be included in the grant of this authority.

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

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

8. Applicant is amply insured.

9. There is a present and special need for the service of Applicant.

10. Applicant presently has a contract or contracts with his customers.

11. 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.

12. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That William Lynn Hulse, 412 Grove Avenue, Las Animas, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

(1) Freight

To and from the AT&SF Railway Station, Las Animas, Colorado, from and to all points within the City of Las Animas, Colorado.

The holder or operator herein is granted relief from the following Commission Rules and Regulations Governing Private Carriers by Motor Vehicle For Hire as follows:

1. Rule 3 (g), requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.

2. Rule 5 (b), insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment to be delivered to the Atchison, Topeka & Santa Fe Railway Company at Las Animas, Colorado.

3. Rule 6 (d), pertaining to the establishment of the financial standing and qualifications of a proposed transferee of the permit.

4. Rule 15 (3), pertaining to cargo insurance.

5. Rule 18, pertaining to contracts and customer lists.

6. Rule 19, pertaining to rates and charges.

7. Rule 20, pertaining to the filing of tariffs.

8. Rule 21, pertaining to compilation of tariffs and classifications.

9. Rule 22, pertaining to bills of lading.

10. Rule 23, pertaining to load sheets or manifests.

11. Rule 25, pertaining to C.O.D. shipments.

RESTRICTION:

(a) Restricted to LCL shipments which are moving on prior or subsequent rail billing";

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

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

3. 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.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rm/hj

(Decision No. 75546)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. J. MITCHELL, 643 RUSSELL, CRAIG,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-4419 TO CHARLIE B.)
DECKER, BOX 221, CRAIG, COLORADO.)
- - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24198-PP-Transfer

RECOMMENDED DECISION OF HARRY A. GALLIGAN, JR., EXAMINER.

- - - - - - - - -
August 7, 1970
- - - - - - - - -

Appearances: B. J. Mitchell, Craig, Colorado, pro se, Transferor.
Charlie B. Decker, Craig, Colorado, pro se, Transferee.

PROCEDURE AND RECORD

Under date of February 13, 1970, Applicants filed the above-entitled application with this Commission for authority to transfer Permit No. B-4419, to operate as a contract carrier by motor vehicle for hire, from B. J. Mitchell to Charlie B. Decker.

The Commission assigned No. 24198-PP-Transfer to the application. Pursuant to law, the Commission designated Harry A. Galligan, Jr., as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Steamboat Springs, Colorado, on May 21, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

B. J. Mitchell and Charlie B. Decker testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Harry A. Galligan, Jr., now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Transferor herein is the present owner and operator of Permit No. B-4419, 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 does not hold previously granted authority from this Commission.

4. The Permit is free and clear of any debts, encumbrances or obligations.

5. Transferee has sufficient equipment which he shall use in performing the transportation services sought to be transferred herein.

6. Transferee has sufficient experience and net worth, both of which are ample and suitable for the operation of the authority sought to be transferred herein.

7. Transferee is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer sought by Applicants should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That B. J. Mitchell, 643 Russell, Craig, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-4419 to Charlie B. Decker, Box 221, Craig, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Permit No. B-4419 shall read and be as follows, to-wit:

"Transportation of

(1) Coal

From mines located within a fifty (50) mile radius of Craig, Colorado, to points within said area.

(2) Grain

Between all points within a fifty (50) mile radius of Craig, Colorado.

(3) Uranium ore

From the Little Star Mine, located within the County of Moffat, State of Colorado, to mills at Maybell, Colorado.

(4) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests.

(5) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION:

Items (4) and (5) of this Permit are restricted against town-to-town service.

(6) 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.

(7) 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.

(8) 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.

(9) 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 (6), (7), (8), and (9) of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

RESTRICTION:

This Permit is restricted to serving not more than ten (10) customers at any one time."

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

4. That 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 of an annual report by Transferor herein covering the operations under the Permit up to the time of the transfer of said Permit.

5. That this Order is made a part of the Permit authorized to be transferred.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Examiner

rm/hj

(Decision No. 75547)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
STANDARD LUMBER AND HARDWARE COMPANY)
4680 Jason Street)
Denver, Colorado 80211)
)
)
)

AUTHORITY NO. M 2091

CASE NO. 5758-M-Ins.

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August 4, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 27, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of August, 1970 .

(Decision No. 75548)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

TEXAS MEAT PACKERS, INC.
Post Office Box 5236
Dallas, Texas 75222

AUTHORITY NO. M 6128

CASE NO. 5671-M-Ins.

August 4, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 22, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of August, 1970 .

bb

(Decision No. 75549)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JIMMY SANCHEZ, 1117 EDISON, ALAMOSA, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24152-PP ORDER OF THE COMMISSION

August 11, 1970

Appearances: Jimmy Sanchez,
Alamosa, Colorado,
pro se.

It appearing, That by Order of the Commission dated January 21, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Jimmy Sanchez, 1117 Edison, Alamosa, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 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;

RESTRICTIONS: Items 1, 2, 3, and 4 of this Permit are restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

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 as 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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
11th day of August, 1970.

vr

(Decision No. 75550)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALLACE W. WRIGHT, BOX 277, ROUTE 2, DELTA, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-7033 TO RAYMOND E. SCHMALZ, ROUTE 2, BOX 108, DELTA, COL COLORADO.

APPLICATION NO. 24384-PP-Transfer

ORDER OF THE COMMISSION

August 6, 1970

Appearances: Wallace W. Wright,
Delta, Colorado,
Transferor, pro se.

Raymond E. Schmalz,
Delta, Colorado,
Transferee, pro se.

It appearing, That by Order of the Commission dated June 10, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed.

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Wallace W. Wright, Box 277, Route 2, Delta, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7033 to Raymond E. Schmalz, Route 2, Box 108, Delta, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-7033 shall read and be as follows, to-wit:

"Transportation of

Farm products

Between all points within a fifty (50) miles radius of Delta, Colorado, and to and from said points, from and to points within the State of Colorado.

RESTRICTIONS: This Permit is restricted as follows:

(a) Against the transportation of livestock, bulk milk, and dairy products.

(b) To serving not more than ten (10) customers at any one time."

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 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 right of Transferee to operate under this Order shall be dependent upon 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
6th day of August, 1970.

vr

(Decision No. 75551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FREDDIE SMITH AND CHARLES A. WEEKLEY, DOING BUSINESS AS "W & S SAND & GRAVEL," BOX 366, CASTLE ROCK, COLORADO, FOR AUTHORITY TO TRANSFER CONTRACT CARRIER PERMIT NO. B-5965 TO MICHAEL DONAVON FRIEND AND MARY ANN FRIEND, DOING BUSINESS AS "W & S SAND & GRAVEL," 110 ASH STREET, CASTLE ROCK, COLORADO.	APPLICATION NO. 24457-PP-Transfer ORDER OF THE COMMISSION

August 11, 1970

Appearances: Earl L. Dazey, Esq.,
Castle Rock, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferees are fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Freddie Smith and Charles A. Weekley, doing business as "W & S Sand & Gravel," Box 366, Castle Rock, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-5965 to Michael Donavon Friend and Mary Ann Friend, doing business as "W & S Sand & Gravel," 110 Ash Street, Castle Rock, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-5965 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 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;

RESTRICTIONS: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

That said transfer shall become effective only if and when, but not before, said Transferors and Transferees, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty 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 right of Transferees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said Permit.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BUELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
11th day of August, 1970.

vr

(Decision No. 75552)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD H. ODOM, ROUTE 1, BOX 15,) APPLICATION NO. 24460-PP
CORTEZ, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT) ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)

August 6, 1970

Appearances: Richard H. Odom,
Cortez, Colorado,
pro se.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Richard H. Odom, Route 1, Box 15, Cortez, Colorado, be, and hereby is, authorized to operate as a class "B" contract 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 one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTIONS: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

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 as 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
6th day of August, 1970.

vr

(Decision No. 75553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EVERETT D. JOHNSON, BOX 253, 248 LAFEVER STREET, WALDEN, COLORADO, FOR AUTHORITY TO TRANSFER CONTRACT CARRIER PERMIT NO. B-7121 TO BURNEY DELMAR DOWDELL, DOING BUSINESS AS "DELMAR DOWDELL," 7TH & MAIN, WALDEN, COLORADO.

APPLICATION NO. 24461-PP-Transfer

ORDER OF THE COMMISSION

August 6, 1970

Appearances: Everett D. Johnson,
Walden, Colorado,
Transferor, pro se.

Burney Delmar Dowdell,
Walden, Colorado,
Transferee, pro se.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be deteremined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Everett D. Johnson, Box 253, 248 Lafever Street, Walden, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7121 to Burney Delmar Dowdell, doing business as "Delmar Dowdell," 7th & Main, Walden, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-7121 shall read and be as follows, to-wit:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills in said one hundred (100) mile radius to markets in the State of Colorado.

RESTRICTIONS: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

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 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 right of Transferee to operate under this Order shall be dependent upon 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
6th day of August, 1970.

vr

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(Decision No. 75554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LESLIE F. DUCOMMUN AND HAZEL C. NOE, FOR AUTHORITY TO TRANSFER THEIR CAPITAL STOCK AND CONTROL IN AND TO NATIONAL TOURS, INC., 322 SOUTH EIGHTH STREET, COLORADO SPRINGS, COLORADO, RECORD OWNER OF CERTIFICATE PUC NO. 111, TO JOSEPH N. EMMONS AND DARYLEEN H. EMMONS.	APPLICATION NO. 24331-Stock Transfer
IN THE MATTER OF THE APPLICATION OF LESLIE F. DUCOMMUN AND HAZEL C. NOE, FOR AUTHORITY TO TRANSFER THEIR CAPITAL STOCK AND CONTROL IN AND TO NATIONAL TOURS, INC. 322 SOUTH EIGHTH STREET, COLORADO SPRINGS, COLORADO, RECORD OWNER OF CERTIFICATE PUC NO. 123, TO JOSEPH N. EMMONS AND DARYLEEN H. EMMONS.	APPLICATION NO. 24332-Stock Transfer
IN THE MATTER OF THE APPLICATION OF LESLIE F. DUCOMMUN AND HAZEL C. NOE, FOR AUTHORITY TO TRANSFER THEIR CAPITAL STOCK AND CONTROL IN AND TO NATIONAL TOURS, INC., 322 SOUTH EIGHTH STREET, COLORADO SPRINGS, COLORADO, RECORD OWNER OF CERTIFICATE PUC NO. 132, TO JOSEPH N. EMMONS AND DARYLEEN H. EMMONS.	APPLICATION NO. 24333-Stock Transfer
IN THE MATTER OF THE APPLICATION OF LESLIE F. DUCOMMUN AND HAZEL C. NOE, FOR AUTHORITY TO TRANSFER THEIR CAPITAL STOCK AND CONTROL IN AND TO NATIONAL TOURS, INC., 322 SOUTH EIGHTH STREET, COLORADO SPRINGS, COLORADO, RECORD OWNER OF CERTIFICATE PUC NO. 138, TO JOSEPH N. EMMONS AND DARYLEEN H. EMMONS.	APPLICATION NO. 24334-Stock Transfer
IN THE MATTER OF THE APPLICATION OF LESLIE F. DUCOMMUN AND HAZEL C. NOE, FOR AUTHORITY TO TRANSFER THEIR CAPITAL STOCK AND CONTROL IN AND TO NATIONAL TOURS, INC., 322 SOUTH EIGHTH STREET, COLORADO SPRINGS, COLORADO, RECORD OWNER OF CERTIFICATE PUC NO. 164, TO JOSEPH N. EMMONS AND DARYLEEN H. EMMONS.	APPLICATION NO. 24335-Stock Transfer
IN THE MATTER OF THE APPLICATION OF LESLIE F. DUCOMMUN AND HAZEL C. NOE, FOR AUTHORITY TO TRANSFER THEIR CAPITAL STOCK AND CONTROL IN AND TO NATIONAL TOURS, INC., 322 SOUTH EIGHTH STREET, COLORADO SPRINGS, COLORADO, RECORD OWNER OF CERTIFICATE PUC NO. 618, TO JOSEPH N. EMMONS AND DARYLEEN H. EMMONS.	APPLICATION NO. 24336-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
LESLIE F. DUCOMMUN AND HAZEL C. NOE,)
FOR AUTHORITY TO TRANSFER THEIR CAPITAL)
STOCK AND CONTROL IN AND TO NATIONAL) APPLICATION NO.
TOURS, INC., 322 SOUTH EIGHTH STREET,) 24337-Stock Transfer
COLORADO SPRINGS, COLORADO, RECORD)
OWNER OF CERTIFICATE PUC NO. 1360, TO)
JOSEPH N. EMMONS AND DARYLEEN H. EMMONS.)
- -

ORDER OF THE COMMISSION

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August 10, 1970

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Appearances: Mervin A. Ziegler, Esq., Colorado Springs, Colorado, for Applicants.

It appearing, That by Order of the Commission dated May 13, 1970, notice of the filing of the above-entitled applications was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified applications as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the Transferees are fit, willing and able properly to control the operations called for and required by Certificates of Public Convenience and Necessity PUC Nos. 111, 123, 132, 138, 164, 618, and 1360, and that the following Order should be entered;

And we further find, That the transfer as applied for is compatible with the public interest;

IT IS ORDERED, That Leslie F. Ducommun and Hazel C. Noe be, and hereby are, authorized to transfer all their outstanding stock in and to National Tours, Inc., record owner of Certificates of Public Convenience and Necessity PUC Nos. 111, 123, 132, 138, 164, 618, and 1360, to Joseph N. Emmons and Daryleen H. Emmons, subject to encumbrances, if any, against said authorities.

That said transfers shall become effective only if and when, but not before, said Transferors and Transferees, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them or either of them kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfers, 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 the Transferors shall, upon proper adoption notice, become and remain those of the Transferees until changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of August, 1970.

hj

(Decision No. 75555)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC., A COLORADO CORPORATION, P.O. DRAWER J, BUENA VISTA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FURNISH ELECTRIC SERVICE FOR LIGHT, HEAT, POWER AND OTHER PURPOSES IN THE TERRITORY DESCRIBED IN THE INSTANT APPLICATION LOCATED IN PORTIONS OF CUSTER AND FREMONT COUNTIES, STATE OF COLORADO.	APPLICATION NO. 24372 RECOMMENDED DECISION AND ORDER BY COMMISSIONER EDWIN R. LUNDBORG

August 7, 1970

Appearances: Robert P. Rush, Esq., of Rush and Rush, Esqs., of Salida, Colorado, for Applicant.

