

(Decision No. 85409)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
THE BACA GRANDE CORPORATION, CRESTONE,	)	APPLICATION NO. 27316
COLORADO, FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO PROVIDE	)	ORDER OF CONTINUANCE ENTERED
TELEPHONE SERVICE IN DESCRIBED PORTIONS	)	BY HEARING COMMISSIONER
OF ALAMOSA AND SAGUACHE COUNTIES,	)	HOWARD S. BJELLAND
COLORADO, WHICH IS PRESENTLY CERTIFI-	)	
CATED TO COLUMBINE TELEPHONE COMPANY.	)	

- - - - -  
July 19, 1974  
- - - - -

Appearances: John P. Thompson, Esq.,  
Denver, Colorado, for  
The Baca Grande Corporation;  
Joseph F. Nigro, Esq.,  
Denver, Colorado, for the  
Columbine Telephone Company,  
Protestant;  
Bruce C. Bernstein, Esq.,  
Denver, Colorado, for the  
Staff of the Commission.

PROCEDURE AND RECORD

On June 28, 1974, by Decision No. 85298 a prehearing conference was set for July 17, 1974. Pursuant to that order, counsel for the parties appeared on July 17, 1974, for a prehearing conference.

The dates of September 19, 20 and, if necessary, September 23, 1974, at 9 a.m. each day were agreed upon as the dates for cross-examination of Applicant, the direct case of Protestant and Staff together with cross-examination thereon, and any rebuttal, with all hearings to be held in Denver, Colorado.

O R D E R

THE HEARING COMMISSIONER ORDERS THAT:

1. Hearings be, and hereby are, scheduled for the purpose of cross-examination of Applicant, presentation of the direct case of Protestant and Staff together with cross-examination thereon, and any rebuttal by Applicant as follows:

DATES: September 19 and 20, 1974

TIME: 9 a.m.

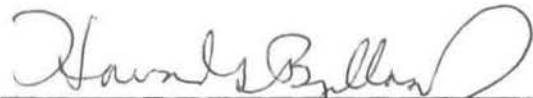
PLACE: 500 Columbine Building  
1845 Sherman Street  
Denver, Colorado

The additional date of September 23, 1974, commencing at 9 a.m., is reserved for this purpose if necessary.

2. The parties shall exchange exhibits and prepared testimony, if any is to be used, at the earliest possible date.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioner

Dated at Denver, Colorado, this  
19th day of July, 1974.

vjr



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILEY OILFIELD HAULING, LTD., OWNERS )  
OF ALL THE OUTSTANDING CAPITAL STOCK )  
IN AND TO J. L. COX & SON, INC., FOR )  
AUTHORITY TO TRANSFER SAID CAPITAL )  
STOCK IN AND TO J. L. COX & SON, INC., )  
RECORD OWNER OF CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY PUC NO. )  
1637 AND 1637-I TO MAJESTIC WILEY )  
CONTRACTORS, LTD. )

APPLICATION NO. 27580-Stock Transfer

ORDER OF THE COMMISSION

- - - - -  
July 23, 1974  
- - - - -

IT APPEARING, That by Notice of the Commission dated May 20, 1974, 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 Notice, 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 approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able, to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 1637 and 1637-I, and that the transaction is compatible with the public interest and that the following Order should be entered.

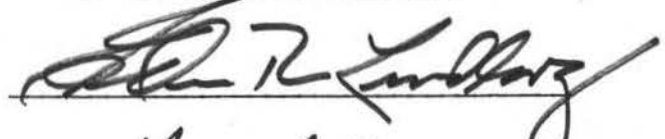
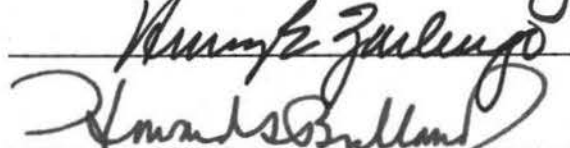
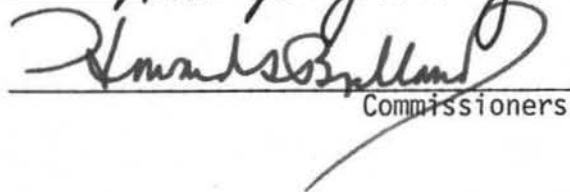
IT IS ORDERED, That Wiley Oilfield Hauling, Ltd., owner of all the outstanding capital stock in and to J. L. Cox & Son, Inc., be, and is hereby, authorized to transfer all the outstanding capital stock in and to J. L. Cox & Son, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 1637 and 1637-I to Majestic Wiley Contractors, Ltd.

IT IS FURTHER ORDERED, 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 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 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.

IT IS FURTHER ORDERED, 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 capital stock.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

PUC

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DENVER-LIMON-BURLINGTON TRANSFER )	
COMPANY, 3650 CHESTNUT PLACE, DENVER, )	APPLICATION NO. 27565-Extension
COLORADO FOR AUTHORITY TO EXTEND )	
OPERATIONS UNDER CERTIFICATE OF )	ORDER OF THE COMMISSION
PUBLIC CONVENIENCE AND NECESSITY )	
PUC NO. 699 AND 699-I. )	

- - - - -  
July 23, 1974  
- - - - -

Appearances: Edward C. Hastings, Esq., Denver, Colorado  
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

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

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 699 and 699-I to include the following:

- Transportation - on schedule of -
- General commodities

Within the following described area as off route points in conjunction with the present authorized service under Certificate of Public Convenience and Necessity PUC No. 699 and 699-I, bounded on the west by U. S. Highway No. 287; on the north by Colorado State Highway No. 96; on the east by U. S. Highway No. 385; and on the south by Colorado State Highway No. 196.

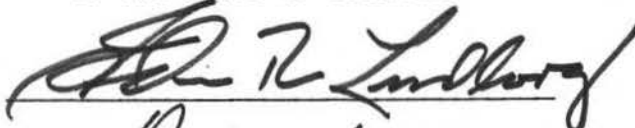
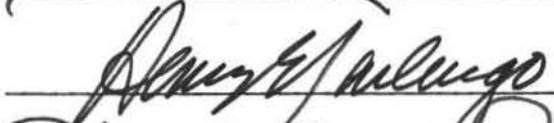
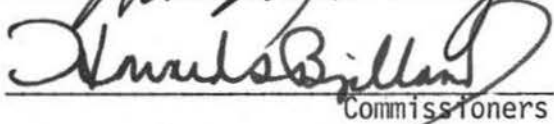
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

(Decision No. 85412)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT L. O'CONNOR AND LARRY R. )  
PETERSON, DOING BUSINESS AS "JOHN'S )  
DELIVERY," 2301 WEST CORNELL STREET, )  
ENGLEWOOD, COLORADO FOR EMERGENCY )  
TEMPORARY APPROVAL TO CONDUCT )  
OPERATIONS UNDER CONTRACT CARRIER )  
PERMIT NO. B-8044, PENDING DETERMIN- )  
ATION OF THE APPLICATION TO ACQUIRE )  
SAID CERTIFICATE. )

APPLICATION NO. 27701-PP-Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY  
APPROVAL

-----  
July 23, 1974  
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The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and that failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

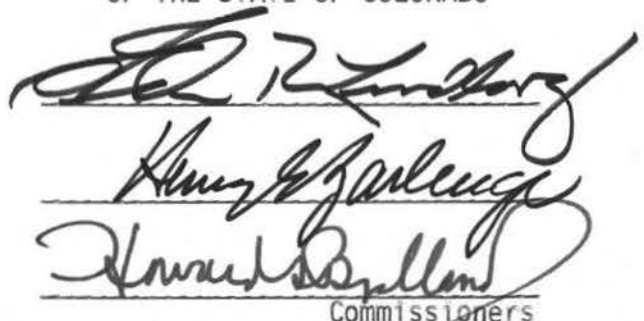
IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
RESPONDENTS ROBERT REED REICHERT,  
DOING BUSINESS AS "YELLOW BARREL  
DISPOSAL," P.O. BOX 476, LOVELAND,  
COLORADO, UNDER CERTIFICATES OF  
PUBLIC CONVENIENCE AND NECESSITY  
PUC NO. 3740, PUC NO. 8166, AND  
PUC NO. 6980, AND YELLOW BARREL  
DISPOSAL, INC., UNDER CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECES-  
SITY PUC NO. 5257.

CASE NO. 5559

SUPPLEMENTAL ORDER

- - - - -  
July 23, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 8, 1974, Examiner Thomas M. McCaffrey, entered his recommended decision in the above entitled case, being Decision No. 85339, which by operation of law became the decision of the Commission, and provides as follows, to-wit:

1. Respondents, Robert Reed Reichert, doing business as "Yellow Barrel Disposal," P.O. Box 476, Loveland, Colorado, and Yellow Barrel Disposal, Inc., be, and hereby are, found to be in violation of the Public Utilities Law of the State of Colorado and the Rules and Regulations of this Commission in the following respect, to-wit:

"By rendering services for the transportation of ashes, trash, and other refuse to 14 customers from various pick-up points outside the territorial boundaries of Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257."

2. Said Respondents be, and hereby are, ordered to cease and desist from so doing.

3. Respondents' authorities with this Commission; namely, Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257, be, and the same hereby are, revoked and canceled as of August 1, 1974; provided, however, that in lieu of said revocation and cancellation, Respondents may pay the sum of One Thousand Five Hundred Dollars (\$1,500) to the Treasurer of the State of Colorado on or before August 1, 1974, for the use and benefit of the Public Utilities Commission, Cash Account No. 11456, in which event and upon the presentation of evidence of said payment to this Commission, that portion of this Order pertaining to the cancellation and revocation of the aforesaid Certificates shall be null and void and of no effect, and said authorities shall be fully operative.

Inasmuch as Respondents Robert Reed Reichert, doing business as "Yellow Barrel Disposal" and "Yellow Barrel Disposal, Inc." have elected and paid the sum of One Thousand Five Hundred Dollars (\$1,500) as provided for in the Alternative Penalty Provision of said Decision No. 85339.



The Commission states and finds that Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257 should not be revoked and the same should remain in full force and effect.