Harry S. Petersen, Esq., of Petersen, Evensen, Mattoon and Tracey, Esqs., of Pueblo, Colorado, for Intervenor Sangre De Cristo Electric Association.

J. M. McNulty, Denver, Colorado, of the Staff of the Commission.

S T A T E M E N T

The above-entitled application was filed with the Commission on May 28, 1970 by Sangre De Cristo Electric Association, Inc. requesting a certificate of public convenience and necessity to furnish electric service in designated portions of Custer and Fremont Counties. Applicant will hereinafter be referred to as "Sangre De Cristo".

Central Telephone & Utilities Corporation filed a Petition to Intervene herein and, by Decision No. 75137 of June 22, 1970, the Commission granted said petition.

After due and proper notice to all interested persons, firms or corporations, the herein application was heard on a joint and consolidated record with Application No. 24352 by Commissioner Edwin R. Lundborg, on July 9, 1970, at the hearing room of the Commission in Denver, Colorado.

No one appeared at the hearing in opposition to the granting of the authority as herein sought. At the conclusion of the hearing the matter was taken under advisement.

Pursuant to the provisions of Section 115-6-9 (2), CRS 1963, as amended, I, Commissioner Edwin R. Lundborg, transmit herewith to the Commission the record and exhibits of the within proceeding, together with a written recommended decision which contains my findings of fact and conclusions thereon, together with my recommended order or requirement.

F I N D I N G S O F F A C T

From the record herein, it is found as fact the following:

1. That Applicant, Sangre De Cristo Electric Association, Inc., is a public utility within the meaning of the Public Utilities Act of the State of Colorado, and is a Colorado corporation authorized to do business within said state. Its Articles of Incorporation and Amendments thereto have heretofore been filed with the Commission. Applicant is engaged in the business of distribution of the sale of electric energy in the Counties of Lake, Chaffee, Custer and Fremont, and its principal place of business is Buena Vista, Colorado.

2. That, on or about September 25, 1958, this Commission issued its Decision No. 50984 granting to Applicant Sangre De Cristo a Certificate of Public Convenience and Necessity to serve portions of Lake, Chaffee, Custer and Fremont Counties and in said Decision the Commission authorized the rendering of electric service by Sangre De Cristo to portions of Custer and Fremont Counties on a nonexclusive basis with Southern (now Central Telephone).

3. That the area included in the pending Application No. 24352 of Central Telephone and the pending Application of Sangre De Cristo, No. 24372, are encompassed in the area designated as nonexclusive in said Commission's Decision No. 50984 above referred to. The purpose of the present application is to divide the nonexclusive area set forth in Decision No. 50984 into exclusive areas to be served by each Applicant.

4. That the exclusive area Sangre De Cristo is seeking is set forth in its application.

5. That Applicant has an adequate power supply available through interconnecting transmission lines throughout its entire area and has adequate employees and personnel to perform the services in the area they are requesting an exclusive right to serve. Applicant is financially able to perform the service and properly conduct its operations in said area.

6. That Applicant has already extended its plant lines and facilities into the area which it is requesting an exclusive right to serve.

7. That Applicant has indicated a willingness to relinquish its present customers in the area which the other Applicant is requesting the exclusive right to serve.

C O N C L U S I O N

From the above and foregoing findings, I conclude that the authority sought by Sangre De Cristo in its application will eliminate further duplication of facilities and will be to the best interest of the public in general. An appropriate Recommended Order will be entered.

R E C O M M E N D E D O R D E R

1. That the public convenience and necessity requires, and will require, that Applicant, Sangre De Cristo Electric Association, Inc., be granted the relief prayed for in its application, and this Order shall be taken, deemed and held to be a Certificate of Public Convenience and Necessity to render exclusive electric service in the area set forth below:

> Following described territory located in Fremont and Custer Counties, Colorado.
>
> PARCEL I.
> An area in Fremont County, the boundary of which is described as follows:
> Beginning at a point which is the Northwest corner of Section 30, Township 19 South, Range 72 West of the 6th Principal Meridian;
> Thence Easterly along the North lines of Sections 30, 29, 28, 27, 26 and 25, all in Township 19 South, Range 72 West of the 6th Principal Meridian to the Northeast corner of said Section 25; Thence Southerly along the East line of said Section 25

and Section 36 of said Township 19 South, Range 72 West, and continuing Southerly along the Easterly line of Township 20 South, Range 72 West of the 6th Principal Meridian to the Southeast corner of said Township 20 South, Range 72 West; Thence Westerly along the Southerly line of said Township and Range to the Southwest corner of said Township and Range; thence Northerly along the Westerly line of said Township and Range to the Northwest corner of said Township 20 South, Range 72 West, and continuing Northerly along the West lines of Sections 31 and 30 of Township 19 South, Range 72 West of the 6th Principal Meridian to the Northwest corner of said Section 30, the point of beginning.

PARCEL II:
An area in Custer County, the boundary of which is described as follows:
Beginning at the Northwest corner of Section 6, Township 22 South, Range 72 West of the 6th Principal Meridian; Thence Easterly along the North line of said Section 6 to the North 1/4 corner of said Section 6; Thence Southerly along the North/South centerlines of said Section 6, and of Sections 7, 18, and 19, all in Township 22 South, Range 72 West of the 6th Principal Meridian, to the South 1/4 corner of said Section 19; Thence Easterly along the South lines of said Section 19, and Section 20, said Township and Range, to the Easterly boundary of Colorado State Highway No. 69; Thence Southeasterly along said Easterly Highway boundary to the East/West centerline of Section 29, said Township and Range; Thence Easterly along the East/West centerlines of said Section 29, Sections 28, 27, 26, and 25, all in said Township and Range, and continuing Easterly along the East/West centerline of Section 30, Township 22 South, Range 71 West of the 6th Principal Meridian to the East 1/4 Corner of said Section 30; Thence Northerly along the West line of Sections 29, 20, 17 and 8, all in said Township 22 South, Range 71 West to the Northwest corner of said Section 8; Thence Easterly along the North line of said Section 8 to the Northeast corner of said Section 8; Thence Northerly along the West line of said Section 4 of said Township 22 South, Range 71 West, and continuing Northerly along the West line of Section 33, Township 21 South, Range 71 West of the 6th Principal Meridian to the Northwest corner of said Section 33; Thence Easterly along the North line of said Section 33 to the Northeast corner of said Section 33; Thence Northerly along the West line of Section 27, said Township 21 South, Range 71 West, to the Northwest corner of said Section 27; Thence Easterly along the North line of said Section 27 to the Northeast corner of said Section 27; Thence Northerly along the West lines of Sections 23, 14, and 11, said Township 21 South, Range 71 West to the Northwest corner of said Section 11; Thence Easterly along the North line of said Section 11 to the North 1/4 Corner of said Section 11; Thence Northerly along the North/South centerline of Section 2, said Township and Range to the North 1/4 Corner of said Section 2; Thence Easterly along the North lines of said Section 2 and Section 1 of said Township and Range to the Northwest corner of Township 21 South, Range 70 West of the 6th Principal Meridian; Thence continuing Easterly along the Northline of said Township 21 South, Range 70 West to the Northeast corner of said Township and Range; Thence Southerly along the East line of said Township and Range to the Southeast corner of said Township 21 South, Range 70 West, and continuing

Southerly along the East line of Sections 1 and 12 in Township 22 South, Range 70 West of the 6th Principal Meridian to the Southeast corner of said Section 12; Thence Westerly along the South lines of said Section 12, and Sections 11 and 10 of said Township 22 South, Range 70 West to the Southwest corner of said Section 10; Thence Southerly along the East lines of Sections 16, 21, and 28, said Township 22 South, Range 70 West to the Southeast corner of said Section 28; Thence Westerly along the South lines of said Section 28, and Sections 29 and 30 of said Township and Range, and continuing Westerly along the South lines of Sections 25, 26, 27, 28, 29, and 30, all in Township 22 South, Range 71 West of the 6th Principal Meridian, and also continuing Westerly along the South lines of Sections 25, 26, 27, 28, 29 and 30, all in Township 22, South, Range 72 West of the 6th Principal Meridian to the Southwest corner of said Section 30; Thence Northerly along the West lines of said Section 30, and Sections 19, 18, 7, and 6 of said Township 22 South, Range 72 West to the Northwest corner of said Section 6, the point of beginning.

2. That Sangre De Cristo shall for a period of not to exceed five years have the right to continue to serve its existing customers located within the boundaries of the territory being exclusively certificated to Central Telephone.

3. That this Recommended Decision and Order shall in no way affect the efficacy of Commission Decisions No. 58471, 58542 and 57576 granting Western Power & Gas Company (now Central Telephone) the right to serve customers in the Towns of Westcliffe and Silver Cliff, Colorado, and surrounding territory.

4. That Sangre De Cristo shall install, operate and maintain its electric system and service supply into the area described herein in accordance with its schedules of rates, rules and regulations now on file with this Commission or as the same may be changed in accordance with law and the rules and regulations of this Commission.

5. That Sangre De Cristo shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices in accordance with the Rules Regulating the Service of Electric Utilities, in accordance with the Commission's requirements.

6. That, in the absence of timely filing of exceptions or a stay by the Commission on its own motion, this Recommended Order shall become the Decision of the Commission and shall become effective 21 days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner

hj

(Decision No. 75556)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CENTRAL TELEPHONE & UTILITIES CORPORATION, A KANSAS CORPORATION, OF WHICH SOUTHERN COLORADO POWER COMPANY IS A DIVISION, 115 WEST 2ND STREET, PUEBLO, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FURNISH ELECTRIC SERVICE FOR LIGHT, HEAT, POWER AND OTHER PURPOSES IN THE TERRITORY DESCRIBED IN THE INSTANT APPLICATION LOCATED IN PORTIONS OF CUSTER AND FREMONT COUNTIES, STATE OF COLORADO.

APPLICATION NO. 24352

RECOMMENDED DECISION AND ORDER
BY
COMMISSIONER EDWIN R. LUNDBORG

August 7, 1970

Appearances: Harry S. Petersen, Esq., of Petersen, Evensen, Mattoon and Tracey, Esqs., Pueblo, Colorado, for Applicant.

Robert P. Rush, Esq., of Rush and Rush, Esqs., Salida, Colorado, for Intervenor, Sangre De Cristo Electric Association.

J. M. McNulty, Denver, Colorado, of the Staff of the Commission.

S T A T E M E N T

The above-entitled application was filed with the Commission on May 2, 1970 by Central Telephone & Utilities Corporation (of which Southern Colorado Power Company is a division) requesting a certificate of public convenience and necessity authorizing said company to furnish electric service in designated portions of Custer and Fremont Counties. Applicant will hereinafter be referred to as "Central Telephone" or "Southern".

Sangre De Cristo Electric Association filed a Petition to Intervene herein and, by Decision No. 75195 of June 25, 1970, the Commission granted said petition.

After due and proper notice to all interested persons, firms or corporations, the application was heard on a joint and consolidated

record with Application No. 24372 by Commissioner Edwin R. Lundborg, on July 9, 1970, at the hearing room of the Commission in Denver, Colorado. No one appeared at the hearing in opposition to the granting of the authority as herein sought. At the conclusion of the hearing the matter was taken under advisement.

Pursuant to the provisions of Section 115-6-9 (2), CRS 1963, as amended, I, Commissioner Edwin R. Lundborg, transmit herewith to the Commission the record and exhibits of the within proceeding, together with a written recommended decision which contains my findings of fact and conclusions thereon, together with my recommended order or requirement.

F I N D I N G S O F F A C T

From the record herein, it is found as fact the following:

1. That Applicant Central Telephone (of which Southern Colorado is a division) is a public utility within the meaning of the Public Utilities Act of the State of Colorado and is a Kansas corporation authorized to do business within the State of Colorado. Its Articles of Incorporation as Amended and a copy of the Authorization of the Applicant to do business in the state are on file with this Commission. Applicant Central Telephone is engaged in the business of generating electrical energy by steam power plants located at Pueblo in Pueblo County, Colorado, Canon City in Fremont County, Colorado, and Rocky Ford in Otero County, Colorado, and is transmitting and distributing electrical energy in the Counties of Pueblo, Otero, Bent, Crowley, El Paso, Fremont, Teller and Custer in the State of Colorado. Its principal Colorado office and post office address is Pueblo, Colorado.

2. That, on April 26, 1962, by original Decision No. 58471 and Decision No. 58542, dated May 4, 1962, amending said original Decision, Western Power & Gas Company, Inc. (now Central Telephone) was granted a Certificate of Public Convenience and Necessity to furnish electric service to customers within the Town of Westcliffe in Custer County, Colorado, and for the extension of the facilities, lines, plant and system of said Company in the territory surrounding said Town contiguous to said facilities,

lines, plant and system.

On November 24, 1961, by Commission Decision No. 57576 Western Power & Gas Company, Inc. (now Central Telephone) was granted a Certificate of Public Convenience and Necessity to furnish electric service to customers within the Town of Silver Cliff, Custer County, Colorado, and along the transmission lines in the territory surrounding said Town.

3. That, on September 25, 1958, this Commission issued Decision No. 50984 granting to Applicant Sangre De Cristo a Certificate of Public Convenience and Necessity to serve portions of Lake, Chaffee, Custer and Fremont Counties and in said Decision the Commission authorized the rendering of electric service by Sangre De Cristo to portions of Custer and Fremont Counties on a nonexclusive basis with Southern (now Central Telephone).

4. That the area included in the pending Application No. 24352 of Central Telephone and the pending Application No. 24372 of Sangre De Cristo are encompassed in the area designated as nonexclusive in said Commission's Decision No. 50984 above referred to. The purpose of the present application is to divide the nonexclusive area set forth in Decision No. 50984 into exclusive areas to be served by each Applicant.

5. That the exclusive area Central Telephone is seeking is set forth in its application.

6. That Applicant has an adequate power supply available through interconnecting transmission lines throughout its entire area and has adequate employees and personnel to perform the services in the area it is requesting an exclusive right to serve. Applicant is financially able to perform the service and properly conduct its operations in said area.