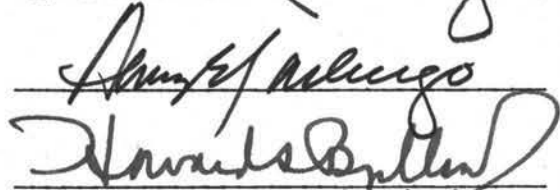
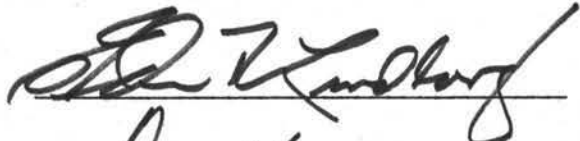
O R D E R

THE COMMISSION ORDERS:

That that portion of Decision No. 85339, dated July 8, 1974, providing for the revocation of Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257 of Respondents Robert Reed Reichert, doing business as Yellow Barrel Disposal and Yellow Barrel Disposal, Inc., be, and the same hereby are, vacated, set aside, and held for naught; and said operating rights should remain in full force and effect, and fully operative.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

(Decision No. 85414)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
GLENN FREELAND AND MYRTLE FREELAND, )  
DOING BUSINESS AS "FREELAND CAB )  
COMPANY," 206 CLEVELAND, LOVELAND, )  
COLORADO, FOR EMERGENCY TEMPORARY )  
AUTHORITY TO EXTEND OPERATIONS )  
UNDER CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY PUC NO. 9256. )

APPLICATION NO. 27711-Extension-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

- - - - -  
July 23, 1974  
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The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

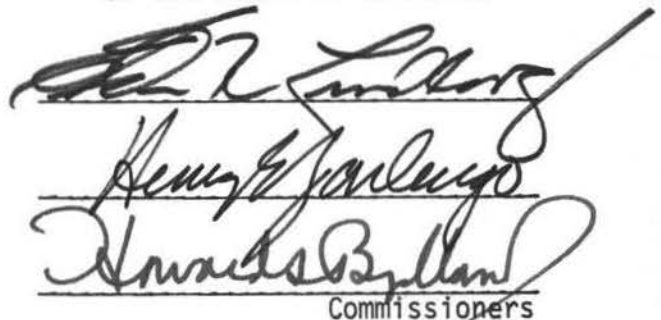
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Common Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners



Appendix  
Decision No. 85414  
July 23, 1974

Freeland Cab Company

- (1) Transportation -- in taxicab service -- of  
Passengers

Between all points located within Estes Park, Colorado, and between said points on the one hand, and all points located within the Counties of Larimer, Boulder, Grand, Denver, and Arapahoe, State of Colorado, on the other hand.

- (2) Transportation -- in sightseeing service -- of  
Passengers

Within an area comprised of the Counties of Larimer, Grand, Boulder, and Jackson, State of Colorado.

RESTRICTION: Item No. 2 of this emergency temporary authority is restricted to rendering transportation service which both originate and terminate in Estes Park, Colorado.

(Decision No. 85415)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF RATES AND CHARGES )	INVESTIGATION AND SUSPENSION
CONTAINED IN TARIFF REVISIONS FILED )	DOCKET NO. 868
BY PUBLIC SERVICE COMPANY OF COLORADO )	
UNDER ADVICE LETTER NO. 190 - GAS )	ORDER GRANTING
AND UNDER ADVICE LETTER NO. 643 - )	PETITION TO INTERVENE
ELECTRIC. )	

July 23, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 17, 1974 Elbridge G. Burnham filed with the Commission a Petition for Intervention in proceedings in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Elbridge G. Burnham be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

The Secretary of the Commission be, and hereby is, directed to mail to the intervenor herein a copy of Decision No. 85407 dated July 19, 1974.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

jp

(Decision No. 85416)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PROPOSED INCREASED)  
RATES AND CHARGES CONTAINED IN TARIFF )  
REVISIONS FILED BY MOUNTAIN STATES )  
TELEPHONE AND TELEGRAPH COMPANY UNDER )  
ADVICE LETTER NO. 987. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 867

ORDER GRANTING  
PETITION TO INTERVENE

July 23, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 15, 1974 the Colorado Senior Action Committee, by its attorneys Rothgerber, Appel & Powers, filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

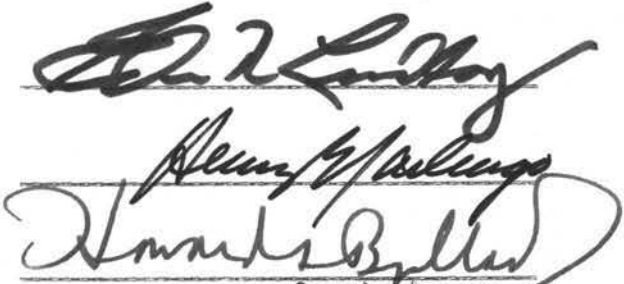
The Colorado Senior Action Committee be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

The Secretary of the Commission be, and hereby is, directed to mail to the intervenor herein a copy of Decision No. 85408 dated July 19, 1974.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

jp

(Decision No. 85417)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AIRWAY COMMUNICATIONS, 8345 WEST )  
16TH AVENUE, LAKEWOOD, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO BEGIN TO OFFER, )  
RENDER, FURNISH OR SUPPLY MOBILE )  
RADIOTELEPHONE COMMON CARRIER SERVICE )  
AND RADIO COMMON CARRIER PAGING )  
SERVICE TO THE PUBLIC IN THE CITY AND )  
COUNTY OF DENVER AND VICINITY. )

APPLICATION NO. 25764

IN THE MATTER OF THE APPLICATION OF )  
RADIO CONTACT CORPORATION, A COLORADO )  
CORPORATION, 5702 WEST 26TH AVENUE, )  
LAKEWOOD, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO BEGIN TO OFFER, RENDER, FURNISH )  
OR SUPPLY INTERCONNECTED MOBILE )  
RADIOTELEPHONE COMMON CARRIER SERVICE )  
AND RADIO COMMON CARRIER PAGING )  
SERVICE TO THE PUBLIC IN THE METRO- )  
POLITAN DENVER AREA, BOULDER AND )  
VICINITY. )

APPLICATION NO. 25855

July 23, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 18, 1974, Protestant, Mobile Radio Telephone Service, Inc. filed a pleading entitled "Request For Extension Of Time For Filing Of Petition For Rehearing, Reargument, Or Reconsideration Of Decision No. 85184", together with an "Affidavit In Support Of Request For Extension Of Time For Filing Of Petition For Rehearing, Reargument, Or Reconsideration Of Decision No. 85184." The foregoing pleadings request a 30-day extension of time (or through August 21, 1974) within which Mobile Radio Telephone Service may file a petition for rehearing, reargument or reconsideration of Commission Decision No. 85184.

The Commission states and finds that good cause exists for granting the above request and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Protestant, Mobile Radio Telephone Service, Inc., be, and hereby is, granted an extension of time for filing of petition for rehearing, reargument, or reconsideration of Decision No. 85184 through August 21, 1974.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
jp

(Decision No. 85418)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27602
BIJOU TELEPHONE CO-OP ASSOCIATION )	
FOR THE ISSUANCE OF A CERTIFICATE )	ORDER GRANTING
OF PUBLIC CONVENIENCE AND NECESSITY. )	PETITION TO INTERVENE

- - - - -  
July 23, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 19, 1974 Deer Trail Telephone Co., by its attorneys Overton, Dittmore & Nutt, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

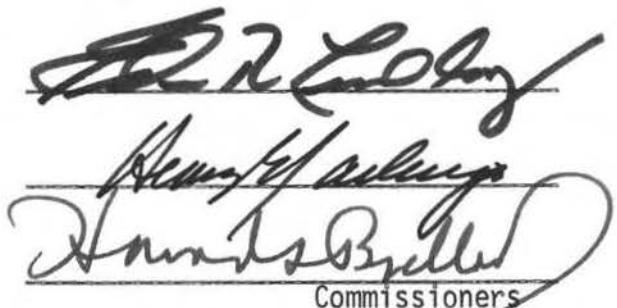
THE COMMISSION ORDERS THAT:

Deer Trail Telephone Co. be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

jp

(Decision No. 85419)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE CITY OF PUEBLO, A MUNICIPAL COR- )  
PORATION, AND THE DILL HAHN COMPANY )  
FOR THE AUTHORITY TO OMIT ONE GRADE )  
CROSSING SOUTH OF 29TH STREET WITH )  
AN UNDERPASS, CONSTRUCT A NEW GRADE )  
CROSSING AT 37TH STREET AND TO ALTER )  
AND IMPROVE THE EXISTING GRADE CROSS- )  
ING AT 40TH STREET WHICH WILL INCLUDE )  
AUTOMATIC DETECTING DEVICES, ALL IN )  
THE CITY OF PUEBLO, AND CROSSING THE )  
TRACKS OF THE DENVER RIO GRANDE RAIL- )  
ROAD COMPANY, LOCATED IN THE CITY OF )  
PUEBLO, STATE OF COLORADO. )

APPLICATION NO. 27529

ORDER GRANTING  
PETITION TO INTERVENE

July 23, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 18, 1974 The Denver and Rio Grande Western Railroad Company, by its attorney John S. Walker, Jr., filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

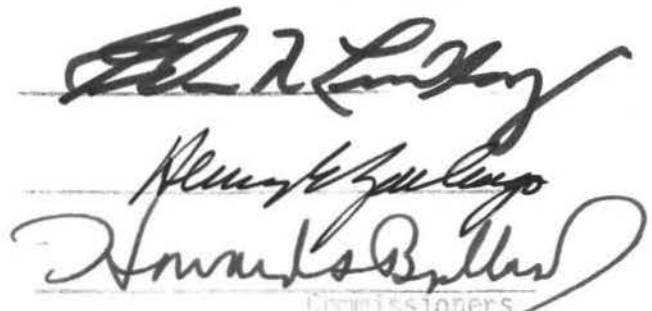
THE COMMISSION ORDERS THAT:

The Denver and Rio Grande Western Railroad Company be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

(Decision No. 85420)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PAUL D. DOERPHOLZ, DOING BUSINESS )  
AS "SAINT'S HAULING SERVICE," 3255 )  
SOUTH NUCLA STREET, AURORA, )  
COLORADO. )

APPLICATION NO. 27661

ORDER GRANTING  
PETITION TO INTERVENE

July 23, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 17, 1974 Sorenson Truck Service, Inc., of Longmont, Colorado, and Golden Transfer Company of Longmont, Colorado, by their attorney William T. Secor, filed with the Commission a petition to intervene in the above application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

ORDER

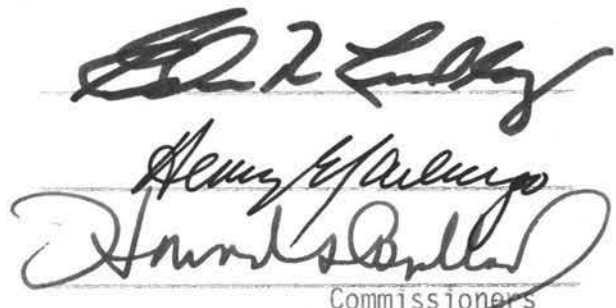
THE COMMISSION ORDERS THAT:

Sorenson Truck Service, Inc., of Longmont, Colorado, and Golden Transfer Company of Longmont, Colorado, be, and hereby are, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

jp



(Decision No. 85421)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

TO TRANSFER FROM ASPEN CAB COMPANY AND )  
LITTLE PERCENT, INC., DOING BUSINESS AS )  
"ASPEN CAB SERVICE COMPANY," 125 NORTH )  
MILL STREET, ASPEN, COLORADO TO W.M.W. )  
CORPORATION, A COLORADO CORPORATION, )  
DOING BUSINESS AS "GLENWOOD TAXI," 526 )  
PINE, GLENWOOD SPRINGS, COLORADO, A )  
PORTION OF PUC NO. 1681. )

APPLICATION NO. 27685-Transfer -  
Portion

ORDER GRANTING  
MOTION FOR LEAVE TO INTERVENE

-----  
July 23, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 19, 1974 San Juan Tours, Inc., by its attorney John S. Walker, Jr., filed with the Commission a Motion for Leave to Intervene in the above application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