7. That Applicant has already extended its plant lines and facilities into the area which it is requesting an exclusive right to serve.

8. That Applicant has indicated a willingness to relinquish its present customers in the area which the other Applicant is requesting the exclusive right to serve.

C O N C L U S I O N

From the above and foregoing findings, I conclude that the authority sought by Central Telephone in its application will eliminate further duplication of facilities and will be to the best interest of the public general.

An appropriate Recommended Order will be entered.

R E C O M M E N D E D O R D E R

1. That the public convenience and necessity requires, and will require, that Applicant, Central Telephone & Utilities Corporation, be granted the relief prayed for in its application, and this Order shall be taken, deemed and held to be a Certificate of Public Convenience and Necessity to render exclusive electric service in the area set forth below:

> Following described territory located in Fremont and Custer Counties, Colorado (all range descriptions are Ranges West of the 6th Principal Meridian):
>
> Beginning at a point on the Fremont-Custer County line which point is the NW corner of Section 6, Township 21 S, Range 72 W, of the 6th Principal Meridian; thence east along the Fremont-Custer County Line to the NE corner of Section 1, Township 21 S, Range 72 W; thence northerly along the west boundary of Range 71 W to the NW corner of Section 30, Township 19S, Range 71W; thence east along the north line of Sections 30, 29, 28, 27, 26, and 25, Township 19 S, Range 71 W; thence continuing east along the north line of Sections 30, 29, 28, 27, 26, and 25 to the NE corner of Section 25, Township 19S, Range 70W; thence southerly along the east boundary of Range 70 W to the SW corner of Section 36, Township 20 S, Range 70 W; thence west along the Fremont-Custer County line to the NE corner of the NW 1/4 of Section 2, Township 21 S, Range 71 W; thence south to the south line of Section 2, Township 21 S, Range 71 W; thence west along the south line of Section 2, to the NE corner of Section 10, Township 21S, Range 71 W; thence south along the east line of Sections 10, 15, and 22 to the SE corner of Section 22, Township 21 S, Range 71 W; thence west along the south line of Section 22, to the NE corner of Section 28, Township 21 S, Range 71 W; thence south along the east line of Section 28, to the SE corner of Section 28, Township 21 S, Range 71 W; thence west along the south line of Section 28 to the NE corner of Section 32, Township 21S, Range 71W; thence south along the east line of Section 32, Township 21S, Range 71W; thence continuing south along east line of Section 5 to the SE corner of Section 5, Township 22S, Range 71W; thence west along south line of Section 5, to the NE corner of Section 7, Township 22S, Range 71W; thence south

along the east line of Sections 7, 18, 19, and 30, to the SE corner of the NE 1/4 of Section 30, Township 22S, Range 71 W; thence west along the south line of the N 1/2 of Section 30, Township 22S, Range 71W; thence continuing west along the south line of the N 1/2 of Sections 25, 26, 27, 28, and 29, Township 22S, Range 72W, to the intersection of the east right-of-way line of Colorado Highway No. 69; thence northwesterly along the east right-of-way line of Colorado Highway No. 69 to the south line of Section 20, Township 22S, Range 72W; thence west along the south line of Sections 20 and 19 to the SW corner of the SE 1/4 of Section 19, Township 22S, Range 72W; thence north along the west line of the E 1/2 of Sections 19, 18, 7, and 6 to the north line of Section 6, Township 22S, Range 72W; thence west along the north line of Section 6 to the NW corner of Section 6, Township 22S, Range 72W; thence north along the west boundary line of Range 72W to the NW corner of Section 6, Township 21S, Range 72W, which is the point of beginning.

2. That Central Telephone shall for a period of not to exceed five years have the right to continue to serve its existing customers located within the boundaries of the territory being exclusively certificated to Sangre De Cristo.

3. That this Recommended Decision and Order shall in no way affect the efficacy of Commission Decisions No. 58471, 58542 and 57576 hereinabove referred to, granting Western Power & Gas Company (now Central Telephone) the right to serve customers in the Towns of Westcliffe and Silver Cliff, Colorado, and surrounding territory.

4. That Central Telephone shall install, operate and maintain its electric system and service supply into the area described herein in accordance with its schedules of rates, rules and regulations now on file with this Commission or as the same may be changed in accordance with law and the rules and regulations of this Commission.

5. That Central Telephone shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices in accordance with the Rules Regulating the Service of Electric Utilities, in accordance with the Commission's requirements.

6. That, in the absence of timely filing of exceptions or a stay by the Commission on its own motion, this Recommended Order shall become the Decision of the Commission and shall become effective 21 days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner

hj

(Decision No. 75557)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
Albert Debraccio dba) AUTHORITY NO. B-5912-I
Debraccio Trucking)
263 South Monroe Road) CASE NO. 2172-H-Ins.
Tallmadge, Ohio 44278)
)

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- - - - - - - - - -
August 5, 1970
- - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 25, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5 day of August, 1970.

be

(Decision No. 75558)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Tasco, Inc.)
P.O. Box 1072) AUTHORITY NO. 7521-I
Dumas, Texas 70029)
) CASE NO. 2206-H-Ins.
)
)

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- - - - - - - - - - -
August 5, 1970
- - - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 22, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5 day of August, 1970.
be

(Decision No. 75559)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
ROBERT GREENFIELD DBA)
GREENFIELD HAY AND FEED) AUTHORITY NO. M 1792
Stuart, Nebraska 68780)
) CASE NO. 5755-M-Ins.
)
)

August 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 27, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1970 .

bb

(Decision No. 75560)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

KENNETH M. WILSON COMPANY, INC.
126 Murphree Avenue
Centerville, Tennessee 37033

AUTHORITY NO. M 77

CASE NO. 5751-M-Ins.

August 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 13, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1970 .

(Decision No. 75561)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

ALFORD H. SOWDER
410 Maple St.
Ft. Morgan, Colorado 80701

AUTHORITY NO. M 8882

CASE NO. 5841-M-Ins.

August 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 27, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1970 .

bb

(Decision No. 75562)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 1440 & I)
)
By: Geiser Feed & Truck)
La Veta, Colorado 81055)
)
Respondent.)

CASE NO. 39-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75563)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 797 & I)
)
By: Gunnison Trucking, Inc.)
10th & Tomichi)
Gunnison, Colorado 81230)
Respondent.)

CASE NO. 40-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75564)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 1945)
)
By: Clarence Boshart)
1340 So. 25th)
Colorado Springs, Colorado)
80904 Respondent.)

CASE NO. 48-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75565)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 2075)
)
By: Doyle's House Moving)
1295 South Ogden Street)
Denver, Colorado 80210)
Respondent.)

CASE NO. 52-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75566)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 6899

By: Longmont Taxi Service
106 9th Avenue
Longmont, Colorado 80504
Respondent.

CASE NO. 61-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75567)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 32 & I)
)
By: Mountain Express Truck Line)
2903 N. Tejon Street)
Colorado Springs, Colo. 80907)
Respondent.)

CASE NO. 63-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75568)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 1127 & Permit No. B-3009

By: Gilpin County Freight Service
3879 Blake Street
Denver, Colorado 80205
Respondent.

CASE NO. 56-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75569)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3141)
)
By: Ryberg-Waldorf Housemovers Co.)
6122 Eaton Street)
Arvada, Colorado 80002)
Respondent.)

CASE NO. 64-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75570)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEO J. DURAN, P.O. BOX 327, MINTURN,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 7409 TO PEMACO, INC., 544)
McINTIRE, EAGLE, COLORADO.)
- - - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24202-Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

- - - - - - - - -
August 11, 1970
- - - - - - - - -

Appearances: James W. Schroeder, Esq.,
Denver, Colorado, for Applicants.
Stewart H. Brown, Esq.,
Vail, Colorado, for Hans Weibel
and Mervyn Lapin, doing business
as "Eagle County Trash Removal Service,"
Protestants.
S. Douglas McLaughlin, Esq.,
Vail, Colorado, for Isidoro O. Quintana,
doing business as "Isidoro O. Quintana,"
Intervenor.

PROCEDURE AND RECORD

Under date of February 19, 1970, Applicants filed the above-entitled application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 7409, to operate as a common carrier by motor vehicle for hire, from Leo J. Duran to Pemaco, Inc.

Transferee requested temporary authority for the interim period prior to the granting of permanent authority, and on March 11, 1970, was granted such temporary authority.

The Commission assigned No. 24202-Transfer to the application for permanent authority.

The following Protest and Petition for Intervention were received by the Commission subsequent to the filing of the application: On March 30, 1970, a Protest of Hans Weibel and Mervyn Lapin, doing business as "Eagle County Trash Removal Service," and on May 25, 1970, a Petition for Intervention of Isidoro O. Quintana, doing business as "Isidoro O. Quintana."

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Prime Rib Room, Red Lion Inn, Corner Bridge Street and Hanson Ranch Road, Vail, Colorado, on June 2, 1970, at 10 a.m.

Upon request of counsel for Protestants, Hans Weibel and Mervyn Lapin, doing business as "Eagle County Trash Removal Service," the following Subpoenas to Testify at the hearing were issued by the Secretary of the Commission and served by the respective authorities on the following persons, to-wit: Virginia Tanhoff, Charles P. Anderson, Blake F. Lynch, Terry Minger, Rodney Slifer, Theodore Poliac, Thomas Steinberg, Mike Dawson, Gordon Brittan, Joseph Staufer, and George Knox, residents of Vail, Colorado; Allen Albert, a resident of Redcliff, Colorado; and Leo Duran and Isabel Trujillo, residents of Minturn, Colorado. Upon the same request, a Subpoena Duces Tecum was issued by the Secretary of the Commission and served by George Miller, Deputy Sheriff of the County of Eagle, State of Colorado, upon Leo Duran, at Minturn, Colorado, for the production at the hearing of books of his [Leo Duran's] business including his rate or tariff schedule, payroll record, and account books showing receipts and expenditures in the operation of his business for the three years ending April 1, 1970. The persons under Subpoena were present in the Hearing Room at the time of the hearing and Leo Duran produced his books of business as ordered.

On June 1, 1970, Intervenor, Isidoro O. Quintana, by and through his counsel, S. Douglas McLaughlin, filed a Motion for Continuance of the aforesaid hearing, which said Motion was withdrawn by Intervenor at the hearing.

The hearing was held at the aforesaid time and place.

At the hearing, counsel for Protestants, Hans Weibel and Mervyn Lapin, doing business as "Eagle County Trash Removal Service," moved for consolidation of the hearings on Applications No. 24201 and 24202-Transfer, which said Motion was denied by the Examiner.

Leo J. Duran, Transferor; Robert V. Mayne, President of the Transferee corporation, Pemaco, Inc.; Jess A. Pettit, Vice-President of Transferee corporation, Pemaco, Inc.; Daniel Koprinikar, Eagle County Commissioner; Ned Oyler, President of the First National Bank of Eagle County; Robert T. Lazier, a lodge owner at Vail, Colorado; Harlan E. Choate, a manager of rental property at Big Horn, Colorado; W. Keith Troxel, an operator of a service station at Vail, Colorado; Robert W. McMillan, an investor and painter at West Vail, Colorado; and Wallace Thatcher, a purchasing agent for Vail Associates, Inc., at Vail, Colorado, testified in support of the application.

Blake F. Lynch, former Town Coordinator and Manager of Vail, Colorado; Terry J. Minger, present Town Manager of Vail, Colorado; Rodney Slifer, a real estate broker in Vail, Colorado; Thomas I. Steinberg, the County Public Health Officer of the County of Summit, State of Colorado, and a physician in Vail, Colorado; Allen S. Albert, Mayor of the Town of Redcliff, Colorado; Charles P. Anderson, managing agent for a condominium development in Vail, Colorado; Richard J. Malmgren, a high school principal at Minturn, Colorado; Virginia M. Tanhoff, a former manager of a condominium in Vail, Colorado; and Theodore Poliac, President of the County School Board, County of Summit, State of Colorado, testified for Protestants.

Official notice was taken of the following documents filed with the Commission by Applicants, to-wit: Designation of Agent, Equipment List and Financial Statement of Pemaco, Inc., Disclosure of Mortgages and Liens, and the Sales Agreement between Transferor and Transferee.

Applicants' Exhibits numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and Protestants' Exhibits numbered 2a, 3a, 4a, 5a, and 15 were tendered and admitted into evidence.

The Hearing Examiner granted Protestants leave to submit a Statement of Position within ten (10) days after the conclusion of the hearing and granted Applicants leave to submit a Statement of Position within ten (10) days thereafter.

At the conclusion of the hearing, the subject matter was taken under advisement.

Statements of Position were timely filed by Protestants and Applicants.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Transferor herein is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 7409, 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. Transferor has and shall retain Permit No. B-6483, which said authority is not in conflict with nor does it have any bearing on the instant transfer proceeding.

4. Transferee herein does not hold previously granted authority from this Commission.

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. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents.

7. Transferee corporation owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

8. The chief corporate officers as well as the employees of Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

10. There has been a partial breakdown of service by Transferor due to equipment failure and, in particular, during the Christmas season in December of the year 1969 when the Town of Vail, Colorado, was forced to hire additional help in order to remove accumulation of trash and garbage. This situation has since been remedied by Transferor and the services of trash and garbage removal have improved considerably since the time Transferee has acquired temporary authority from this Commission. At the present, no major complaints against the Transferee with respect to its services are outstanding.

11. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The Protest of Protestants should be, and hereby is, dismissed.

2. The transfer sought by Applicants should be granted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Leo J. Duran, P.O. Box 327, Minturn, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7409 to Pemaco, Inc., a Colorado corporation, 544 McIntire, Eagle, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 7409 shall read and be as follows, to-wit:

> "Transportation of
>
> Ash, trash, and other refuse
>
> From all points within Vail, Colorado, and a twenty-five (25) mile radius thereof, to designated and approved dumps and disposal sites within Eagle County, Colorado.
>
> RESTRICTION:
>
> This Certificate is restricted against rendering service within that portion of said twenty-five (25) mile radius lying within Summit County, Colorado."

3. That the encumbrance to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

4. 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.