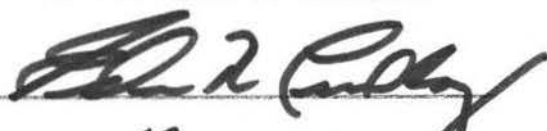
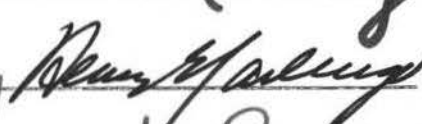
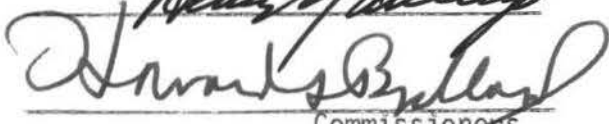
THE COMMISSION ORDERS THAT:

San Juan Tours, Inc., be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF	)	
RESPONDENTS, OTHO WYKERT, MARVIN R.	)	CASE NO. 5556
WEBER, RAY G. WADLINGTON AND	)	
ROBERT C. QUAM, DOING BUSINESS AS	)	ORDER OF THE COMMISSION
Y-R BAR TRUCKING, ROUTE 1, BOX	)	
29, AULT, COLORADO, UNDER CONTRACT	)	
CARRIER PERMIT NO. B-8152.	)	

- - - - -  
July 23, 1974  
- - - - -

Appearances: Melvin Dinner, Esq.,  
Greeley, Colorado,  
for Respondent;  
Oscar E. Franz,  
Denver, Colorado, of the  
Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 16, 1974, the Commission entered its Decision No. 84845 which, after calling attention to an investigation by the Staff of the Commission relating to the motor vehicle operations of Otho Wykert, Marvin R. Weber, Ray G. Wadlington and Robert C. Quam, doing business as "Y-R Bar Trucking," hereinafter referred to as Respondent, under Contract Carrier Permit No. B-8152, found that sufficient cause existed for the holding of a hearing to determine the facts of the matter, to hear arguments, and to determine what order or penalty, if any, should be imposed by the Commission. Generally, it was alleged that Respondent had engaged in transportation practices that might be in violation of the Public Utilities Law and the Rules and Regulations of the Commission, to-wit:

"By serving customers and points that are not  
in the scope of authority granted in Permit  
No. B-8152, contrary to Rule No. 5 of the Rules  
Governing Contract Carriers by Motor Vehicle  
for Hire."

By said decision, the Commission ordered that Respondents appear before the Commission on June 13, 1974, in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m. to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate including, but not limited to, a cease and desist order or, if warranted, an order canceling and revoking Contract Carrier Permit No. B-8152. The ORDER TO SHOW CAUSE and NOTICE OF HEARING was assigned Case No. 5556 and service was properly made upon Respondent. The matter was heard by Examiner Robert L. Pyle, to whom it was assigned pursuant to law at the above-mentioned time and place. At the conclusion of the hearing, the subject matter was taken under advisement.

On June 27, 1974, by Decision No. 85286, the Examiner entered his Recommended Decision which provided, inter alia:

"3. Respondent's authority with this Commission; namely, Contract Carrier Permit No. B-8152, be, and the same hereby is, revoked and canceled as of July 19, 1974; providing, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of \$7,526.66 to the Treasurer of the State of Colorado for the credit of the Public Utilities Commission Cash Account No. 11456 on or before July 19, 1974, and upon proof of same, the provision of this Order directing that Contract Carrier Permit No. B-8152 be revoked and canceled, shall be null and void and of no effect."

On July 17, 1974, Respondent filed exceptions. The Commission has examined the record and finds that it should modify that part of the Examiner's decision quoted above by reducing the recommended sum of \$7,526.66 to \$1,500.00.

#### FINDINGS OF FACT

1. The Commission adopts in toto the findings of fact as set forth in Decision No. 85286 as if set forth herein.

2. The Commission states and further finds that requiring Respondent to pay the sum of \$7,526.66 in lieu of revocation and cancellation of its Contract Carrier Permit No. B-8152 is excessive, and that requiring Respondent to pay the sum of \$1,500.00 in lieu of revocation and cancellation of its Contract Carrier Permit No. B-8152 is just and reasonable and will act both as a punishment and deterrent to any future violations of the Public Utilities Law and the Rules and Regulations of this Commission.

#### CONCLUSIONS ON FINDINGS OF FACT

The Recommended Decision of the Examiner in Decision No. 85286 should be adopted as the Order of the Commission with the sole exception that the sum of \$7,526.66 contained in ordering paragraph 3 be changed to \$1,500.00 and Respondent be granted until August 14, 1974, to pay same.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

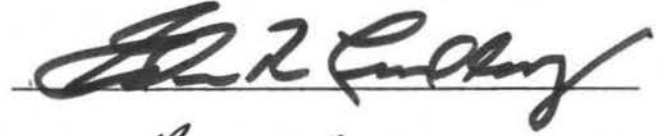
1. The exceptions filed by Respondent as to the amount of the penalty are granted, and Decision No. 85286 be, and hereby is, adopted by the Commission as its decision as if the same were set forth herein in its entirety with the sole exception that ordering paragraph 3 thereof be deleted and replaced by the following:


"3. Respondent's authority with this Commission, namely, Contract Carrier Permit No. B-8152, be, and the same hereby is, revoked and canceled as of August 14, 1974; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of \$1,500.00 to the Treasurer of the State of Colorado for the credit of the Public Utilities Commission Cash Account No. 11456 on or before August 14, 1974, and upon proof of same, the provision of this Order directing that Contract Carrier Permit No. B-8152 be revoked and canceled shall be null and void and of no effect."

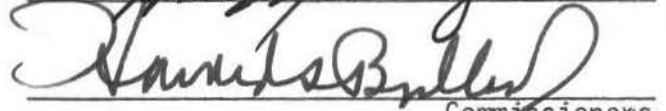
2. This Order shall become effective twenty-one (21) days from date.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_

Commissioners  
vjr

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 AUTHORITY TO EXTEND OPERATIONS }  
UNDER CONTRACT CARRIER PERMIT NO. }  
B-6530. }

APPLICATION NO. 27684-PP-Extension

ORDER OF THE COMMISSION

- - - - -  
July 30, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and 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 named in the caption above 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.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-6530 to include the following:

Transportation of

- (4) 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 the designated radius as restricted below.

- (5) 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 the designated radius as restricted below.

(6) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

(7) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items 4, 5, 6, and 7 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

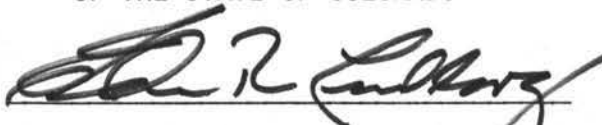
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

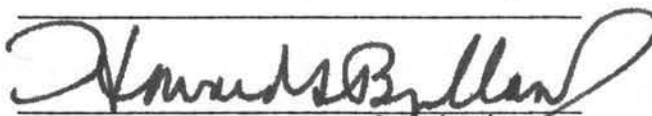
IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85423  
July 30, 1974

Denver Climax Truck Line, Inc.

Transportation of

- (1) Crushed or pulverized limestone, burned lime, hydrated lime, and quick lime in bulk and in sacks

From the plant of the Colorado Lime Company, Inc., located at Pikeview, Colorado, to points within the State of Colorado.

RESTRICTION:

Item (1) of this Permit is restricted against the transportation of commodities in sacks to points on the Western Slope and Leadville, Colorado; provided, however, that service is authorized to points in Summit County, Colorado.

- (2) Sulphuric acid (in bulk)

Between Denver, Colorado, and the Cotter Company plant located near Canon City, Colorado.

RESTRICTION:

Item (2) of this Permit is restricted to the rendering of transportation service for only the Allied Chemical Corporation, Denver, Colorado.

- (3) Beer bottles and cartons containing the bottles

From the Columbine Glass Company plant, located at 10619 W. 50th Avenue in Jefferson County, Colorado, to the Adolph Coors Company plant at Golden, Colorado.

RESTRICTION:

Item (3) of this Permit is restricted to the rendering of transportation service for only the Columbine Glass Company.

- (4) 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 the designated radius as restricted below.

- (5) 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 the designated radius as restricted below.



Appendix  
Decision No. 85423  
July 30, 1974  
Page 2

Denver Climax Truck Line, Inc.

Transportation of (cont.)

(6) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

(7) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items 4, 5, 6, and 7 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. Z. TREE SERVICE, INC., 1501 )  
ORCHARD STREET, BOULDER, COLORADO )  
FOR AUTHORITY TO OPERATE AS A CLASS )  
"B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )

APPLICATION NO. 27689-PP

ORDER OF THE COMMISSION

July 30, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

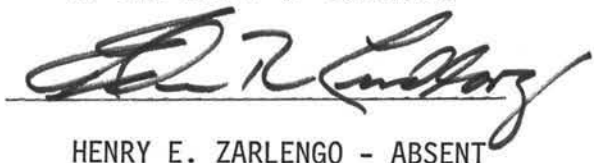
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85424  
July 30, 1974

E. Z. Tree Service, Inc.

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PLETCHER FARMS TRUCKING, INC., BOX )  
13, SHARON SPRINGS, KANSAS FOR AUTH- )  
ORITY TO OPERATE AS A CLASS "B" CON- )  
TRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27695-PP

ORDER OF THE COMMISSION

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July 30, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

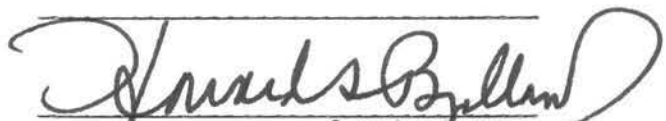
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

Appendix  
Decision No. 85425  
July 30, 1974

Pletcher Farms Trucking, Inc.

Transportation of

Farm Products

Between points located in the Counties of Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca; and points located within the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) To rendering transportation service for only Far-Mar Co., Inc., 4600 East 64th Avenue, Commerce City, Colorado 80022;
- (b) Against the transportation of livestock, bulk milk, and dairy products.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT G. THOMPSON, MT. MASSIVE )  
STAR ROUTE, BOX 365, LEADVILLE, )  
COLORADO FOR AUTHORITY TO OPERATE )  
AS A CLASS "B" CONTRACT CARRIER )  
BY MOTOR VEHICLE. )

APPLICATION NO. 27697-PP

ORDER OF THE COMMISSION

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July 30, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85426  
July 30, 1974

Robert G. Thompson

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 60 miles from the point(s) of origin.