5. The right of Transferee to operate under this Order shall depend upon the prior filing of an annual report of Transferor herein, covering the operations under said Certificate up to the time of transfer of said Certificate.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iseman
Examiner

rm/hj

(Decision No. 75571)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER CERTIFICATE OF AUTHORITY, PUC NO. 305

By: FT. LYON BUS & TAXI SERVICE
207 MOORE
LAS ANIMAS, COLORADO 81054

CASE NO. 54-AR

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER

August 10, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado
of the Staff of the Commission

PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115, CRS 1963, as amended) and the Rules and Regulations of this Commission: Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2 concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by June 25, 1970.

The Commission, by Decision No. 75174, dated June 25, 1970, ordered Respondent to appear before the Commission on August 5, 1970, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 305.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS, 1963, as amended, said Examiner transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 305.

2. Respondent, Ft. Lyon Bus & Taxi Service, is a common carrier by motor vehicle, and a public utility in the meaning of the Public Utilities Law of the State of Colorado;

3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;

4. Annual Report Forms were mailed to Respondent on January 14, 1970;

5. On May 6, 1970, Respondent was notified and required to file an Annual Report for the calendar year 1969 within twenty-one (21) days from the date of said notice;

6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;

7. The Commission, by Decision No. 75174, dated June 25, 1970, Case No. 54-AR, issued an order to show cause and notice of hearing to Respondent;

8. Hearing was held on August 5, 1970;

9. Respondent failed to appear before the Commission as directed by Decision No. 75174, dated June 25, 1970.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, Ft. Lyon Bus & Taxi Service, being Certificate of Authority, PUC No. 305, be revoked and cancelled as of September 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty Dollars ($50.00) to the Treasurer of the State of Colorado, and in addition file its 1969 Annual Report with this Commission, on or before September 10, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law

of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to Section 115-6-9, (2), CRS 1963, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, Ft. Lyons Bus & Taxi Service, Certificate of Authority, PUC No. 305, be, and the same hereby is, revoked and cancelled as of September 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent;

a. File its 1969 Annual Report with this Commission on or before September 10, 1970;

b. In addition, pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, on or before September 10, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Act.

2. In which event, if said full payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided in Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Ingebretsen
Examiner

av

(Decision No. 75572)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE DIVISION OF HIGHWAYS - STATE OF COLORADO FOR AUTHORITY TO INSTALL AUTOMATIC FLASHING LIGHT SIGNALS WITH SHORT ARM GATES ON STATE HIGHWAY 72 AND THE EXISTING GRADE CROSSING OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY TRACKS AT MILEPOST 36.93 BETWEEN DENVER AND EAST PORTAL NEAR PINECLIFFE, BOULDER COUNTY, COLORADO.	APPLICATION NO. 24309

August 12, 1970

S T A T E M E N T

BY THE COMMISSION:

On April 22, 1970, the Division of Highways of the State of Colorado (Division), filed its application in accordance with the rules of this Commission, seeking approval for installation of automatic flashing light signals with short arm gates at the highway-railroad grade crossing as noted above.

Explanatory material as submitted with the instant application includes:

Exhibit A: White print copy of a portion of Rio Grande Railroad Station Map for Pinecliffe, Colorado, to show general location of the crossing site, the double-track rail line, State Highway No. 72, and Boulder Creek as the boundary between Boulder County on north and Gilpin County at south side of the river.

Exhibit B: White print copy of Project Plan Sheet No. 2 to show the crossing situation; including location and wiring diagram for proposed automatic flasher signals and short arm gates.

With reference to the instant application and other investigation data of the Commission, it appears this crossing has existed for many years as part of the State Highway 72 routing via Coal Creek Canon

between Denver and a Junction with the Peak to Peak Road - Colorado No. 119 - at some three miles south from Nederland, Colorado.

Pinecliffe is a small summer home community which developed in connection with the railroad operations and convenient passenger train service out of Denver.

Currently there is new development of permanent homes in this mountain area at some 40 miles from Denver, with the new problems of commuter travel by auto and local school bus movement of both elementary and high school students over Colorado Highway No. 72. Present highway traffic is 700 vehicles daily. The crossing is protected with reflectorized signing of: two crossbuck signs and two standard advance warning signs. The roadway is asphalt paved at 26 feet wide. The crossing is made on a near right angle and constructed of timber panels for a length of 32 feet.

The crossing involves the mainline track and a passing track. At a short distance west from the crossing there is a switch and local siding track. Permitted train speed in this mountain territory is 25 miles per hour. There is an average of 20 scheduled train movements per day including the equivalent of one daily passenger train movement over the crossing by the California Zephyr on an alternating east and west schedule every other day.

Train movements over this crossing are variable due to seasonal coal and fruit movements. Train speeds are also variable in connection with passing track use for train meets or passing movements.

It appears the instant proposal for signal protection by Division of Highways is in response to public inquiries and requests by the Boards of County Commissioners of both Boulder and Gilpin Counties. There are no immediate plans for widening of the crossing. Highway speed in the crossing area is limited to 15 miles per hour due to curvature of the road approaches and limited space in this canon location to also cross the nearby Boulder Creek.

According to an Agreement dated April 17, 1970, between Division of Highways and The Denver and Rio Grande Western Railroad Company, it is provided that the Railroad will be reimbursed for ninety percent (90%) of all expenses it incurs incidental to installation of the protection devices and will be paid in accordance with the current Federal and State rules and regulations applicable thereto. The Denver and Rio Grande Western Railroad Company is participating to the extent of ten percent (10%) of the initial cost. Maintenance, repair and operation of the protection devices at said grade crossing shall be and remain the responsibility of The Rio Grande Railroad. Said Agreement, when fully executed by the interested parties, will be submitted to the Commission by Division of Highways as a "Late-filed Exhibit".

Proposed signals (Exhibit B) will consist of two standard mast-type flasher signal units to be supplemented with short arm gates. Distribution of estimated protection expense is as follows:

$22,695 Total

$2,270 or 10% by The Denver and Rio Grande Western Railroad Company

$20,425 or 90% by Federal and State - Division of Highways.

In further review of the proposal, the Commission forwarded a copy of the application, together with a Notice, to interested parties, including also the Boards of Boulder and Gilpin County Commissioners, to ascertain if any other action was desired within the period of thirty (30) days as designated in said Notice. No adverse reply has been received by the Commission.

After consideration of the instant proposal, it is the belief of the Commission that effectiveness of automatic signal protection is accepted by the utility and the public agencies involved herein. With the current trend of mountain home living, it is certain there will be increases in both the local and transient traffic volumes. It is

apparent the installation of safety devices as sought 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 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 installation and approval of standard flashing type automatic crossing signals with short arm gates at the grade crossing of State Highway No. 72, over the main track and a passing track of The Denver and Rio Grande Western Railroad Company at Milepost 36.93, Pinecliffe, Boulder County, Colorado.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

1. The Denver and Rio Grande Western Railroad Company, upon the application of Division of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, authorized and directed to install, operate and maintain standard automatic flashing-light grade crossing signals with short arm gates at the grade crossing of State Highway No. 72, over the main track and passing track of said railroad at Milepost 36.93, Pinecliffe, Boulder County, Colorado.

2. The work to be done, costs, installation and maintenance of the protection devices, shall be as indicated in the preceding Statement. Said Statement, the Agreement herein, and the Location Exhibits

are all by reference incorporated into the record of this proceeding and are hereby approved.

3. The signal devices and installation shall all be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection.

4. The Commission hereby retains jurisdiction to make such further order or orders as may be required in the instant matter.

5. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
12th day of August, 1970.

vr

(Decision No. 75573)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER CERTIFICATE OF AUTHORITY, PUC No. 1229 & I

By: H. W. Billings
601 West Sixth
Springfield, Colorado 81073

Respondent

CASE NO. 47-AR

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER

August 10, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado
of the Staff of the Commission

PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115, CRS 1963, as amended) and the Rules and Regulations of this Commission: Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2 concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by June 25, 1970.

The Commission, by Decision No. 75167, dated June 25, 1970, ordered Respondent to appear before the Commission on August 5, 1970, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 1229 & I.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 1229 & I.

2. Respondent, H. W. Billings, is a common carrier by motor vehicle, and a public utility in the meaning of the Public Utilities Law of the State of Colorado;

3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;

4. Annual Report Forms were mailed to Respondent on January 14, 1970;

5. On May 6, 1970, Respondent was notified and required to file an Annual Report for the calendar year 1969, within twenty-one days from the date of said notice;

6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;

7. The Commission, by Decision No. 75167, dated June 25, 1970, Case No. 47-AR, issued an Order to Show Cause and Notice of Hearing to Respondent;

8. Hearing was held on August 5, 1970;

9. Respondent failed to appear before the Commission as directed by Decision No. 75167, dated June 25, 1970.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, H. W. Billings, being Certificate of Authority, PUC No. 1229 & I, be revoked and cancelled as of September 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty Dollars ($50.00) to the Treasurer of the State of Colorado, and in addition file its 1969 Annual Report with this Commission on or before September 10, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to section 115-6-9 (2), CRS 1968, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, H. W. Billings, being Certificate of Authority, PUC No. 1229 & I, be, and the same hereby is, revoked and cancelled as of September 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent:

a. File its 1969 Annual Report with this Commission on or before September 10, 1970;

b. In addition pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, on or before September 10, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Act.

2. In which event, if said full payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iseubergh
Examiner

av

(Decision No. 75574)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RONALD ACTON & W. E. SKELTON)
DOING BUSINESS AS) PUC NO. 6562-I
MIDWEST LIVESTOCK EXPRESS)
WAUNETA, NEBRASKA 69045)

December 30, 1970

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, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1970.
hbp

(Decision No. 75575)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
William E. Carroll)
Doing Business As) PUC NO. 7887-I
CARROLL'S TOMATO HOUSE)
6005 South Hillcrest Drive)
Oklahoma City, Oklahoma 73159

December 30, 1970

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, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1970.

hbp

(Decision No. 75576)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT G. BOLANDER AND GALE R. HANKEL,)
DOING BUSINESS AS "HIGH COUNTRY GUIDE) APPLICATION NO. 24414
SERVICE," P. O. BOX 652, GEORGETOWN,)
COLORADO, FOR A CERTIFICATE OF PUBLIC) ORDER OF THE COMMISSION
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE.)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - -
August 12, 1970
- - - - - - - -

Appearances: Robert G. Bolander & Gale R. Hankel, Georgetown, Colorado, pro se.

It appearing, That by Order of the Commission dated June 24, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants the grant of authority as hereafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the present or future public convenience and necessity requires or will require Applicants' transportation service as hereinafter ordered;

And we further find, That the Applicants are fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Robert G. Bolander and Gale R. Hankel, doing business as "High Country Guide Service," P. O. Box 652, Georgetown, Colorado, be, and hereby are, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

"Transportation -- in sightseeing service -- of

Passengers

Between points within Clear Creek County, State of Colorado.

RESTRICTION: This certificate is restricted as follows:

(a) All transportation service to be rendered under this certificate shall both originate and terminate at the same point within one of the following towns:

a) Georgetown, Colorado
b) Silver Plume, Colorado
c) Empire, Colorado
d) Idaho Springs, Colorado

(b) To the use of four (4) wheel drive vehicles, snow cats, snow mobiles, or all-terrain vehicles (land, snow or water vehicles)."

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

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

That the holders of this Certificate 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 the holders of this certificate 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
12th day of August, 1970 jk

(Decision No. 75577)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R M A, INC., 1421 COURT PLACE,)
DENVER, COLORADO 80202, FOR A CER-) APPLICATION NO. 24412
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY AIR.)

August 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 17, 1970, the above-captioned application was filed with this Commission. On June 24, 1970, all interested persons, firms or corporations were given notice that the application had been filed and that all written protests, objections, petitions for leave to intervene or other appropriate pleadings to become a party to the proceeding must be filed with the Commission within thirty (30) days of such notice.

On July 24, 1970, the Board of County Commissioners, in and for the County of Routt and State of Colorado, by their attorney, Robert H. Gleason, filed with the Commission their request for an extension of time up to and including the fifteenth day of September, 1970, within which to file the appropriate pleadings to the above-captioned application.

On July 28, 1970, the Town of Steamboat Springs, Colorado, by its attorney, Nicholas Magill, filed with the Commission its request for an extension of time up to and including the fifteenth day of September, 1970, within which to file the appropriate pleadings to

the above-captioned application.

The Commission states and finds that good cause being shown, the said requests are in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Board of County Commissioners, in and for the County of Routt and State of Colorado, be, and hereby is, granted an extension of time up to and including the fifteenth day of September, 1970, within which to file the appropriate pleadings to the above-captioned application.

2. The Town of Steamboat Springs, Colorado, be, and hereby is, granted an extension of time up to and including the fifteenth day of September, 1970, within which to file the appropriate pleadings to the above-captioned application.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
12th day of August, 1970. jk

(Decision No. 75578)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MATEO SANFILIPO, DOING BUSINESS AS)
"CITY CAB COMPANY," UNION DEPOT,)
PUEBLO, COLORADO 81001, FOR AUTHOR-) APPLICATION NO. 24432-Extension
ITY TO EXTEND OPERATIONS UNDER)
PUC NO. 2282.)
- - - - - - - - - - - - - - - - - -

- - - - - - - - -
August 12, 1970
- - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 30, 1970, Denver-Colorado Springs-Pueblo Motorway, Inc., by and through its attorney, John R. Barry, filed a Motion To Intervene in the above-captioned proceeding and caused copy of said Motion to be served by mail upon Applicant's attorney, Gaspar F. Perricone.

The Commission states and finds that applicant for intervention, Denver-Colorado Springs-Pueblo Motorway, 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:

The Motion to Intervene by Denver-Colorado Springs-Pueblo Motorway, Inc., be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
12th day of August, 1970. jk

(Decision No. 75579)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MICHAEL A. CAVOTO, DOING BUSINESS AS "ABLE ASH AND TRASH," 4738 SOUTH IRVING STREET, ENGLEWOOD, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3211 TO JOE R. SANDOVAL, SR., AND JOE R. SANDOVAL, JR., DOING BUSINESS AS "JOE R. SANDOVAL & CO.," 3280 SOUTH CLAY STREET, ENGLEWOOD, COLORADO.	APPLICATION NO. 24313-Transfer RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER.

August 11, 1970

Appearances: Joe Clarence Medina, Esq.,
Denver, Colorado, for Applicants.