(Decision No. 85427)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES L. DANIELS, C/O KREMMLING )  
TIMBER COMPANY, KREMMLING, COLORADO )  
FOR AUTHORITY TO OPERATE AS A CLASS )  
"B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )

APPLICATION NO. 27698-PP  
ORDER OF THE COMMISSION

-----  
July 30, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85427  
July 30, 1974

James L. Daniels

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. H. PAGAN, C/O KREMMLING TIMBER )  
COMPANY, KREMMLING, COLORADO FOR )  
AUTHORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27703-PP  
ORDER OF THE COMMISSION

-----  
July 30, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

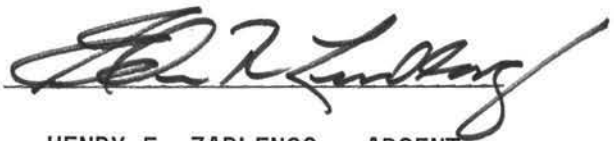
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85428  
July 30, 1974

W. H. Pagan

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

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 PEAS, EARLY )  
LETTUCE, CABBAGE, CAULIFLOWER, )  
CARROTS, SPINACH, RADISHES, SNAP )  
BEANS, SWEET CORN, TOMATOES, RED )  
BEETS, PICKLES, EARLY POTATOES, )  
EARLY ONIONS, VINE CROPS, AND HAY. )

APPLICATION NO. 27654

EMERGENCY DISTRICT 5-74  
SUPPLEMENTAL ORDER

---  
July 23, 1974  
---

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 25, 1974, the Commission entered its Decision No. 85246 authorizing temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting peas, early lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, early potatoes, early onions, vine crops, and hay in the Counties of Adams, Alamosa, Baca, Bent, Conejos, Costilla, Crowley, Delta, Kit Carson, Larimer, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, and Yuma, State of Colorado, to be effective for a period of ninety (90) days commencing June 26, 1974.

The staff of the Transportation Section of this Commission has received a request from the Colorado Department of Agriculture that the County of Weld be added to the Emergency District. Request, pursuant to the above, has been made for a supplemental order of the Commission authorizing the County of Weld to be added to those counties as set forth in said Decision No. 85246.

The Commission states and finds that an emergency exists because of the shortage of motor vehicles for the transportation of peas, early lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, early potatoes, early onions, vine crops, and hay in the County of Weld, and that Decision No. 85246 dated June 25, 1974, should be amended as set forth in the order following.

ORDER

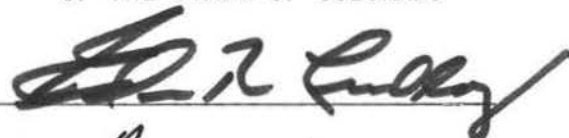
THE COMMISSION ORDERS:

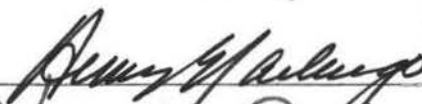
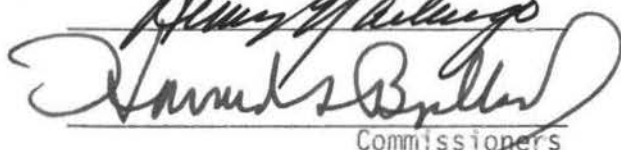
That Commission Decision No. 85246 dated June 25, 1974, be and the same hereby is, amended by adding the County of Weld to those counties set forth in said Decision No. 85246.

That except as herein amended, Decision No. 85246 shall remain in full force and effect.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
  
\_\_\_\_\_

Commissioners

(Decision No. 85430)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

PERL-MACK ENTERPRISES, CO., a  
Colorado corporation, }

Complainant, }

vs. }

THE MOUNTAIN STATES TELEPHONE  
AND TELEGRAPH COMPANY, a  
Colorado corporation, }

Respondent. }

CASE NO. 5541

ORDER DENYING EXCEPTIONS TO  
RECOMMENDED DECISION NO. 85055

July 23, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 22, 1974, Hearing Examiner Robert L. Pyle entered his Recommended Decision No. 85055 in the above-captioned matter.

On July 9, 1974, Complainant, Perl-Mack Enterprises, Co., filed with the Commission Exceptions to Recommended Decision No. 85055.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Complainant, Perl-Mack Enterprises, Co., should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 85055 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Complainant, Perl-Mack Enterprises, Co., be, and hereby are, overruled and denied.

2. The findings of fact and conclusions of Hearing Examiner Robert L. Pyle in Recommended Decision No. 85055 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 85055 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and that the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

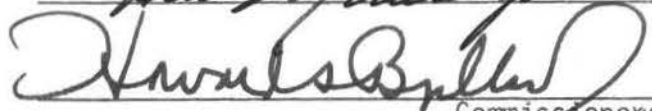
This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO







Commissioners

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RESPONDENT, NORTH PARK TRANS- )  
PORTATION CO., A COLORADO COR- )  
PORATION, 5150 COLUMBINE STREET, )  
DENVER, COLORADO, UNDER CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY PUC NO. 1600, PUC NO. )  
1600-I, AND PUC NO. 5888. )

CASE NO. 5565  
ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING

- - - - -  
July 23, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I and PUC No. 5888, to conduct certain operations as a Common Carrier by motor vehicle for the following, to wit:

Certificates of Public Convenience and Necessity PUC No. 1600 and PUC No. 1600-I

"Transportation of freight, excluding, however, household goods, and heavy machinery requiring special equipment but not excluding emigrant movables, from point to point within Jackson County, Colorado, and between points in Jackson County, and all other points and places in the State of Colorado.

Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935.

Transportation of general commodities, on schedule, between Ft. Collins, Colorado, and Walden, Colorado, via Colo. 14 and that portion of said certificate which authorizes service between Denver, Colorado, and points in Jackson County, Colorado, via US 40 to its junction with Colo. 125; thence via Colo. 125 to Walden, Colorado.

Transportation of general commodities between Denver, Colorado, and Walden, Colorado, and North Park points it is authorized to serve, via US 40 to its junction with Colorado 14; thence on Colo. 14 to Walden, Colorado, serving the points on Colo. 14 between its junction with US 40 and Walden, Colorado.

Transportation of freight on schedule between Denver and Kremmling and intermediate points between West Portal and Kremmling; and a call and demand general transfer, moving and cartage service from point to point in Grand County and to and from Grand County and outside points and livestock between Grand County and Denver for Grand County customers -- all freight to originate or terminate in Grand County.



Transportation of livestock in less than carload lots, when competing with scheduled carriers, between points in Grand County, and points in the State of Colorado and to include transportation service between Denver and Grand Lake on the same conditions.

AS TO POINTS DIRECTLY ON US 40 between West Portal and Kremmling. Interstate authority issued 4/1/53: Transportation of freight in interstate commerce, only, between Denver and Kremmling and intermediate points between West Portal and Kremmling, from point to point in Grand County and from Grand County to Denver, subject to the provisions of the Federal Motor Carrier Act of 1935 as amended.

To include service to intermediate points between Empire and Kremmling, Colorado, but excluding service to Empire.

The transportation of freight, on call and demand, to serve the site of the Urad Mine, located in Clear Creek County, Colorado, near the foot of Berthoud Pass, as an off-route point in connection with applicant's otherwise authorized scheduled service between Denver and Kremmling, Colorado.

Transportation of freight, serving points in Clear Creek County located within five (5) miles of U.S. Highway 40 between Empire, Colorado, and the Grand-Clear Creek County line, as off-route points in connection with other authorized regular route service between Denver and Kremmling, Colorado, restricted against service to Empire and points located on U.S. Highway 6."

Certificate of Public Convenience and Necessity PUC No. 5888

"Transfer, moving and general cartage business in the City and County of Denver and Counties of Adams, Arapahoe and Jefferson: also occasional service throughout the State of Colorado and in each of the Counties thereof, subject to the following conditions:

(a) for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be at least 20% in excess in all cases than those charged by scheduled carriers;

(b) the applicant shall not operate on schedule between any points;

(c) the applicant shall not be permitted, without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Denver, for the purpose of developing business.

Operation of a transfer, moving and general cartage business, from point to point within the City and County of Denver, State of Colorado."

The staff of the Public Utilities Commission of the State of Colorado has conducted an investigation relating to the Motor Vehicle Operations of Respondent, North Park Transportation Co., a Colorado Corporation, Denver, Colorado, under Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888. Said investigation disclosed that the Respondent has engaged in transportation practices that may have been in violation of the Public Utility Law and the Rules and Regulations of the Commission in the following respects, to wit:



By performing repeated instances of transportation in June, August and October of 1973, as listed in Appendix "A", which is appended hereto, which were beyond the scope of authority granted in Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I and PUC No. 5888.

By charging rates other or different than those on file with the Commission for such service as shown on its bills of lading, which resulted in some cases in undercharges and in others, overcharges, which are in violation of the Statutes of this State and the Rules and Regulations of the Public Utilities Commission.

The freight bill numbers and dates of those shipments wherein there appears to be rate violations, are shown in Appendix "B".

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

#### ORDER


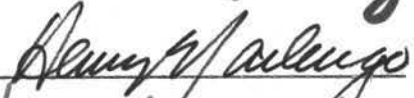

##### THE COMMISSION ORDERS:

That Respondent, North Park Transportation Co., a Colorado Corporation, be, and hereby is, directed to appear before the Commission on September 18, 1974, as specifically set forth below to show cause why the Commission should not take such action and enter such penalty as may be appropriate, including, but not limited to, a cease and desist order, or if warranted, an order cancelling and revoking Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888 of the Respondent.

That this Case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 A.M. on September 18, 1974, and that September 19, 1974 be reserved on the calendar of the Commission in the event an additional hearing day is required, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Appendix A  
Decision No. 85431  
July 23, 1974

JUNE 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
June 1, 1973	4446	Pueblo	Denver
June 1, 1973	4448	Denver	Twin Lakes
June 1, 1973	4449	Denver	Minnequa
June 2, 1973	4452	Denver	Aspen
June 2, 1973	4453	Denver	Uravan
June 2, 1973	4454	Denver	Uravan
June 4, 1973	4455	Denver	Windsor
June 1, 1973	4463	Denver	Windsor
May 30, 1973	4464	Denver	Windsor
June 4, 1973	4468	Montrose	Brighton
June 6, 1973	4470	Denver	Windsor
June 6, 1973	4471	Denver	Windsor
June 7, 1973	4476	Colorado Springs	Ft. Collins
June 6, 1973	4480	Denver	Minnequa
June 7, 1973	4485	Empire	Climax
June 7, 1973	4486	Pueblo	Adams City
June 8, 1973	4488	Denver	Windsor
June 7, 1973	4489	Denver	Breckenridge
June 8, 1973	4490	Pueblo	Northglenn
June 8, 1973	4491	Pueblo	Northglenn
June 8, 1973	4496	Denver	Breckenridge
June 8, 1973	4502	Denver	Frisco
June 9, 1973	4507	Blakeland	Twin Lakes
June 8, 1973	4508	Denver	Boulder
June 11, 1973	4509	Pueblo	Denver
June 8, 1973	4519	Denver	Windsor
June 7, 1973	4520	Denver	Loveland
June 13, 1973	4521	Denver	Windsor

JUNE 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
June 13, 1973	4522	Denver	Windsor
June 14, 1973	4525	Denver	Windsor
June 14, 1974	4526	Denver	Portland
June 13, 1973	4528	Pueblo	Denver
June 13, 1973	4530	Pueblo	Boulder
June 18, 1973	4544	Denver	Windsor
June 18, 1973	4545	Denver	Ft. Collins
June 15, 1973	4551	Pueblo	Denver
June 15, 1973	4553	Denver	Twin Lakes
June 18, 1973	4549	Pueblo	Denver
June 18, 1973	4554	Denver	Windsor
June 18, 1973	4556	Empire	Colorado Springs
June 18, 1973	4557	Pueblo	Boulder
June 18, 1973	4561	Denver	Windsor
June 19, 1973	4567	Denver	Delta
June 20, 1973	4571	Denver	Ft. Collins
June 21, 1973	4572	Denver	Ft. Collins
June 20, 1973	4573	Denver	Windsor
June 20, 1973	4574	Denver	Delta
June 22, 1973	4579	Pueblo	Boulder
June 21, 1973	4580	Pueblo	Boulder
June 22, 1973	4584	Denver	Windsor
June 21, 1973	4585	Denver	Windsor
June 22, 1973	4593	Pueblo	Denver
June 22, 1973	4598	Pueblo	Denver
June 22, 1973	4599	Pueblo	Denver
June 25, 1973	4601	Pueblo	Boulder