PROCEDURE AND RECORD

Under date of April 28, 1970, Applicants filed the above-entitled application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 3211, to operate as a common carrier by motor vehicle for hire, from Michael A. Cavoto, doing business as "Able Ash and Trash," to Joe R. Sandoval, Sr., and Joe R. Sandoval, Jr., doing business as "Joe R. Sandoval & Co."

Transferees requested temporary authority for the interim period prior to the granting of permanent authority, and on May 12, 1970, were granted such temporary authority.

The Commission assigned No. 24313-Transfer to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on July 2, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Joe R. Sandoval, Sr., testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Transferor herein is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 3211, 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 do not hold previously granted authority from this Commission. However, one of the Transferee partners, Joe R. Sandoval, Sr., owns and operates Permit No. M-6394, which has no bearing on the instant proceeding.

4. Transferees also intend to use the name "Able Rubbish Removal" and the authority, when transferred, should include that business trade name.

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. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents.

7. Transferees own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

8. Transferees are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Michael A. Cavoto, doing business as "Able Ash and Trash," 4738 South Irving Street, Englewood, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3211 to Joe R. Sandoval, Sr., and Joe R. Sandoval, Jr., doing business as "Joe R. Sandoval & Co.," and "Able Rubbish Removal," 3280 South Clay Street, Englewood, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3211 shall read and be as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From points within the City and County of Denver, State of Colorado, to designated and approved dumps and disposal sites within the Counties of Denver, Adams, Arapahoe, and Jefferson, State of Colorado."

3. That the encumbrance to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

4. 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 this Commission, upon proper application.

5. That the right of Transferees to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificate up to the time of transfer of said Certificate.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILTIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner
rm/vr

(Decision No. 75580)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TOM GRAHAM, 1155 HOLLY, DENVER,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-980.)
- - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24181-PP-Extension

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

- - - - - - - -

August 11, 1970

Appearances: Tom Graham, Denver, Colorado, pro se.

PROCEDURE AND RECORD

Under date of February 2, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned No. 24181-PP-Extension to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on June 4, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Tom Graham and David Henderson testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Official notice was taken of the following documents on file with this Commission, to-wit: Equipment List and Insurance Papers.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.

2. Applicant presently holds authority from this Commission under Permit No. B-980, which reads as follows:

> "1. Transportation of meat meal from rendering plants in Denver, Colorado, and points within a five-mile radius thereof to the Ralston-Purina Plant located at Denver, Colorado.
>
> 2. Transportation of spent brewers grains in bulk from the Coors Brewery, Golden, Colorado, to the Ralston-Purina Company Plant, Denver, Colorado, for one customer only, Ralston-Purina Company."

3. The authority to which extension is hereby sought, Permit No. B-980, 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-980 as follows:

> "Transportation of meat meal from rendering plants in Denver, Colorado, and points within a five (5) mile radius thereof to the Ralston-Purina Plants wherever same may be located. Transportation of spent brewers grains in bulk from the Coors Brewery, Golden, Colorado, to the Ralston-Purina Plants; restricted, however, to one customer only, the Ralston-Purina Company."

5. Ralston-Purina Company is constructing a new plant in the County of Adams, State of Colorado, at East 90th Avenue and Yosemite Street, and needs or will need the services of Applicant at that location. Basically, this is the reason why Applicant petitioned this Commission for extended authority.

6. Applicant holds previously granted authority from this Commission, to-wit: Permit No. M-7202, which has no bearing on the herein matter.

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

8. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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. Applicant has entered into special carriage contracts with customers.

11. There is a present and special need for the service of Applicant.

12. The extension of authority as applied for will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Tom Graham, 1155 Holly Street, Denver, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-980 as follows:

"Transportation of meat meal from rendering plants in Denver, Colorado, and points within a five (5) mile radius thereof to the Ralston-Purina Plants wherever same may be located. Transportation of spent brewers grains in bulk from the Coors Brewery, Golden, Colorado, to the Ralston-Purina Plants; restricted, however, to one customer only, Ralston-Purina Company."

2. That henceforth the full and complete authority under Permit No. B-980 shall read and be as follows, to-wit:

"Transportation of

(1) Meat meal

From rendering plants located within Denver, Colorado, and a five (5) mile radius thereof to Ralston-Purina Co. Plants located within the State of Colorado.

RESTRICTION:

Item (1) of this Permit is restricted to serving not more than ten (10) customers at any one time.

(2) Spent brewers grains (in bulk)

From the Coors Brewery, Golden, Colorado, to Ralston-Purina Co. Plants located within the State of Colorado.

RESTRICTION:

Item (2) of this Permit is restricted to rendering transportation service for one customer only, viz: Ralston-Purina Co."

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

4. 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.

5. 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.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iglenberg

Examiner

rm/vr

(Decision No. 75581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

SOUTHEAST COLORADO POWER ASSOCIATION 901 WEST THIRD STREET LA JUNTA, COLORADO, Complainant, vs. THE UTILITIES BOARD OF THE CITY OF LAMAR LAMAR, COLORADO, Respondent.	CASE NO. 5382
SOUTHEAST COLORADO POWER ASSOCIATION 901 WEST THIRD STREET LA JUNTA, COLORADO, Complainant, vs. THE UTILITIES BOARD OF THE CITY OF LAMAR LAMAR, COLORADO, Respondent.	CASE NO. 5395
SOUTHEAST COLORADO POWER ASSOCIATION 901 WEST THIRD STREET LA JUNTA, COLORADO, Complainant, vs. THE UTILITIES BOARD OF THE CITY OF LAMAR LAMAR, COLORADO, Respondent.	CASE NO. 5396

RECOMMENDED DECISION
OF GIRTS KRUMINS,
EXAMINER

August 14, 1970

Appearances: Carl M. Shinn, Esq., Lamar, Colorado, and
Thomas T. Farley, Esq., Pueblo, Colorado,
for Southeast Colorado Power Association;
John R. Barry, Esq., Denver, Colorado, and
Harlan Johnson, Esq., Lamar, Colorado,
for The Utilities Board of the City of Lamar.

PROCEDURE AND RECORD

The above-entitled Complaints were filed by the Southeast Colorado Power Association, hereinafter referred to as "Southeast", as follows: Case No. 5382 (hereinafter referred to as the Reyher Case) on October 30, 1968; Case No. 5395 (hereinafter referred to as the Airport Case) on April 14, 1969; and Case No. 5396 (hereinafter referred to as the Morrow Case) on May 7, 1969.

Subsequently, pursuant to the Commission's Orders to Satisfy or Answer, timely Answers were filed by The Utilities Board of the City of Lamar, Respondent, hereinafter sometimes referred to as "Lamar" or "The Utilities Board." A Cross-Complaint by Lamar was filed on May 20, 1969, and an Answer thereto by Southeast was filed on June 19, 1969.

After certain discovery procedures were completed and after due and proper notice to all interested parties, the matters were set for hearing on Monday, December 8, 1969, at 10 a.m. at the District Court, Courthouse, Lamar, Colorado, at which time and place the matters were duly heard by Girts Krumins who was designated Examiner in these proceedings pursuant to law. Since many of the issues in the three Complaint Cases were the same and there being no objection by the parties, the three Cases were consolidated for hearing and heard on a joint record.

Complainant's Exhibits Nos. 1, 2, 3, 5, 7, 8, 9, 11, 12, 13, 17, 18, 19, 19-A, 20 and 21 were admitted into evidence. Respondent's Exhibits A, B, C, and D were admitted into evidence. Complainant's Exhibit No. 4 was rejected, No. 6 was withdrawn, and Nos. 14 and 14-A were rejected. Official notice was taken of Commission Decisions No. 2946 (1930) and No. 21392 (1943).

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceedings together with his recommended decision and order.

FINDINGS OF FACT

From the record herein, the Examiner finds as fact, that:

1. Southeast is a cooperative corporation organized under the laws of the State of Colorado operating as a public utility under the jurisdiction of the Commission, engaged in the business of purchase, distribution and sale of electric energy in certain areas in Bent and Prowers Counties as well as other areas within the State of Colorado.

2. Lamar is a municipal agency constituted under the Charter of the City of Lamar, a municipal corporation in the State of Colorado, engaged in the business of generation, purchase, distribution and sale of electric energy both inside and outside the city limits of Lamar, Prowers County, Colorado. It is a public utility subject to the jurisdiction of the Commission as far as its electric operations outside the city limits of Lamar are concerned.

3. The subject matter of these proceedings is within the jurisdiction of the Commission.

4. The Complaints herein involve territory which is certificated to Lamar; nevertheless, Southeast has built extensive lines and provides service to a substantial number of customers in the area. This situation occurred generally at a time when Southeast was first organized as an electric cooperative furnishing electric service

to its members. As such, and with respect to all areas considered herein, Southeast was not a public utility under the jurisdiction of the Commission until a statutory change was enacted in 1961 declaring cooperatives to be public utilities, 115-1-3 (2), CRS 1963. Prior to becoming a public utility, Southeast, of course, had an absolute right to provide electric service to its members regardless of the fact that such members may have been located in areas certificated to a public utility such as Lamar. After the statutory change, and upon becoming a public utility thereby, Southeast was entitled to continue service to its then members but has acquired no right thereby to extend service to additional customers within an area certificated to another public utility unless the certificate is abandoned, is revoked or set aside, and service can be extended under the provisions of 115-5-1, CRS 1963, as amended.

5. At one time, Lamar and Southeast did have an informal agreement that new customers would be served by whichever utility was the closest. The agreement provided that approval of the Commission would be necessary to make it a valid and binding agreement. Such approval was never obtained. In any event, no agreement dividing territory to be served can ever be effective without the approval of the Commission. Accordingly, this agreement was only indicative that some negotiations were going on between the parties, and that Lamar might have intended to abandon its certificated rights with respect to serving the particular customers connected to Southeast's system pursuant to such arrangement while the negotiations were going on. It can in no way be construed as abandonment of any area located near Southeast's lines where no customer is served. The negotiations have since ceased and the utilities do not observe this informal arrangement.

6. With respect to the Reyher Case:

A. Southeast provides, and has provided since 1940, single-phase electric service to Mr. Reyher, the customer, for his farm use.

B. The customer required additional service for a feed mill located on his farm which is located in SW 1/4 of Sec. 13, and SE 1/4 of Sec. 14, Township 22S, Range 49W of the 6th P.M. This location is approximately one mile west of the community of McClave, and is outside Lamar city limits.

C. The service required for Mr. Reyher's mill was for a load of approximately 100 h.p. or less requiring three-phase electric service.

D. The closest three-phase line of Southeast is approximately three miles from Reyher's mill. Present service to Mr. Reyher's farm is by a single-phase line which is 450 feet from the mill. Estimated cost of the conversion to three-phase is $6,179.55.

E. Lamar's closest three-phase line before the extension described below, was less than one mile from Mr. Reyher's mill. Upon application by the customer, Lamar extended approximately a mile and one-half of three-phase line to serve the mill at a cost of less than $4,000. This line did not follow the closest distance but instead was located in such a manner as to fit in Lamar's plans of future system improvement. In application of its extension policy, a cost estimate of $3,000 based on extension from the nearest three-phase line, was properly used by Lamar. The extension by Lamar parallels Southeast's single-phase line but does not constitute any wasteful duplication since the lines are of different character and capacity.

F. Lamar has a Certificate of Public Convenience and Necessity granted by the Commission in Decision No. 21392 which authorizes it to serve the community of McClave and adjoining areas including the area in which Mr. Reyher's mill is located. The said Decision was appealed to the District Court in Bent County and the judgment of the District Court reversed in part and affirmed in part the said Decision. The reversal occurred with respect to extension of electric lines to the community of Hasty some six miles westerly from the community of McClave, but otherwise affirmed the Decision as to the area certificated thereunder. It is not necessary in this proceeding to determine the exact area comprising the community of Hasty and any adjoining area which might have been served by an extension of electric line from McClave to Hasty to which Lamar does not hold a Certificate pursuant to the Decision of the District Court. It is, however, the express finding herein that the District Court judgment cannot be construed to set aside the certification to Lamar of the area located immediately west of the community of McClave where Mr. Reyher's mill is located. It is further the express finding herein that the area where Mr. Reyher's mill is located is certificated to Lamar under Decision No. 21392 as modified by the judgment of the District Court of Bent County, and that Lamar has not abandoned such certificate and actually has extended electric lines within less than a mile thereof which can provide service to the area when and as needed.

G. Southeast began service to Mr. Reyher's farm before it became a public utility and while it was extending service to its members. The service to Mr. Reyher's mill is a new

service and different from the service received at his farm. Even if it were served by Southeast, it would require a different rate and a meter separate from his farm service, and would constitute service to a new customer.

7. With respect to the Morrow Case:

A. Lamar has extended three-phase service to the Morrow feed lot located outside Lamar city limits in Section 29, Township 22S, Range 47W of the 6th P.M. Total extension amounted to two miles.

B. The closest Southeast three-phase line of adequate capacity to serve the Morrow feed lot load is approximately 900 feet.

C. Morrow feed lot is located in area certificated to Lamar by Decision No. 21392. This portion of the Decision was affirmed by the District Court as noted above in the Findings with respect to the Reyher Complaint. Lamar now holds a valid certificate therefor.

D. There is no substantial evidence in this record to show that Lamar had at any time abandoned its certificate for the territory in which the Morrow feed lot is located. Its lines are in reasonable proximity to the area to adequately serve it, and there is no showing that it ever refused to extend its service to anyone in this area. The extensions of electric lines in the area by Southeast was made while Southeast was not a public utility and extended service to its then members; at no time did it serve Morrow.

E. No wasteful duplication is created by the extension of Lamar's lines to serve Morrow feed lot. No utility had lines serving the customer prior to the extension, and the extension does not closely parallel any three-phase line of Southeast.

8. With respect to the Airport Case:

A. The Lamar Airport, owned by the City of Lamar, is located four miles west of the Lamar city limits and is now served by Southeast who has a line along Prosperity Lane, a road located along the south section line extended of Section 36, Township 22S, Range 47W.

B. All electric service along Prosperity Lane, between Lamar city limits and the Airport is now provided by Southeast.

C. Lamar is planning an extension of three-phase electric line along Prosperity Lane from Lamar city limits to the Airport and expects to provide service to the City of Lamar at that location. It also has plans eventually to extend this line further to provide a loop line feeding the community of McClave and other loads that it now serves west of the City.