JUNE 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
June 23, 1973	4602	Denver	Twin Lakes
June 26, 1973	4603	Denver	Windsor
June 26, 1973	4604	Pueblo	Boulder
June 26, 1973	4605	Denver	Windsor
June 26, 1973	4606	Denver	Windsor
June 25, 1973	4607	Denver	Ovid
June 27, 1973	4611	Pueblo	Boulder
June 27, 1973	4612	Denver	Windsor
June 27, 1973	4613	Denver	Windsor
June 27, 1973	4614	Denver	Windsor
June 13, 1973	4617	Denver	Windsor
June 18, 1973	4618	Denver	Ft. Collins
June 20, 1973	4619	Denver	Ft. Collins
June 21, 1973	4620	Denver	Ft. Collins
June 22, 1973	4621	Denver	Ft. Collins
June 25, 1973	4623	Denver	Ft. Collins
June 27, 1973	4626	Denver	Windsor
June 28, 1973	4629	Denver	Windsor
June 26, 1973	4632	Denver	Ovid
June 27, 1973	4633	Denver	Greeley
June 27, 1973	4635	Denver	Pueblo
June 28, 1973	4642	Pueblo	Denver
June 28, 1973	4645	Pueblo	Boulder
June 29, 1973	4651	Denver	Winter Park
June 29, 1973	4652	Denver	Windsor
June 29, 1973	4653	Wheatridge	Pueblo
June 29, 1973	4658	Pueblo	Denver

JUNE 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
June 29, 1973	4659	Empire	Leadville
June 1, 1973	24670	Empire	Golden
June 11, 1973	24748	Empire	Golden
June 18, 1973	24827	Empire	Golden
June 25, 1973	24917	Empire	Broomfield
June 25, 1973	24918	Empire	Golden

AUGUST 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
August 1, 1973	4880	Denver	Windsor
August 1, 1973	4884	Denver	Windsor
August 1, 1973	4885	Denver	Windsor
August 2, 1973	4887	Denver	Windsor
August 2, 1973	4888	Denver	Windsor
August 2, 1973	4889	Denver	Windsor
August 2, 1973	4890	Denver	Windsor
August 2, 1973	4893	Denver	Windsor
August 2, 1973	4892	Denver	Stage Coach
August 2, 1973	4894	Denver	Delta
August 2, 1973	4897	Denver	Minnequa
August 3, 1973	4898	Denver	Windsor
August 3, 1973	4899	Denver	Windsor
August 3, 1973	4900	Denver	Windsor
August 3, 1973	4901	Denver	Windsor
August 2, 1973	4902	Denver	Windsor
August 6, 1973	4905	Denver	Portland
August 6, 1973	4906	Denver	Pueblo

AUGUST 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
August 6, 1973	4913	Denver	Dillon
August 6, 1973	4914	Denver	Portland
August 4, 1973	4916	Denver	Twin Lakes
August 2, 1973	4917	Denver	Windsor
August 1, 1973	4919	Denver	Colorado Springs
July 31, 1973	4918	Denver	Lyons
August 9, 1973	4931	Denver	Longmont
August 8, 1973	4932	Boettcher	Commerce City
August 8, 1973	4933	Denver	Minnequa
August 7, 1973	4937	Denver	Colorado Springs
August 9, 1973	4943	Denver	Minnequa
August 9, 1974	4946	Denver	Boettcher
August 13, 1973	4958	Denver	Steamboat Springs
August 11, 1973	4962	Blakeland	Twin Lakes
August 14, 1973	4963	Empire	Climax
August 14, 1973	4966	Denver	Portland
August 15, 1973	4970	Empire	Climax
August 14, 1973	4971	Denver	Pueblo
August 16, 1973	4976	Denver	Pueblo
August 17, 1973	4984	Denver	Pueblo
August 17, 1973	4996	Denver	Steamboat Springs
August 21, 1973	5001	Denver	Pueblo
August 21, 1973	5007	Denver	Pueblo
August 20, 1973	5008	Denver	Portland
August 18, 1973	5012	Denver	Twin Lakes
August 22, 1973	5017	Denver	Grand Junction
August 22, 1973	5018	Denver	Grand Junction

AUGUST 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
August 22, 1973	5024	Denver	Portland
August 22, 1973	5025	Denver	Pueblo
August 23, 1973	5034	Denver	Pueblo
August 23, 1973	5035	Littleton	Frisco
August 23, 1973	5037	Denver	Marble
August 24, 1973	5041	Denver	Longmont
August 27, 1973	5045	Denver	Steamboat Springs
August 27, 1973	5047	Denver	Steamboat Springs
August 28, 1973	5048	Denver	Ft. Morgan
August 28, 1973	5059	Pueblo	Aurora
August 29, 1973	5070	Denver	Las Animas
August 31, 1973	5082	Pueblo	Boulder
August 31, 1973	5084	Denver	Portland
August 31, 1973	5085	Denver	Steamboat Springs
August 31, 1973	5086	Denver	Grand Junction
August 31, 1973	5087	Denver	Grand Junction
August 30, 1973	5089	Pueblo	Boulder
August 30, 1973	5090	Pueblo	Denver
August 25, 1973	5091	Denver	Twin Lakes
August 31, 1973	5098	Denver	Portland
September 1, 1973	5099	Denver	Twin Lakes
August 31, 1973	5103	Denver	Ft. Collins

OCTOBER 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
October 1, 1973	5289	Denver	Pueblo
October 1, 1973	5304	Denver	Limon

OCTOBER 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
October 3, 1973	5308	Empire	Colorado Springs
October 4, 1973	5309	Littleton	Frisco
October 3, 1973	5313	Denver	Portland
October 1, 1973	5314	Denver	Limon
October 4, 1973	5315	Denver	Flagler-Siebert
October 2, 1973	5320	Denver	Frisco
October 8, 1973	5325	Denver	Frisco
October 8, 1973	5326	Denver	Pueblo
October 8, 1973	5327	Denver	Hayden
October 6, 1973	5336	Denver	Twin Lakes
October 9, 1973	5339	Lyons	Denver
October 9, 1973	5341	Denver	Portland
October 9, 1973	5343	Denver	Limon
October 9, 1973	5345	Denver	Boulder
October 10, 1973	5347	Denver	Portland
October 10, 1973	5353	Denver	Pueblo
October 11, 1973	5358	Denver	Portland
October 11, 1973	5359	Denver	Pueblo
October 11, 1973	5361	Pueblo	Boulder
October 12, 1973	5362	Denver	Portland
October 12, 1973	5363	Denver	Pueblo
October 11, 1973	5364	Denver	Portland
October 11, 1973	5366	Denver	Pueblo
October 11, 1973	5367	Denver	Pueblo
October 12, 1973	5374	Littleton	Frisco
October 13, 1973	5375	Denver	Pueblo West
October 13, 1973	5377	Denver	Leadville
October 11, 1973	5381	Denver	Frisco



OCTOBER 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
October 16, 1973	5382	Littleton	Frisco
October 12, 1973	5394	Blakeland	Twin Lakes
October 12, 1973	5395	Denver	Portland
October 17, 1973	5397	Denver	Portland
October 16, 1973	5398	Denver	Stagecoach
October 16, 1973	5402	Denver	Boulder
October 17, 1973	5405	Littleton	Frisco
October 17, 1973	5406A	Denver	Pueblo
October 18, 1973	5408	Denver	Colorado Springs
October 18, 1973	5410	Aspen	Denver
October 18, 1973	5411	Denver	Breckenridge
October 18, 1973	5412	Denver	Breckenridge
October 18, 1973	5413	Denver	Breckenridge
October 18, 1973	5415	Littleton	Frisco
October 18, 1973	5416	Denver	Pueblo
October 19, 1973	5416	Hayden	Denver
October 22, 1973	5430	Littleton	Frisco
October 22, 1973	5431	Littleton	Frisco
October 22, 1973	5432	Denver	Pueblo
October 20, 1973	5441	Denver	Twin Lakes
October 23, 1973	5442	Denver	Stagecoach
October 23, 1973	5444	Denver	Portland
October 24, 1973	5445	Denver	Grand Junction
October 24, 1973	5446	Denver	Pueblo
October 25, 1973	5449	Denver	Grand Junction
October 25, 1973	5450	Denver	Pueblo
October 24, 1973	5451	Denver	Minnequa

OCTOBER 1973

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
October 24, 1973	5454	Empire	Golden
October 25, 1973	5459	Pueblo	Boulder
October 25, 1973	5460	Pueblo	Boulder
October 25, 1973	5461	Pueblo	Boulder
October 25, 1973	5463	Denver	Grand Junction
October 26, 1973	5467	Pueblo	Boulder
October 26, 1973	5468	Pueblo	Boulder
October 26, 1973	5469	Pueblo	Boulder
October 26, 1973	5470	Littleton	Frisco
October 23, 1973	5471	Denver	Flagler
October 25, 1973	5475	Littleton	Frisco
October 26, 1973	5482	Pueblo	Boulder
October 26, 1973	5483	Pueblo	Boulder
September 29, 1973	25965	Empire	Golden
October 6, 1973	26063	Empire	Golden
October 8, 1973	26087	Empire	Golden
October 13, 1973	26166	Empire	Golden
October 21, 1973	26190	Empire	Golden
October 20, 1973	26264	Empire	Golden
October 29, 1973	26342	Empire	Golden

CASE NO. 5565

DECISION NO. 85431

## APPENDIX "B"

THIS IS A LIST OF FREIGHT BILL NUMBERS AND DATES UNDER WHICH SHIPMENTS MOVED IN INTRASTATE COMMERCE, WHEREIN THERE APPEAR TO BE VIOLATIONS OF THE STATUTE OF THIS STATE AND THE RULES AND REGULATIONS OF THE PUBLIC UTILITIES COMMISSION:

Alleged Rate Violations

<u>DATE</u>	<u>BILL NO.</u>	<u>AS CHARGED</u>	<u>SHOULD BE</u>	<u>UNDERCHARGE</u>	<u>OVERCHARGE</u>
June 1, 1973	DX-04446	\$100.40	\$148.00	\$ 47.60	\$
June 1, 1973	DX-04449	193.60	336.25	142.65	
June 2, 1973	DX-04453	363.28	398.59	35.31	
June 2, 1973	DX-04454	351.51	438.33	86.82	
June 4, 1973	DX-04468	194.50	408.64	214.14	
June 6, 1973	DX-04480	76.27	87.41	12.14	
June 8, 1973	DX-04502	145.00	344.40	199.40	
June 19, 1973	DX-04567	332.07	363.69	31.62	
June 20, 1973	DX-04574	316.13	346.24	30.11	
June 25, 1973	DX-04607	206.40	238.99	32.59	
June 26, 1973	DX-04632	196.08	227.04	30.96	
August 2, 1973	DX-04894	288.00	184.06		103.94
August 2, 1973	DX-04897	193.60	334.29	140.69	
August 14, 1973	DX-04971	218.70	133.10		85.60
August 17, 1973	DX-04984	218.70	133.10		85.60
August 24, 1973	DX-05041	49.50	20.00		29.50
August 31, 1973	DX-05086	312.18	297.60		14.58
August 31, 1973	DX-05087	312.18	297.60		14.58
October 2, 1973	DX-05320	145.00	327.60	182.60	
October 9, 1973	DX-05341	173.34	190.46	17.12	
20 Bills				\$1,203.75	\$333.80

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ALPINE TRANSPORTATION, INC., FOR A )	APPLICATION NO. 27525
CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY AUTHORIZING OPERATION )	ORDER GRANTING MOTION TO
AS A COMMON CARRIER BY MOTOR VEHICLE )	RESTRICTIVELY AMEND APPLICATION
IN INTRASTATE COMMERCE. )	

- - - - -  
July 23, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 19, 1974, Applicant, Alpine Transportation, Inc., filed the within application for a certificate of public convenience and necessity authorizing operation as a common carrier by motor vehicle in intrastate commerce.

On July 17, 1974, Applicant filed its Motion To Restrictively Amend Application requesting leave to amend its petition as set forth in said Motion.

The Commission states and finds that the proposed amendment is clearly restrictive in nature and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant's Motion To Restrictively Amend Application filed on July 17, 1974, be, and hereby is, granted.

2. The scope of the authority sought by Applicant hereinafter shall be as follows:

"Authority sought for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire, in Intrastate Commerce for:

- (i) Regular Route Authority, transporting passengers, their personal effects, baggage, ski equipment, accessories and supplies,

BETWEEN the Copper Mountain, Colorado recreational area and the Arapahoe Basin, Colorado recreational area, serving all intermediate points and all other points in Summit County, Colorado as off-route points

in connection with carrier's regular route operations.

FROM the Copper Mountain recreational area to Colorado Highway 6, thence over Colorado Highway 6 to the Arapahoe Basin recreational area and return over the same route.

- (ii) Irregular Route Authority, transporting passengers, their personal effects, baggage, ski equipment, accessories and supplies,

BETWEEN points in Summit County, Colorado.

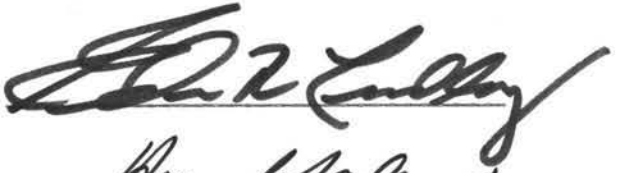
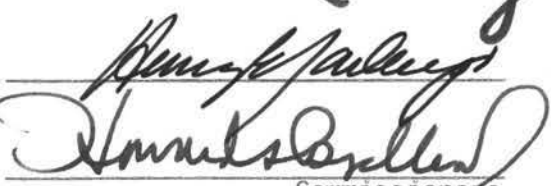
- (iii) Irregular Route Authority, in special taxi operations, transporting passengers, their personal effects, baggage, ski equipment, accessories and supplies,

BETWEEN points in Summit County, Colorado."

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners  
nlr

(Decision No. 85433)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	APPLICATION NO. 27586
OF NORTHERN NATURAL GAS COMPANY	)	
FOR AN ORDER AUTHORIZING IT TO	)	ORDER GRANTING REQUEST TO
MAKE CERTAIN RATE REFUNDS.	)	AMEND DECISION NO. 85106

- - - - -  
July 23, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 28, 1974, by Decision No. 85106, the Commission authorized Applicant, Northern Natural Gas Company, to make certain retail rate refunds to customers. Ordering paragraph No. 4 of Decision No. 85106 provided:

"4. Such refund shall commence forthwith and shall be completed within sixty (60) days from date of this order, and upon completion of same, Applicant shall so advise the Commission, in writing, to include a list of customers names and addresses to whom refunds could not be made and the individual amounts involved."

On July 15, 1974, Peoples Natural Gas Division of Applicant filed an Application To Amend Order Of The Commission alleging, inter alia:

"1. Peoples accounting system lists customers by account number as opposed to names and addresses.

"2. As of this time the total number of customers to whom refunds could not be made is 1388, and the total amount involved is \$510.24.

"3. In order to comply with the Order of the Commission, it will take three to four weeks of clerical work to compile the names and addresses of customers, and amounts involved from the list of account numbers."

The Commission states and finds that to require Applicant to comply with Ordering Paragraph No. 4 of Decision No. 85106 would require an excessive amount of clerical work by Applicant which would nullify the benefits intended to be gained by Ordering Paragraph No. 4 of Decision No. 85106, and therefore the Application To Amend Order Of The Commission should be granted.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant's Motion To Amend Order Of The Commission, filed on July 15, 1974, be, and hereby is, granted.

2. Ordering Paragraph No. 4 of Decision No. 85106 be, and hereby is, deleted and in lieu thereof the following is inserted:

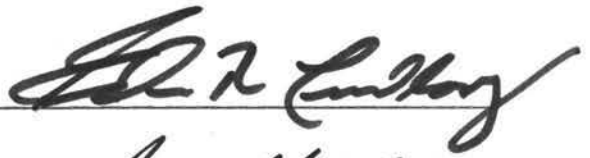
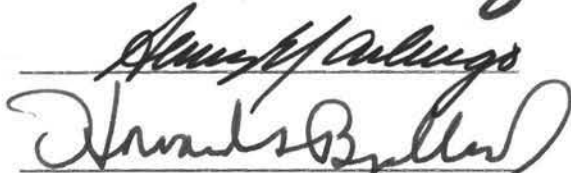
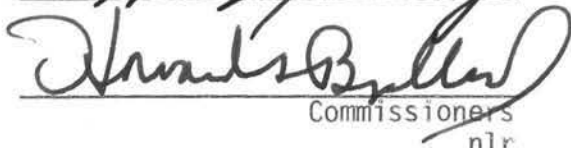
"4. Such refund shall commence forthwith and shall be completed within sixty (60) days from date of this order, and upon completion of same, Applicant shall so advise the Commission, in writing, to include a list of customers' account numbers to whom refunds could not be made and the individual amounts involved."

3. As so amended, Decision No. 85106 shall remain in full force and effect.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
nlr

(Decision No. 85434)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GOOSENECK HAULERS, INC., FOR A CERTI- )	
FICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY AUTHORIZING OPERATION AS )	APPLICATION NO. 27355
A COMMON CARRIER BY MOTOR VEHICLE )	
FOR HIRE FOR THE TRANSPORTATION OF )	ORDER DENYING EXCEPTION
ASHES, TRASH, WASTE, RUBBISH AND )	TO RECOMMENDED DECISION
GARBAGE FROM ANY AND ALL POINTS IN )	NO. 85236
EAGLE COUNTY, COLORADO, TO A DISPOSAL )	
SITE LOCATED APPROXIMATELY TWO (2) )	
MILES NORTH OF THE TOWN OF WOLCOTT, )	
EAGLE COUNTY, COLORADO. )	

- - - - -  
July 23, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 20, 1974, Hearing Examiner Robert E. Temmer entered his Recommended Decision No. 85236 in the above-captioned matter.

On July 8, 1974, Applicant, Gooseneck Haulers, Inc., by its attorney Stewart H. Brown, filed with the Commission its Exception to said Recommended Decision No. 85236. Such Exception attacked certain findings of fact made by the Hearing Examiner. The Applicant did not file a transcript. CRS 115-6-13(4), 1963, reads as follows:

"(4) It shall not be necessary for a party to cause a transcript to be filed as herein provided in any case where the party does not seek to amend, modify, annul, or reverse basic findings of fact which shall be set forth in the recommended decision of a commissioner or examiner, or in the decision of the commission. If such transcript is not filed pursuant to the provisions hereof for consideration with the party's first pleading, it shall be conclusively presumed that the basic findings of fact, as distinguished from the conclusions and reasons therefor and the order or requirements thereon, are complete and accurate."

Applying such statutory provision, it must be presumed that the basic findings of fact of the Hearing Examiner are complete and accurate.

The Commission has now reconsidered the matter and has determined that the Exception filed herein by Applicant should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 85236 should be adopted as its own, and concludes that the following Order should be entered.



O R D E R


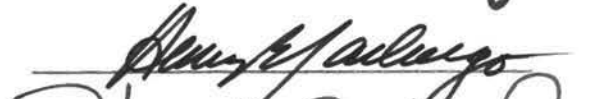

THE COMMISSION ORDERS THAT:

1. The Exception filed herein by Applicant, Gooseneck Haulers, Inc., be, and the same hereby is, overruled and denied.
2. The findings of fact and conclusions of Hearing Examiner Robert E. Temmer in Recommended Decision No. 85236 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 85236 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
nlr

(Decision No. 85435)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

PUBLIC SERVICE COMPANY OF  
COLORADO, a Colorado corporation,  
  
Complainant,  
  
vs.  
  
TRI-STATE GENERATION AND  
TRANSMISSION ASSOCIATION  
INC., a corporation,  
  
Respondent.

CASE NO. 5557

ORDER DENYING EXCEPTIONS TO  
RECOMMENDED DECISION NO. 85238

-----  
July 23, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1974, Hearing Examiner Robert L. Pyle entered his Recommended Decision No. 85238 in the above-captioned matter.

On July 15, 1974, Respondent, Tri-State Generation and Transmission Association, Inc., filed with the Commission Exceptions to Recommended Decision No. 85238. Also, on July 15, 1974, K. C. Electric Association filed Exceptions to Recommended Decision of Hearing Examiner Robert L. Pyle, being Decision No. 85238 dated June 24, 1974.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Respondent, Tri-State Generation and Transmission Association, Inc., and the Exceptions filed herein by K. C. Electric Association should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 85238 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein on July 15, 1974, by Respondent, Tri-State Generation and Transmission Association, Inc., be, and the same hereby are, overruled and denied.

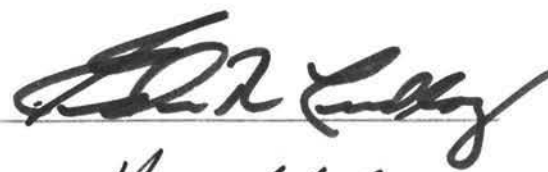


2. The Exceptions filed herein on July 15, 1974, by K. C. Electric Association (Intervenor) be, and hereby are, overruled and denied.

3. The Examiner's Recommended Order in said Decision No. 85238 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
nlr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: BESSEMER BUS CORPORATION DBA )  
AIRPORT LIMOUSINE SERVICE TO PUBLISH )  
LOCAL PASSENGER TARIFF NO. 1, )  
COLORADO PUC NO. 1, ON LESS THAN )  
STATUTORY NOTICE. )  
-----

APPLICATION NO. 27719

-----  
July 23, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Application dated July 15, 1974, Bessemer Bus Corporation, d/b/a Airport Limousine Service, by its President, Byron E. Cowart, requests permission to advance the effective date of its Local Passenger Tariff No. 1, on five day's notice to this Commission.