D. Southeast began serving along Prosperity Lane before 1940. At that time, even though this area was certificated to Lamar, no service was available from Lamar unless a contribution-in-aid was made by the prospective customers. The contributions-in-aid involved were so large as to constitute denial of service. Southeast connected its customers in that area before it became a public utility and extended service only to its members. As discussed in the Findings in the Reyher Case, it had a legal right to do so and furthermore has a legal right to continue service to its members so connected even after it became a public utility.

E. The City of Lamar can, of course, under the laws and rules of this Commission provide electric city service to itself at the Airport. That should be distinguished,

however, from The Utilities Board of the City of Lamar, which is a public utility, providing utility service to another agency of the City. Construction of a utility electric line along Prosperity Lane would constitute wasteful duplication as all service is already legally and adequately provided by another public utility, Southeast. The City of Lamar may, of course, provide electric power from its plant inside the city limits to one of its agencies or facilities located outside the city limits but such extension cannot become part of the utility plant of The Utilities Board over which the Commission has jurisdiction. Further, Lamar may properly need additional supply to its westerly system and should not be precluded from constructing feeder lines or transmission lines traversing areas served by another utility (regardless to whom, if anyone, such areas may be certificated), for the purpose of necessary improvement of its system.

F. There is some evidence in the record to indicate that Lamar either is, or may be, planning to provide or to offer to provide electric service from the proposed Airport extension to customers now served by Southeast. This would constitute an improper interference with the utility operations of Southeast, and result in unnecessary and wasteful duplication of available service, which the Commission has a duty to eliminate.

9. The construction of electric lines complained of in any of the three cases do not and will not prevent Southeast from continuing its utility operations and impair its service.

10. No substantial evidence was offered to sustain the Respondent's Cross-Complaint, and the Cross-Complaint further fails to allege any specific illegal act by Southeast; only generalities are stated.

CONCLUSIONS

The Examiner concludes, that:

1. The extension by Lamar to serve Reyher is lawful and does not result in wasteful duplication, and Case No. 5382 should, therefore, be dismissed;

2. The extension by Lamar to serve Morrow feed lot is lawful and does not result in wasteful duplication, and Case No. 5396 should, therefore, be dismissed;

3. The proposed extension by Lamar to the Airport (Case No. 5395) may duplicate existing lines of Southeast unnecessarily; that the Commission has no jurisdiction to prevent the City of Lamar (as distinguished from its Utilities Board) to construct a line from inside the city limits to its Airport outside the city limits as long as such construction is not included in the utility plant over which the Commission has jurisdiction, and as long as expenses connected therewith are borne directly by the City as part of its other municipal operations, and not by The Utilities Board as a public utility subject to the jurisdiction of the Commission; and further that Lamar may extend feeder and transmission lines in any location whatsoever but only as long as such lines do not interfere with the operations of another public utility.

Accordingly, the Examiner recommends that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Complaint in Case No. 5382 be, and hereby is, dismissed.

2. The Complaint in Case No. 5396 be, and hereby is, dismissed.

3. The Utilities Board of the City of Lamar be, and hereby is, ordered to cease and desist from the construction of any electric lines along Prosperity Lane from the city limits eastward for the purpose of serving customers now being served by Southeast Colorado Power Association and to refrain from connecting or serving any present Southeast customers, including the Lamar City Airport, to such a line if constructed for any other purpose. This shall not be construed to prevent The Utilities Board of the City of Lamar from constructing and operating a line solely for feeder or transmission purposes or to serve new customers in its certificated area, nor to prevent the City of Lamar from constructing any electric lines to serve its own facilities outside the city limits as long as the plant and expenses connected therewith are not included on the books of The Utilities Board of the City of Lamar reflecting its public utility operations, and the cost thereof is not borne by The Utilities Board.

4. That the Cross-Complaints by The Utilities Board of the City of Lamar be, and hereby are, dismissed.

5. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such

Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Examiner
vr

(Decision No. 75582)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN AIRWAYS, INC., AND ROCKY MOUNTAIN AIRWAYS, INC., DBA ROCKY MOUNTAIN AVIATION, INC. 1421 COURT PLACE BUILDING DENVER, COLORADO, Complainants, vs. AIR CHARTERS OF DENVER, INC. STAPLETON INTERNATIONAL AIRPORT DENVER, COLORADO, Respondent.	)	CASE NO. 5391

August 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 6, 1969, formal Complaint was filed with the Commission by Rocky Mountain Airways, Inc., and Rocky Mountain Airways, Inc., dba Rocky Mountain Aviation, Inc., against Air Charters of Denver, Inc., alleging the abandonment through non-use of its authority.

On March 10, 1969, an Order to Satisfy or Answer was issued by the Commission directed to Air Charters of Denver, Inc., and an Answer thereto was filed with the Commission on March 28, 1969.

On January 15, 1969, Air Charters of Denver, Inc., filed Application No. 23566-Transfer seeking to reinstate PUC No. AC-10 for purpose of transfer and to transfer PUC No. AC-10 to Metro Commuter Airlines, Inc.

On June 30, 1970, the Commission by Decision No. 75269 in Application No. 23566-Transfer ordered that unless written request for

hearing was received within ten days from the effective date of this Order, the application would be dismissed. No written request was received and the application was dismissed.

On July 28, 1970, Robert S. Wham, Esq., attorney for Complainants in the above-mentioned Case, requested that in the event of the dismissal of Application No. 23566-Transfer, Case No. 5391 be withdrawn without prejudice to the refiling of the same at a future date.

The Commission finds that the said request for permission to withdraw the Complaint is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Complaint in Case No. 5391 be, and hereby is, permitted to be withdrawn without prejudice to the refiling of the same at a future date.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
12th day of August, 1970.

vr

(Decision No. 75583)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER CERTIFICATE OF AUTHORITY, PUC NO. 3735 & I

By: LYNN C. GEORGE
P.O. BOX 548
PAGOSA SPRINGS, COLORADO 81147

CASE NO. 55-AR

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER

August 11, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado
of the Staff of the Commission

PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115,CRS 1963, as amended) and the Rules and Regulations of this Commission: Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2 concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by June 25, 1970.

The Commission, by Decision No. 75175, dated June 25, 1970, ordered Respondent to appear before the Commission on August 5, 1970, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 3735 & I.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 3735 & I.

2. Respondent, Lynn C. George, is a common carrier by motor vehicle, and a public utility in the meaning of the Public Utilities Law of the State of Colorado;

3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;

4. Annual Report Forms were mailed to Respondent on January 14, 1970.

5. On May 6, 1970, Respondent was notified and required to file an Annual Report for the calendar year 1969 within twenty-one (21) days from the date of said notice;

6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;

7. The Commission, by Decision No. 75175, dated June 25, 1970, Case No. 55-AR, issued an Order to show cause and notice of hearing to Respondent;

8. Hearing was held on August 5, 1970;

9. Respondent failed to appear before the Commission as directed by Decision No. 75175, dated June 25, 1970.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, Lynn C. George, being Certificate of Authority, PUC No. 3735 & I, be revoked and cancelled as of September 11, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, and in addition file its 1970 Annual Report with this Commission, on or before September 11, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, Lynn C. George, being Certificate of Authority, PUC No. 3735 & I, be, and the same hereby is, revoked and cancelled as of September 11, 1970, provided, however that in lieu of said revocation and cancellation, Respondent:

a. File its 1969 Annual Report with this Commission on or before September 11, 1970;

b. In addition pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, on or before September 11, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Act.

2. In which event, if said full payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and

subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Izenbergh

Examiner
av

(Decision No. 75584)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 4353

By: Morgan County Rubbish Removal
Rt. 1, Box 614
Ft. Morgan, Colorado 80701
Respondent.

CASE NO. 88-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75585)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 7287)
)
By: Mr. John Crocker d/b/a)
Alpine Tundra Trails =)
26 E Brooks Tower)
Denver, Colo. 80202 Respondent.)

CASE NO. 45-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER CERTIFICATE OF AUTHORITY, PUC NO. 1293

By: LAKE CITY TRUCK LINE
309 NORTH IOWA
GUNNISON, COLORADO 81230

CASE NO. 60-AR

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER

August 11, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado
of the Staff of the Commission

PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115, CRS 1963, as amended) and the Rules and Regulations of this Commission: Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2 concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by June 25, 1970.

The Commission, by Decision No. 75180, dated June 25, 1970, ordered Respondent to appear before the Commission on August 5, 1970, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 1293.

The Commission, pursuant to law, designated Christian O. Igenbergs as an examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended said Examiner transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 1293.

2. Respondent, Lake City Truck Line, is a common carrier by motor vehicle, and a public utility in the meaning of the Public Utilities Law of the State of Colorado;

3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;

4. Annual Report Forms were mailed to Respondent on January 14, 1970.

5. On May 6, 1970, Respondent was notified and required to file an annual report for the calendar year 1969 within twenty-one (21) days from the date of said notice;

6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;

7. The Commission, by Decision No. 75180, dated June 25, 1970, Case No. 60 AR, issued an Order to show Cause and Notice of Hearing to Respondent;

8. Hearing was held on August 5, 1970;

9. Respondent failed to appear before the Commission as directed by Decision No. 75180, dated June 25, 1970.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, Lake City Truck Line, being Certificate of Authority, PUC No. 1293, be revoked and cancelled as of September 11, 1970, provided, however, that in lieu of said revocation

and cancellation. Respondent may pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, and in addition file its 1969 Annual Report with this Commission, on or before September 11, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, Lake City Truck Line, Certificate of Authority, PUC No. 1293, be, and the same hereby is, revoked and cancelled as of September 11, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent:

a. File its 1969 Annual Report with this Commission on or before September 11, 1970;

b. In addition pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, on or before September 11, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Act.

2. In which event, if said full payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is

stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iqenbergh

Examiner

(Decision No. 75587)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WILLIAM J. MONTOYA DOING BUSINESS
AS VALLEY TAXI SERVICE
717 NORTH 7TH
ROCKY FORD, COLORADO 81067

PUC NO. 1989

August 11, 1970

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 July 22, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of August, 1970.

vr

Orig

(Decision No. 75588)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER CERTIFICATE OF AUTHORITY, PUC NO. 912

By: FRED E. WITZEL, d/b/a WITZEL TRUCK LINES BURLINGTON, COLORADO 80807

CASE NO. 65-AR

RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER

August 12, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado of the Staff of the Commission

PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115, CRS 1963, as amended) and the Rules and Regulations of this Commission: Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2, concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by June 25, 1970.

The Commission, by Decision No. 75185, dated June 25, 1970, ordered Respondent to appear before the Commission on August 5, 1970, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority PUC No. 912.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Certificate of Authority, PUC No. 912;

2. Respondent, Witzel Truck Lines, is a common carrier by motor vehicle, and a public utility in the meaning of the Public Utilities Law of the State of Colorado;

3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;

4. Annual Report Forms were mailed to Respondent on January 14, 1970.

5. On May 6, 1970, by Certified Mail No. 269829, Respondent was notified and required to file an annual report for the calendar year 1969 within twenty-one (21) days from the date of said notice;

6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;

7. The Commission, by Decision No. 75185, dated June 25, 1970, Case No. 65-AR, issued an Order to show cause and notice of hearing to Respondent;

8. Hearing was held on August 5, 1970;

9. Respondent failed to appear before the Commission as directed by Decision No. 75185, dated June 25, 1970.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, Witzel Truck Lines, being Certificate of Authority, PUC No. 912, be revoked and cancelled as of

September 12, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, and, in addition, file its 1969 Annual Report with this Commission, on or before September 12, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, Witzel Truck Lines, Certificate of Authority, PUC No. 912, be, and the same hereby is, revoked and cancelled as of September 12, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent:

a. File its 1969 Annual Report with this Commission on or before September 12, 1970;

b. In addition, pay the sum of Fifty ($50.00) Dollars to the Treasurer of the State of Colorado, on or before September 12, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Act.

2. In which event, if said full payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such

Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iglenburger

Examiner

av

(Decision No. 75589)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 4923)
)
By: Morey's Light Haul)
412 21st Avenue)
Greeley, Colorado 80630)
Respondent.)

CASE NO. 95-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75590)

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 APPLES AND PEACHES.

APPLICATION NO. 24490
EMERGENCY DISTRICT 9-70

August 13, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of apples and peaches in the Counties of Delta, Mesa, and Montrose, 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 apples and peaches 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 apples and peaches in the Counties of Delta, Mesa, and Montrose, 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 in 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 apples and peaches in the Counties of Delta, Mesa, and Montrose, State of Colorado; provided, however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing August 15, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
13th day of August, 1970.

vr

(Decision No. 75591)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DONALD E. SANDLIAN, 7751 WOODLAND ROAD, LONGMONT, COLORADO, FOR EMERGENCY TEMPORARY AUTHORITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 24476-ETA
ORDER DENYING EMERGENCY TEMPORARY AUTHORITY

August 13, 1970

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That the Applicant has not shown that there is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
13th day of August, 1970.
vr

(Decision No. 75592)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE H. HARRIS, ROUTE 1, BOX 109,)
HESPERUS, COLORADO, FOR TEMPORARY) APPLICATION NO. 24433-PP-TA
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)
- - - - - - - - - - - - - - - - - - -

- - - - - - - -
August 14, 1970
- - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 21, 1970, the Commission entered Decision No. 75424 in the above-entitled matter.

On August 6, 1970, Clifford C. DeLuche by his attorney, Frank J. Anesi, filed a Petition for Reconsideration.

The Commission has carefully considered Petition for Reconsideration filed herein, and each and every allegation thereof, and is of the opinion and finds that said Petition should be denied.

O R D E R

THE COMMISSION ORDERS THAT:

Petition for Reconsideration filed August 6, 1970, by Clifford C. DeLuche, 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
14th day of August, 1970. jk

(Decision No. 75593)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILDRED TREMAINE, DOING BUSINESS AS)
"TREMAINE TAXI SERVICE," 509 NORTH)
6TH STREET, ROCKY FORD, COLORADO) APPLICATION NO. 24453
81067, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
- - - - - - - - - - - - - - - - - - -

- - - - - - - -
August 14, 1970
- - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 30, 1970, Denver-Colorado Springs-Pueblo Motorway, Inc., by and through its attorney, John R. Barry, filed a Motion To Intervene in the above-captioned proceeding and caused copy of said Motion to be served by mail upon Applicant.

The Commission states and finds that applicant for intervention, Denver-Colorado Springs-Pueblo Motorway, 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:

The Motion to Intervene by Denver-Colorado Springs-Pueblo

Motorway, Inc., be, and the same hereby is, granted.

This Order shall be 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 August, 1970. jk

(Decision No. 75594)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE L. HARR, 2720 MESA AVENUE,)
DURANGO, COLORADO, FOR TEMPORARY) APPLICATION NO. 24436-PP-TA
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)
- - - - - - - - - - - - - - - - - - -

- - - - - - - -
August 14, 1970
- - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 27, 1970, the Commission entered Decision No. 75465 in the above-entitled matter.

On August 6, 1970, Clifford C. DeLuche by his attorney, Frank J. Anesi, filed a Petition for Reconsideration.

The Commission has carefully considered Petition for Reconsideration filed herein, and each and every allegation thereof, and is of the opinion and finds that said Petition should be denied.

O R D E R

THE COMMISSION ORDERS THAT:

Petition for Reconsideration filed August 6, 1970, by Clifford C. DeLuche 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
14th day of August, 1970. jk

(Decision No. 75595)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOE N. ABEYTA AND ORLANDO J. ABEYTA, DOING BUSINESS AS "ABEYTA TRUCKING," SAGUACHE, COLORADO 81149, TO EXTEND OPERATIONS UNDER PERMIT NO. B-7020	APPLICATION NO. 24410-PP-Extension

August 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 29, 1970, the above-styled Application was filed with this Commission seeking authority to extend operations under Permit No. B-7020.

On July 27, 1970, Applicant by its attorney, George W. Woodard, filed with the Commission a Withdrawal of Application.

The Commission finds that the Application should be permitted to be withdrawn.

O R D E R

THE COMMISSION ORDERS:

That Application No. 24410-PP-Extension, be, and hereby is, permitted to be withdrawn.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of August, 1970.

jk

(Decision No. 75596)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD H. ESHE AND LOIS MAE ESHE,)
DOING BUSINESS AS "SOUTH PARK MOTOR)
LINES," 48 EAST 56TH AVENUE, DENVER,)
COLORADO, FOR EMERGENCY TEMPORARY) APPLICATION NO. 24387-Extension-ETA
AUTHORITY TO EXTEND OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 1026.)

August 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 14, 1970, the Commission entered Decision No. 75390 in the above-entitled matter.

On July 28, 1970, Richard H. Eshe and Lois Mae Eshe, doing buinesss as "South Park Motor Lines," by and through their attorney, Marion F. Jones, filed a Petition for Reconsideration.

The Commission has carefully considered Petition for Reconsideration filed herein, and each and every allegation thereof, and is of the opinion and finds that said Petition should be denied.

O R D E R

THE COMMISSION ORDERS THAT:

Petition for Reconsideration filed July 28, 1970, by Richard H. Eshe and Lois Mae Eshe, doing business as "South Park Motor Lines," 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
14th day of August, 1970.

vr

(Decision No. 75597)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY T. CARPENTER FOR AUTHORITY TO TRANSFER HIS CAPITAL STOCK AND CONTROL IN AND TO TED CARPENTER & SON, INC., 132 LaPORTE AVENUE, FORT COLLINS, RECORD OWNER OF CERTIFICATE PUC NO. 1017 AND PUC NO. 1017-I, TO THOMAS J. HILL AND VIRGIL H. PUGH.

APPLICATION NO. 24403-Stock Transfer
ORDER OF THE COMMISSION

August 17, 1970

Appearances: John P. Thompson, Esq., Denver, Colorado, for Applicants.

It appearing, That by Order of the Commission dated June 24, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the Transferees are fit, willing and able properly to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 1017 and PUC No. 1017-I, and that the following Order should be entered;

And we further find, That the transfer as applied for is compatible with the public interest;

IT IS ORDERED, That Roy T. Carpenter be, and hereby is, authorized to transfer all of the outstanding stock in and to Ted Carpenter & Son, Inc., record owner of Certificate of Authority PUC No. 1017 and PUC No. 1017-I to Thomas J. Hill and Virgil H. Pugh, subject to encumbrances, if any, against said authorities.

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 Stock Certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of 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 this Order shall be effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
17th day of August, 1970.

vr

(Decision No. 75598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ERNEST L. JONES, DOING BUSINESS AS "ERNEST L. JONES EXCAVATING," WOODY CREEK STORE, WOODY CREEK, COLORADO, FOR AUTHORITY TO TRANSFER CONTRACT CARRIER PERMIT NO. B-6601 TO ERNEST L. JONES EXCAVATING, INC., WOODY CREEK STORE, WOODY CREEK, COLORADO.

APPLICATION NO. 24366-PP-Transfer

ORDER OF THE COMMISSION

August 17, 1970

Appearances: Michael J. Fitzgerald, Esq., Aspen, Colorado, for Applicants.

It appearing, That by Order of the Commission dated May 27, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Ernest L. Jones, doing business as "Ernest L. Jones Excavating," Woody Creek Store, Woody Creek, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-6601 to Ernest L. Jones Excavating, Inc., Woody Creek Store, Woody Creek, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-6601 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 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: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

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 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 right of Transferee to operate under this Order shall be dependent upon 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
17th day of August, 1970.

vr

(Decision No. 75599)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENNETH F. HALLS AND A. H. BRICKLEY,)
DOING BUSINESS AS "A B TRASH COMPANY,")
2950 PEARL, BOULDER, COLORADO, FOR) APPLICATION NO. 24413-Transfer
AUTHORITY TO TRANSFER PUC NO. 3717)
TO REX R. WALKER AND DAN L. SOUDERS,) ORDER OF THE COMMISSION
DOING BUSINESS AS "WESTERN DISPOSAL,")
1262 CHERRYVALE, BOULDER, COLORADO.)

August 14, 1970

Appearances: Kenneth F. Halls and A. H. Brickley,
Boulder, Colorado, Transferors, pro se.

Rex R. Walker and Dan L. Souders,
Boulder, Colorado, Transferees, pro se.

It appearing, That by Order of the Commission dated June 24, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferees are fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Kenneth F. Halls and A. H. Brickley, doing business as "A B Trash Company," 2950 Pearl, Boulder, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3717 to Rex R. Walker and Dan L. Souders, doing business as "Western Disposal," 1262 Cherryvale, Boulder, 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. 3717 shall read and be as follows, to-wit:

"Transportation of

Ash, 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 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 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 Commisison, upon proper application.

That the right of Transferees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
14th day of August, 1970.

vr

(Decision No. 75600)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM NO. 520, PROTECTION OF SHIPMENTS FROM DAMAGE BY HEAT OR COLD	)	INVESTIGATION AND SUSPENSION Docket No. 657

August 17, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 21, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed 2nd Revised Page No. 91 to its Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19, restricting the participation of Red Ball Motor Freight, Inc., in Item 520, Protection of Shipments from Damage by Heat or Cold. The revised page is scheduled to become effective August 27, 1970.

The following reflects the current provisions proposed to be eliminated:

PROTECTION OF SHIPMENTS FROM DAMAGE BY HEAT OR COLD:

Except as otherwise specifically provided in connection with individual rates, or except as otherwise specifically provided in individual carriers' exceptions, commodities which, due to their perishable nature, require protection from heat or cold will be accepted and accorded such protection at the rates provided in this tariff without additional charge for such protection, subject to suitable equipment being available and provided that the shipper states specifically on the bill of lading that such protection is required. When such requirement is not shown on the bill of lading by the shipper, carrier or carriers will not be liable for loss or damage resulting from their failure to provide such protection.

/ • EXCEPTION: Applies via Red Ball Motor Freight, Inc., only. Less-than-truckload shipments of commodities which, due to their perishable nature, require protection from heat will be accepted and such protection accorded by the use of dry ice and then only when the dry ice is furnished by the shipper at his own expense.

EFFECTIVE JULY 3, 1970, on Colorado intrastate traffic. Issued on one day's notice under authority of special permission of The Public Utilities Commission of the State of Colorado, No. 15272, dated July 2, 1970.

The Commission is of the opinion, and so finds, that the elimination of Red Ball Motor Freight, Inc., from Item No. 520, effective August 27, 1970, may be in violation of the Public Utilities Law, and the schedule as set forth on 2nd Revised Page No. 91 of the aforesaid tariff shall be suspended and an investigation entered into and concerning the lawfulness of the provisions thereof.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact be, and the same are hereby, made a part hereof.

2. That it shall enter upon a hearing concerning the lawfulness of the rates and charges set forth in the schedules enumerated in the statement of this Order.

3. That the operation of said schedules be, and it is hereby, suspended and the use thereof deferred to and including December 25, 1970, unless otherwise ordered by the Commission.

4. That the investigation in this proceeding shall not be limited 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 schedules under the Public Utilities Law.

5. That neither the schedules hereby 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 schedules in the office of the Commission and that 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 motor carrier affected by the schedule set forth herein is hereby made respondent in this proceeding. A copy of this Order shall also be served upon W. P. Furrh, General Traffic Manager, Red Ball Motor Freight, Inc., P.O. Box 47407, Dallas, Texas 75247, and they are hereby made Respondents

in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the respective tariffs referred to in the statement and findings hereof.

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

8. That this Investigation and Suspension Docket No. 657, be, and the same is hereby, set for hearing before the Commission on the 28th day of October, 1970, at 10:00 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
17th day of August, 1970. av

(Decision No. 75601)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CENTRAL TELEPHONE & UTILITIES CORPORATION, A KANSAS CORPORATION, OF WHICH SOUTHERN COLORADO POWER COMPANY IS A DIVISION, 115 WEST 2ND STREET, PUEBLO, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FURNISH ELECTRIC SERVICE FOR LIGHT, HEAT, POWER AND OTHER PURPOSES IN THE TERRITORY DESCRIBED IN THE INSTANT APPLICATION LOCATED IN PORTIONS OF CUSTER AND FREMONT COUNTIES, STATE OF COLORADO.

APPLICATION NO. 24352
SUPPLEMENTAL ORDER

August 28, 1970

Appearances: Harry S. Petersen, Esq., of Petersen, Evensen, Mattoon and Tracey, Esqs., Pueblo, Colorado, for Applicant;
Robert P. Rush, Esq., of Rush and Rush, Esqs., Salida, Colorado, for Intervenor, Sangre De Cristo Electric Association;
J. M. McNulty, Denver, Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 7, 1970, by Decision No. 75556, being the Recommended Decision and Order by Commissioner Edwin R. Lundborg, the Applicant, Central Telephone & Utilities Corporation, was granted the relief as prayed for in its application and was given a Certificate of Public Convenience and Necessity to render exclusive electric service in an area as described and as set forth in said Decision NO. 75556.

On August 21, 1970, Applicant, by its attorneys, Petersen, Evensen, Mattoon and Tracey, filed Exceptions to the Recommended Decision and Order of Commissioner Edwin R. Lundborg alleging that, in the description of the area described on Page 4 of said Recommended Decision, commencing with the words "Beginning at a point" and counting

fifteen lines down to the line commencing "70 W to the SW corner of Section 36," that the same should be corrected to read "70 W to the SE corner of Section 36."

The Commission, after careful consideration, states and finds that the description of the area described in Decision No. 75556 should be corrected to read "70 W to the SE corner of Section 36," and that an appropriate Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Applicant Central Telephone & Utilities Corporation (of which Southern Colorado Power Company is a division) be, and hereby are, granted.

2. That the Recommended Decision and Order by Commissioner Edwin R. Lundborg, being Decision No. 75556, dated August 7, 1970, be, and hereby is, corrected and modified as follows: In the description of the area described on Page 4 of said Decision, commencing with the words "Beginning at a point" and counting fifteen lines down to the line commencing "70 W to the SW corner of Section 36," the said line shall read: "70 W to the SE corner of Section 36."

3. That the Recommended Decision and Order of Commissioner Edwin R. Lundborg be, and hereby is, adopted as the Order of the Commission with the correction and modification as above set forth in ordering Paragraph No. 2.

4. That this Decision and Order shall be effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
28th day of August, 1970.

vr

(Decision No. 75602)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CREIGHTON DENNIS AND CHRISTOPHER L. LAVEO, P. O. BOX 281, CRESTED BUTTE, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE.	APPLICATION NO. 24431 ORDER OF THE COMMISSION

September 1, 1970

Appearances: John J. Conway, Esq.,
Denver, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated July 9, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the present or future public convenience and necessity requires or will require Applicants' transportation service as hereinafter ordered;

And we further find, That Applicants are fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Creighton Dennis and Christopher L. Laveo, P. O. Box 281, Crested Butte, Colorado, be, and hereby are, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

"Transportation of

Ashes and trash, and other refuse,

From all points within Crested Butte, Colorado, and a three-mile radius thereof, to designated and approved dumps and disposal sites located within said area."

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

That the holders of this Certificate 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 the holders of this Certificate 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

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
1st day of September, 1970.

vjr

(Decision No. 75603)

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

IN THE MATTER OF THE APPLICATIONS OF THE KEN R. WHITE COMPANY, FOR AUTHORITY TO TRANSFER ALL OF ITS STOCK IN ROCKY MOUNTAIN AIRWAYS, INC., RECORD OWNER OF PUC NO. AC-9, PUC NO. ACS-45, AND PUC NO. ACS-62, TO RMA, INC., STAPLETON INTERNATIONAL AIR TERMINAL, DENVER, COLORADO.	APPLICATION NO. 24478-Stock Transfer APPLICATION NO. 24479-Stock Transfer APPLICATION NO. 24480-Stock Transfer

August 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 24, 1970, Aspen Airways, Inc., by its attorney, John F. Mueller, filed a Petition for Leave to Intervene in the above-captioned proceedings and caused copies of said Petition to be served by mail upon Applicant's attorney, Robert S. Wham.

The Commission states and finds that Applicant for intervention has made no showing that it is a party who may or might be interested in or affected by any order which may be entered in these proceedings and that the intervention should be denied.