The Commission finds that good cause has not been shown for advancing the effective date upon less than statutory notice and that said Application should be denied.

ORDER

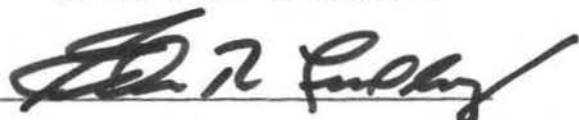

THE COMMISSION ORDERS:

1. That Application by Bessemer Bus Corporation d/b/a Airport Limousine Service to file Local Passenger Tariff No. 1, Colorado PUC No. 1, on less than statutory notice, be, and hereby is, denied.

2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: INCREASED PASSENGER FARES AND )  
CHARGES AS PUBLISHED IN COLORADO )  
MOTORWAY, INC. LOCAL PASSENGER TARIFF )  
NO. 17, COLORADO PUC NO. 18, AND IN )  
DENVER-BOULDER BUS COMPANY LOCAL )  
PASSENGER TARIFF NO. 42, COLORADO )  
PUC NO. 43, REVISED PAGES 1, 2, 5, 6, )  
7, 8 and 9, ALL SCHEDULED TO BECOME )  
EFFECTIVE ON AUGUST 1, 1974. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 879

-----  
July 23, 1974  
-----

STATEMENT

BY THE COMMISSION:

On June 28, 1974, Colorado Motorway, Inc., Respondent, filed Local Passenger Tariff No. 17, Colorado PUC No. 18 and on the same date Denver-Boulder Bus Company, Respondent, filed Revised Pages Nos. 1, 2, 5, 6, 7, 8 and 9 to its Local Passenger Tariff No. 42, Colorado PUC No. 43. All of the aforesaid filings were scheduled to become effective on August 1, 1974 and would have the effect of increasing passenger fares and charges over these two lines by amounts varying from 13.6 percent to 40 percent.

On July 5, 1974, affidavits certifying that notice of the pending increases had been filed in the terminals of the two Respondents and in each vehicle used in the transportation of passengers affected by said changes in rates.

On July 15, 1974, each of the two Respondents filed statements and financial data in support of the pending increases.

FINDINGS OF FACT

THE COMMISSION FINDS AS FACT:

1. That five protests to the filing of Colorado Motorway, Inc. Tariff No. 17 have been received.
2. That in excess of 230 protests have been received objecting to the increases in Denver-Boulder Bus Company Tariff No. 42.
3. The tariff filings of Colorado Motorway, Inc. Tariff No. 17 and Revised Pages to Denver-Boulder Bus Company Tariff No. 42, if permitted to become effective, would result in increased rates and charges.

## CONCLUSIONS ON FINDINGS OF FACT

### THE COMMISSION CONCLUDES:

1. Review of the data submitted by the carriers in support of the tariff filings indicates that the said filings may be in violation of the Public Utilities Law.
2. It is in the public interest to set the said tariff filings for hearing and to suspend the same for 120 days, unless otherwise ordered by the Commission.
3. Respondents should be required to submit yearly figures in lieu of the three month comparison statement of income originally presented and on file in this matter.
4. Respondents should be required to furnish the supporting details of the traffic survey conducted in support of this filing.
5. Respondents should be required to provide the necessary information to enable the Commission to correlate the tests made by them with the yearly base figures.

An appropriate Order should be entered.

## O R D E R

### THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the rates and charges as filed by Colorado Motorway, Inc. in its Local Passenger Tariff No. 17, Colorado PUC No. 18, and in Denver-Boulder Bus Company Tariff No. 42, Colorado PUC No. 43, Revised Pages 1, 2, 5, 6, 7, 8 and 9.
2. 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 tariffs under the Public Utilities Law.
3. That neither the tariffs 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.
4. 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 D. B. James, President of Respondent companies, 1755 Glenarm, Denver, CO 80201. The necessary suspension supplement to each tariff shall be issued, filed and posted to the respective tariffs referred to in the Statement herein.
5. That fifteen days prior to the hearing date herein, Respondents, shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case, and a list of their witnesses.
6. That said exhibits shall include, but not be limited to, calendar year statements of income for comparative or measurement data presented, itemized details of tests conducted to support conclusions made from surveys, and correlation of tests to base calendar year figures.

7. That this Investigation and Suspension Docket No. 879, be, and the same is hereby, set for hearing before the Commission on:

Date: October 10, 1974

Time: 10:00 a.m.


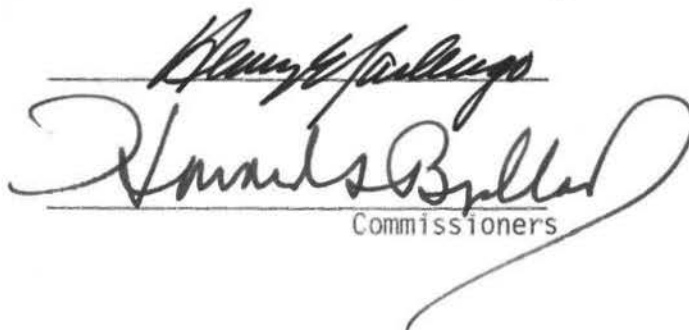
Place: Hearing Room, 500 Columbine Building,  
1845 Sherman Street, Denver, CO 80203

8. That the increased passenger fares and charges as published in Colorado Motorway, Inc. Local Passenger Tariff No. 17, Colorado PUC No. 18, and Revised Pages 1, 2, 5, 6, 7, 8 and 9 to Denver-Boulder Bus Company Local Passenger Tariff No. 42, Colorado PUC No. 43, presently scheduled to become effective on August 1, 1974 be, and the same hereby, are suspended for a period of 120 days to and including November 28, 1974, unless otherwise ordered by the Commission.

9. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

(Decision No. 85438)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
B. L. KLUTTS, DOING BUSINESS AS )  
"KLUTTS CONSTRUCTION," 1474 NORTH )  
YAMPA, #55, CRAIG, COLORADO FOR )  
TEMPORARY AUTHORITY TO OPERATE AS )  
A CLASS "B" CONTRACT CARRIER BY )  
MOTOR VEHICLE. )

APPLICATION NO. 27686-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

-----  
July 30, 1974  
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The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

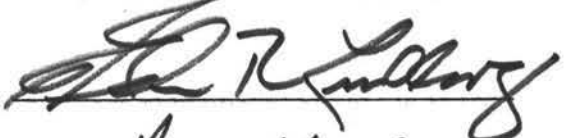
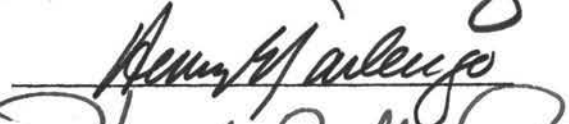
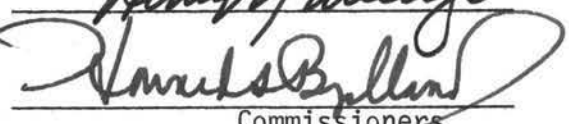
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners



Appendix  
Decision No. 85438  
July 30, 1974

Klutts Construction

Transportation of

Coal

Between points in the County of Moffat, State of Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for one customer only, Empire Energy Corporation.

(Decision No. 85439)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN F. KOUGH, DOING BUSINESS AS )  
"J & K DISPOSAL COMPANY," R.#2, BOX )  
370 T, CONIFER, COLORADO FOR TEMPO- )  
RARY AUTHORITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27706-TA

ORDER DENYING TEMPORARY AUTHORITY

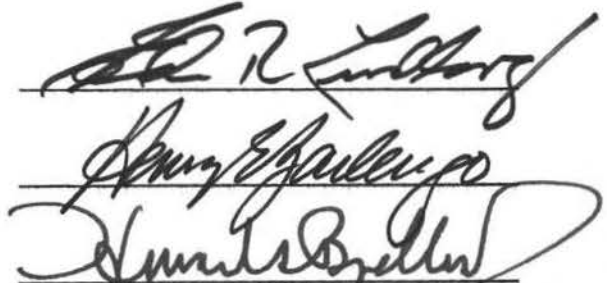
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July 30, 1974  
-----

The above-entitled application being under consideration, and  
IT APPEARING, That there is no immediate or urgent need for the  
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,  
denied.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

(Decision No. 85440)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PAUL D. DOERPHOLZ, DOING BUSINESS )  
AS "SAINT'S HAULING SERVICE," 3255 )  
SOUTH NUCLA STREET, AURORA, COLORADO )  
FOR TEMPORARY AUTHORITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27661-TA

ORDER DENYING TEMPORARY AUTHORITY

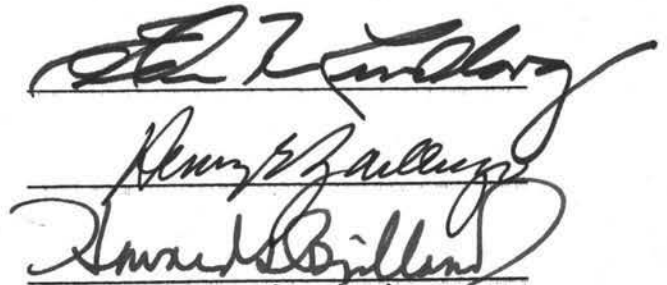
- - - - -  
July 30, 1974  
- - - - -

The above-entitled application being under consideration, and  
IT APPEARING, That there is no immediate or urgent need for the  
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,  
denied.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

(Decision No. 85441)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARVIN L. OTTMAN, DOING BUSINESS AS )  
"GATEWAY-NUCLA EXPRESS," BOX 2061, )  
770 24 1/2 ROAD, GRAND JUNCTION, )  
COLORADO FOR TEMPORARY AUTHORITY TO )  
EXTEND OPERATIONS UNDER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 5404 AND 5404-I. )

APPLICATION NO. 27681-Extension-TA  
ORDER GRANTING TEMPORARY AUTHORITY

-----  
July 30, 1974  
-----

The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85441  
July 30, 1974

Gateway-Nucla Express

Transportation - on schedule - of

General commodities and passengers and their baggage

Between Grand Junction, Colorado and Norwood, Colorado, Bedrock, Colorado and Paradox, Colorado over U. S. Highway No. 50 and Colorado Highway Nos. 141, 90, and 97.

RESTRICTION: This temporary authority is restricted against the transportation of livestock, uncrated household goods, office furniture, and commodities which, because of weight, require special equipment.