O R D E R

THE COMMISSION ORDERS:

That the Petition for Leave to Intervene by Aspen Airways, Inc., be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
28th day of August, 1970.

vr

(Decision No. 75604)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-CLIMAX TRUCK LINE INC., 4250)
ONEIDA STREET, DENVER, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-6530.)
- - - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24494-PP-Extension-ETA
ORDER DENYING EMERGENCY TEMPORARY AUTHORITY

- - - - - - - - - -
August 31, 1970
- - - - - - - - - -

That above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That the Applicant has not shown that there is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of August, 1970.
sll

(Decision No. 75605)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UINTAH FREIGHTWAYS, 1030 SOUTH)
REDWOOD ROAD, SALT LAKE CITY, UTAH,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)
- - - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24497-TA
ORDER DENYING TEMPORARY AUTHORITY

- - - - - - - - - -
August 31, 1970
- - - - - - - - - -

The above entitled application under CRS 1963, 115-6-20 (1), being under consideration, and

It appearing, That the Applicant has not shown that there is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of August, 1970.

sll

(Decision No. 75606)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES Y. PHILLIPS, 2510 S. DELAWARE,) APPLICATION NO. 24521-PP-ETA
DENVER, COLORADO, FOR EMERGENCY TEM-) ORDER GRANTING EMERGENCY TEMPORARY
PORARY AUTHORITY TO OPERATE AS A) AUTHORITY
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - - -
August 31, 1970
- - - - - - - - -

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent 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 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: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

It further appearing, That there is an immediate and urgent need for the transportation service herein sought.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Charles Y. Phillips, 2510 S. Delaware, Denver, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days, commencing August 31, 1970, as a class "B" contract carrier by motor vehicle, for the

"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: This emergency temporary authority is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of August, 1970.

sll

(Decision No. 75607)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRADY CULBREATH, BLUE RIVER ROUTE,)
DILLON, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)
- - - - - - - - - - - - - - - - - - - -

APPLICATION No. 24498-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - - - - - -
August 31, 1970
- - - - - - - - -

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted temporary authority, conditibned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of August, 1970.
sll

(Decision No. 75607)
August 31, 1970

APPENDIX

Application No. 24498-PP-TA

Grady Culbreath
Blue River Route
Dillon, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle 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 fifty (150) 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 fifty (150) 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 fifty (150) 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 fifty (150) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

(Decision No. 75608)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DENNIS J. CAREY, DOING BUSINESS AS "CAREY'S TRUCKING," 2075 QUINCE STREET, DENVER, COLORADO, FOR TEMPORARY AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 24493-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

August 31, 1970

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted temporary authority, conditipned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of August, 1970.
sll

(Decision No. 75608)
August 31, 1970

APPENDIX

Application No. 24493-PP-TA

Dennis J. Carey
Doing Business As
"Carey's Trucking"
2075 Quince Street
Denver, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle 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 forty-nine (49) 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 forty-nine (49) 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 forty-nine (49) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of forty-nine (49) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

(Decision No. 75609)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CULBREATH EXCAVATING INC., DILLON,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)
- - - - - - - - - - - - - - - - - - - -

APPLICATION NO. 24492-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - - - - - - -
August 31, 1970
- - - - - - - - - -

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted temporary authority, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 31st day of August, 1970.
sll

(Decision No. 75609)
August 31, 1970

APPENDIX

Application No. 24492-PP-TA

Culbreath Excavating Inc.
Dillon, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle 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 fifty (150) 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 fifty (150) 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 fifty (150) 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 fifty (150) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

(a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers at any one time."

(Decision No. 75610)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 2835)
)
By: Brite 'n Rubbish Service)
1497 Skeel Street)
Brighton, Colorado 80611)
Respondent.)

CASE NO. 68-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
13thday of August 1970. av

(Decision No. 75611)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 3198

By: Raymond R. Hamilton
333 S. Gilpin
Denver, Colorado 80209
Respondent.

CASE NO. 69-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75612)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3243)
)
By: John & Alfred H. Strassheim)
12770 E 48th Avenue)
Denver, Colorado 80239)
Respondent.)

CASE NO. 71-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75613)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 3323

By: Arthur F. Westerkamp
5073 Grant Street
Denver, Colorado 80216
Respondent.

CASE NO. 72-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75614)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3337)
)
By: Jesse Bragg Jr., & Earl Bragg)
642 E Williamette)
Colorado Springs, Colo. 80900)
Respondent.)

CASE NO. 73-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75615)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3344)
)
By: Alex Gerlach & Son Disposal Co.)
4639 Saulsbury St.)
Wheatridge, Colorado 80033)
Respondent.)

CASE NO. 74-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75616)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3381)
)
By: Aaron Hauling Service)
5381 Irving Street)
Denver, Colorado 80221)
Respondent.)

CASE NO. 75-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75617)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3558)
)
By: Main Rubbish Removal)
5250 W 53rd St.)
Arvada, Colorado 80002)
Respondent.)

CASE NO. 70-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75618)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 3675

By: Caters Trash Service
P.O. Box 934
Canon City, Colorado 81212
Respondent.

CASE NO. 77-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75619)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3685)
)
By: Hobson Rand)
1608 E 25th Avenue)
Denver, Colorado 80218)
Respondent.)

CASE NO. 78-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75620)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3813)
)
By: Clementa Montano)
Rt. 4, Box 262)
Pueblo, Colorado 81001)
Respondent.)

CASE NO. 80-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75621)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3901)
)
By: Bryan C. Broden)
3745 Cloverleaf Drive)
Boulder, Colorado 80302)
Respondent.)

CASE NO. 82-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75622)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER Certificate of Authority, PUC No. 4317

By: Lee E. Cardenas
607 North St.
Boulder, Colorado 80301
Respondent.

CASE NO. 86-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75623)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 4340)
)
By: Don Shields Disposal)
3450 Fordham Court)
Boulder, Colorado 80301)
Respondent.)

CASE NO. 87-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75624)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 5861)
)
By: Thomas H. Linzy)
Long Rd. Rt. 2)
Littleton, Colorado 80120)
Respondent.)

CASE NO. 91-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75625)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 6815)
)
By: Lamb Construction Co.)
229 Park)
Lyons, Colorado 80540)
Respondent.)

CASE NO. 92-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75626)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3861)
)
By: Luie's Trash Service)
Rt. 2, Box 513)
Pueblo, Colorado 81004)
Respondent.)

CASE NO. 94-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75627)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
Certificate of Authority, PUC)
No. 3188)
)
By: Knaus Rubbish Removal Service)
1230 So. Harlan Street)
Denver, Colorado 80226)
Respondent.)

CASE NO. 96 - AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 August 1970. av

(Decision No. 75628)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
Cleo Knox) AUTHORITY NO. 5170-I
Hoxie)
Kansas) CASE NO. 2220-H-Ins.
)
)
- - - - - - - - - - - - - - - - - - -

August 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 13, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12 day of August, 1970

be

(Decision No. 75629)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HANS WEIBEL AND MERVYN LAPIN, DOING BUSINESS AS "EAGLE COUNTY TRASH REMOVAL SERVICE," ROOM 105, MILLCREEK COURT BUILDING, VAIL, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 24201 RECOMMENDED DECISION OF CHRISTIAN O. IGENBERGS, EXAMINER.

August 12, 1970

Appearances: Stewart H. Brown, Esq.,
Vail, Colorado, for Applicants.
James W. Schroeder, Esq.,
Denver, Colorado, for Leo J. Duran
and Pemaco, Inc., Protestants.
William A. Wilson, Esq.,
Denver, Colorado, for Louis H.
Gawart, doing business as "Summit
Disposal," Protestant.

PROCEDURE AND RECORD

Under date of February 16, 1970, Applicants filed the above-entitled application with the Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24201 to the application.

The following Protests and Petition for Intervention were received by the Commission subsequent to the filing of the application: On February 24, 1970, a Protest of Leo J. Duran and Pemaco, Inc., a Colorado corporation; on February 27, 1970, a Protest of Louis H. Gawart, doing business as "Summit Disposal"; and under date of March 25, 1970, a Petition for Intervention of Isidoro O. Quintana, doing business as "Isidoro O. Quintana."

The Commission, pursuant to law, designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Prime Rib Room, R Lion Inn, Corner of Bridge Street and Hanson Ranch Road, Vail, Colorado, June 2, 1970, at 10 a.m.

Upon request of counsel for Applicants, Hans Weibel [illegible] Mervyn Lapin, doing business as "Eagle County Trash Removal Service," the following Subpoenas to Testify at the hearing were issued by the Secretary of the Commission and served by the respective authorities on the following persons, to-wit: Virginia Tanhoff, Charles P. Anderson, Blake F. Lynch, Terry Minger, Rodney Slifer, Theodore Poliac, Thomas Steinberg, Mike Dawson, Gordon Brittan, Joseph Staufer, and George Knox, residents of Vail, Colorado; Allen Albert, a resident of Redcliff, Colorado; and Leo Duran and Isabel Trujillo, residents of Minturn, Colorado. Upon the same request, a Subpoena Duces Tecum was issued by the Secretary of the Commission and served by George Miller, Deputy Sheriff of the County of Eagle, State of Colorado, upon Leo Duran, of Minturn, Colorado, for the production at the hearing of books of his [Leo Duran's] business including his rate or tariff schedule, payroll record, and account books showing receipts and expenditures in the operation of his business for the three years ending April 1, 1970. The persons under Subpoena were present in the Hearing Room at the time of the hearing and Leo Duran produced his books of business as ordered.

At the hearing, counsel for Applicants and counsel for Protestant, Louis H. Gawart, doing business as "Summit Disposal," with the consent of the respective aforesaid parties, presented to the Examiner an amendment of the application in the form of a Stipulation between counsel, which said Stipulation reads, in the essential part, as follows, to-wit:

> "That Application No. 24201 shall contain a restriction against the transportation for hire of ashes, trash, and other waste materials within Summit County."

The amendment and stipulation, being restrictive in nature, were granted by the Examiner, whereupon, Protestant, Louis H. Gawart, doing business as "Summit Disposal," asked for leave to withdraw from the proceedings. The Examiner granted Protestant, Louis H. Gawart, doing business as "Summit Disposal," leave to withdraw from the proceedings.

Intervenor, Isidoro O. Quintana, doing business as "Isidoro O. Quintana," and the aforesaid Intervenor's counsel, S. Douglas McLaughlin, Esq., Vail, Colorado, failed to appear at the hearing and the Intervention of said Intervenor was dismissed by the Examiner for lack of prosecution.

On June 2, 1970, the hearing could not be held because another application was heard. Therefore, the hearing was held on the next day, June 3, 1970, at the aforesaid place.

Hans Weibel and Mervyn Lapin, Applicant partners; Blake F. Lynch, former Town Coordinator and Manager of Vail, Colorado; Charles P. Anderson, managing agent for a condominium development in Vail, Colorado; Terry J. Minger, present Town Manager of Vail, Colorado; Carl E. Nelson, painting contractor in Minturn, Colorado; Theodore Poliac, President of County School Board, County of Summit, State of Colorado; Joseph R. Elias, General Manager of Manor Vail Condominium Association, Vail, Colorado; and Ralph Collister, sales representative of Winter-Weiss Co., Arvada, Colorado, testified in support of the application.

Ned E. Oyler, President of the First National Bank of Eagle County; Robert W. McMillan, investor and painter at West Vail, Colorado; William R. Brown, Assistant Mountain Manager for Vail Associates, Vail, Colorado; Doris Hoagland, Manager of a trailer court, Minturn, Colorado; John F. Donovan, Trustee on the Town Board of Vail, Colorado, and bar and restaurant owner at Vail, Colorado; and Robert V. Mayne, President of Protestant corporation, Pemaco, Inc., Gypsum, Colorado, testified in protest to the granting of the application.

Official notice was taken of the following documents on file with this Commission, to-wit: Financial Statements, Map, and Amended Equipment List of Applicants. Official notice was also taken of all Exhibits and Documents introduced by Protestant, Pemaco, Inc., receiver in Application No. 24202-Transfer and the testimony of the following witnesses of record in Application No. 24202-Transfer, to-wit: Robert T. Lazier, Harlan E. Choate, W. Keith Troxel, Wallace Thatcher, and Robert L. McMillan.

Applicants' Exhibits numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, and 12, and Protestant's Exhibit "A" were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicants are a partnership, doing business as "Eagle County Trash Removal Service." The partners are Hans Weibel and Mervyn Lapin.

2. Applicants in this matter propose to operate a public utility, as defined in Chapter 115, CRS 1963, as amended.

3. This Commission has jurisdiction over said Applicants and the subject matter of this proceeding.

4. The Town of Vail and the surrounding area is a growing ski and tourist area. Projections by the Municipal Government of the Town of Vail foresee that in the year 1976 there will be approximately 12,000 people

in the Town of Vail at the peak ski season from December through March. A number of such magnitude of people present in the Town of Vail and additional people residing or visiting in the surrounding area does well justify the existence of more than one (1) carrier operating as a remover and disposer of ash, trash, and refuse.

5. Since the inception of the Town of Vail in the early 1960's, the number of people residing and visiting in Vail and the surroundings thereof has doubled every year and this trend is expected to continue.

6. Applicants do not hold previously granted authority from this Commission. However, one of the Applicant partners, Hans Weibel, doing business as "Vail Jeep Guides," owns and operates Certificate of Public Convenience and Necessity PUC No. 7321, which has no bearing on the instant proceeding.

7. Applicants own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.

8. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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.

9. There is a present and special need for the service as proposed by Applicants.

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

11. The present or future public convenience and necessity requires or will require the granting of the authority hereinafter set forth.

12. The authority as applied for will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The Protest of Protestants, Leo J. Duran and Pemaco, Inc., should be, and hereby is, dismissed.

2. The authority sought by Applicants should be granted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Hans Weibel and Mervyn Lapin, doing business as "Eagle County Trash Removal Service," Room 105, Millcreek Court Building, Vail, Colorado, be, and hereby are, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

> "Transportation of
>
> Ash, trash, and other refuse
>
> From points within that portion of the County of Eagle lying within a twenty-five (25) mile radius of Wolcott, Colorado, to designated and approved dumps and disposal sites located within the County of Eagle, State of Colorado";

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

2. That Applicants shall operate their carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

3. This Order is subject to compliance by Applicants with all present and future laws and rules and regulations of the Commission.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file

exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Christian O. Iglehart
Examiner

rm/hj