(Decision No. 85442)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN E. VAUGHN, DOING BUSINESS AS )  
"SANGRE de CRISTO SANITATION COMPANY," )  
P. O. BOX 233, CRESTONE, COLORADO )  
FOR TEMPORARY AUTHORITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27662-TA

ORDER DENYING TEMPORARY AUTHORITY




-----  
July 30, 1974  
-----

The above-entitled application being under consideration, and  
IT APPEARING, That there is no immediate or urgent need for the  
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,  
denied.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE THE MATTER OF MOTOR VEHICLE	)	
COMMON AND CONTRACT CARRIERS LISTED	)	RECOMMENDED DECISION OF
ON "APPENDIX A" HERETO,	)	ROBERT E. TEMMER, EXAMINER
	)	
Respondents.	)	

- - - - -  
July 24, 1974  
- - - - -

Appearances: George L. Baker, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on July 8, 1974. The matters were duly called for hearing pursuant to such notice on Monday, July 22, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert E. Temmer, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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 records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.
2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:

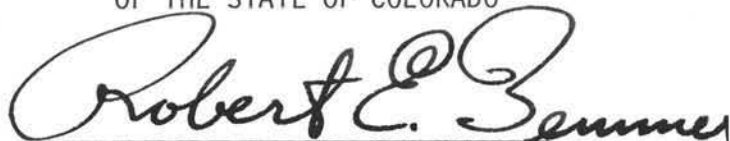
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

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



Examiner  
nlr

jp



(Decision No. 85443)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
W. G. "Buck" Robertson, dba Buck Robertson Route 1, Box 98 Madison, MS 39110	6533-I	1316-H-Ins.
R. D. Lee, dba B & L Transportation 2625 Lakeside San Angelo, TX 76901	6858-I	1317-H-Ins.
Les D. Prouty P. O. Box 375 Gering, NE 69341	7338-I	1318-H-Ins.
Ray Bethers Box 116 Kamas, UT 84036	7706-I	1320-H-Ins.
Melvin H. Walton, dba Walton Trucking P. O. Box 176 Gering, NE 69341	7781-I	1321-H-Ins.
Ray VanLiere and Don VanLiere, dba VanLiere Trucking 545 Main Street Brookings, SD 57006	8052-I	1322-H-Ins.
John F. Roby P. O. Box 248 Wheatland, WY 82201	8761-I	1327-H-Ins.
Cardosi Contract Refr. Express, Inc. 4919 East Shore Drive Memphis, TN 38109	8806-I	1328-H-Ins.
Kenneth Ritter Route 1, Box 173 Seneca, MO 64865	9069-I	1331-H-Ins.
John L. Rawlings, dba O & R Trucking 2236 Northwest 27th Street Oklahoma City, OK 73107	9133-I	1332-H-Ins.
John Marshall, dba J & K Enterprises 2754 39th Avenue Columbus, NE 68601	9157-I	1334-H-Ins.

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IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Max and Mark Princehouse R. R. 1 Montour, IA 50173	9295-I	1337-H-Ins.
Bill Howard P. O. Box 706 Maysville, OK 73057	9457-I	1339-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
James D. Stephenson 4558 Wyandot Street Denver, CO 80211	B-3729	1340-H-Ins.
Philip Maestas 1581 Lowell Boulevard Denver, CO	B-5811	1341-H-Ins.
Victor N. Sundquist Box 114 Dolores, CO 81323	B-6789	1342-H-Ins.
Doug Wright Box 801, 8100 County Road Salida, CO 81201	B-8129	1345-H-Ins.
Gerald C. Merkel, dba C & L Hauling 9151 East Mansfield Avenue Denver, CO 80237	B-8265	1346-H-Ins.

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IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE THE MATTER OF MOTOR VEHICLE	)	
COMMERCIAL AND TOWING CARRIERS LISTED	)	RECOMMENDED DECISION OF
ON "APPENDIX A" HERETO,	)	ROBERT E. TEMMER, EXAMINER
Respondents.	)	

- - - - -  
July 24, 1974  
- - - - -

Appearances: Roy Phillip Baca, Denver, Colorado,  
Respondent, pro se;  
George L. Baker, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on July 8, 1974. The matters were duly called for hearing pursuant to such notice on Monday, July 22, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert E. Temmer, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto, with the exception of the Respondent noted above in the "Appearances," appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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 fact that:

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated herein.
2. The said Respondents, and each of them except as noted in the "Appearances," without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file

with the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:

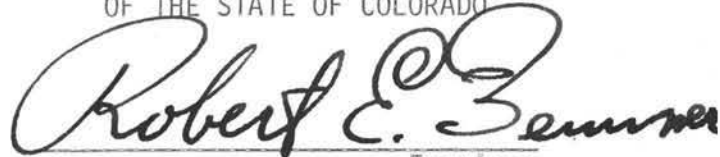
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

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



Examiner  
nlr

jp

(Decision No. 85444)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Dennis Robert Adrian Stinn, dba Bargain House 1125 Francis Street Longmont, CO 80501	M-431	1795-M-Ins.
Valley Gas Co. of Monte Vista Box 192 Monte Vista, CO 81144	M-1656	1796-M-Ins.
Mayrath Machinery Co., Inc. East Trail Street Dodge City, KS 67802	M-1891	1798-M-Ins.
Earl L. Wilson 4010 South Huron Street Englewood, CO 80110	M-2233	1799-M-Ins.
Clyde Smith 502 Willow Valley Lamar, CO 81054	M-2469	1800-M-Ins.
Norman Handler and Sleep City, Inc., dba New People's Furniture 101 South Broadway Denver, CO 80209	M-2572	1801-M-Ins.
Richard W. Wilhelm, dba Wilhelm Monument Co. 516 East Costilla Colorado Springs, CO 80903	M-3072	1802-M-Ins.
Bob Ellis, dba United Furniture Brokers 161 Bridge Street Brighton, CO 80601	M-3114	1803-M-Ins.
Empire Gas, Inc., of Greeley Box 303 Lebanon, MO 65536	M-3173	1804-M-Ins.
Ackley Food Processors, Inc. P. O. Box 244 Ackley, IA 50601	M-3726	1806-M-Ins.
John A. Wright, dba Service Top Soil Box 1322 Steamboat Springs, CO 80477	M-4580	1807-M-Ins.
Central Trenching, Inc. P. O. Box 1833 Greeley, CO 80631	M-5119	1808-M-Ins.

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IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Midwest, Inc. P. O. Box 30 Carnegie, OK 73015	M-5149	1809-M-Ins.
Margaret Meyer and Bernice Sumner dba B and M Rollin Snack Bar 3442 Westminster Place Westminster, CO 80030	M-6581	1820-M-Ins.
Charles Bufmack, dba Fremont Ready-Mix Co. P. O. Box 345 Florence, CO 81226	M-6900	1822-M-Ins.
Al DeMark, Inc. 402 South Tejon Street Colorado Springs, CO 80902	M-7165	1823-M-Ins.
Empiregas, Inc., of Rocky Ford P. O. Box 303 Lebanon, MO 65536	M-7789	1824-M-Ins.
Jolly Jerry Co. 4640 Bryant Street Denver, CO 80221	M-8884	1827-M-Ins.
Alpine Designs 6185 East Arapahoe Street Boulder, CO 80303	M-9348	1828-M-Ins.
Billy Powell East Star Route, Box 91 Lovington, NM 88260	M-10028	1829-M-Ins.
Harold R. Bowen 7050 Coolidge Court Colorado Springs, CO 80911	M-10385	1831-M-Ins.
E. G. Hall, dba Frigid Equipment Co. 230 South Union Avenue Pueblo, CO 81003	M-10504	1832-M-Ins.
Fleming Mobile Homes, Inc. Fleming, CO 80728	M-10702	1833-M-Ins.
Wayne N. Young, dba Furniture Outlet Mart 506 West Colorado Avenue Colorado Springs, CO 80905	M-10729	1834-M-Ins.
Harold R. Lloyd, dba Lloyd Sand and Gravel P. O. Box 334 Mesa, CO 81643	M-11680	1838-M-Ins.

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IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Robert L. and Mary Jean Dintaman, dba Gambles Store 1536 Miner Street Idaho Springs, CO 80452	M-13250	1840-M-Ins.
Melvin Louis Williams 50 Hi Motel #25 Gunnison, CO 81230	M-13335	1841-M-Ins.
Quality Packaging Products, Inc. 21-31 Davis Street Iola, KS 66749	M-13400	1842-M-Ins.
Western Tanning Mfg. Co., Inc. P. O. Box 411 Delta, CO 81416	M-13799	1844-M-Ins.
Roy J. Seifried Olney Springs, CO 81062	M-13942	1848-M-Ins.
Empiregas, Inc., of Evergreen Box 303 Lebanon, MO 65536	M-14517	1850-M-Ins.
Ward E. and Caroline P. Barcafer, dba General Decorating and Display Co. P. O. Box 5046 Denver, CO 80217	M-15472	1851-M-Ins.
Merle Tucksen, dba Tucksen and Sons P. O. Box 3485 Palisade, CO 81521	M-15928	1853-M-Ins.
H. N. Simkins Box 135 Pine Bluffs, WY 82082	M-4884	1854-M-Ins.
Gerald C. Merkel, dba C and L Hauling 9151 East Mansfield Avenue Denver, CO 80237	M-6141	1856-M-Ins.
Gale J. Doggett, dba Doggett Trucking Co. and/or U-Ida Distributors P. O. Box 66 Preston, ID 83263	M-10233	1858-M-Ins.
Robert R. Sivers, dba Bob's L P Gas P. O. Box 186 Pagosa Springs, CO 81147	M-2700	1859-M-Ins.

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IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
William L. Woods, dba Bill Woods Gulf Box 211 Woodland Park, CO 80863	T-500	214-T-Ins.
Colorado Kenworth, Inc. 4901 York Street Denver, CO 80216	T-658	215-T-Ins.
Larry Duling and Jack Jones dba Georgetown Exxon Service 1502 Argentine Georgetown, CO 80444	T-833	216-T-Ins.
Roy Phillip Baca 1081 Erie Street Denver, CO 80221	T-862	217-T-Ins.
Daniel Lee Schleer, dba S and S Towing 480 East 82nd Drive Denver, CO 80229	T-912	218-T-Ins.

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IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.



(Decision No. 85445)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27491-Extension
ENVIRONMENTAL DISPOSAL CORPORATION, )	
DOING BUSINESS AS "WOODLAND GARBAGE )	RECOMMENDED DECISION OF
AND TRASH SERVICE," FOR AUTHORITY TO )	ROBERT E. TEMMER, EXAMINER
EXTEND PUC NO. 6776 TO SERVE ADDI- )	
TIONAL PORTIONS OF EL PASO, TELLER )	DENYING APPLICATION
AND PARK COUNTY, COLORADO. )	

-----  
July 24, 1974  
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Appearances: Louis Johnson, Esq.,  
Colorado Springs, Colorado,  
for Applicant;  
Alfred Coco, Esq.,  
Cripple Creek, Colorado, for  
Glen M. Huffman, doing business  
as "Cripple Creek Victor Dis-  
posal," Protestant;  
David O. Nadle, Manitou Springs,  
Colorado, doing business as  
"Manitou Sanitation," Protes-  
tant, pro se.

PROCEDURE AND RECORD

On April 4, 1974, Applicant Environmental Disposal Corporation, doing business as "Woodland Garbage and Trash Service," hereinafter referred to as 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.

Applicant also filed applications for emergency temporary authority and temporary authority. The Commission by Decision No. 85070, issued June 4, 1974, denied the emergency temporary authority requested and by Decision No. 85189, issued June 18, 1974, denied one application for temporary authority and by Decision No. 84936, issued May 7, 1974, granted temporary authority on the other application filed.

The Commission assigned Docket No. 27491-Extension to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Timely protests were filed to the granting of this application as listed under "Appearances," supra.

Pursuant to law, the Commission assigned the application to Robert E. Temmer, Examiner, for the purpose of conducting a hearing, and after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in Conference Room 226, Judicial Building, 20 East Vermijo Street, Colorado Springs, Colorado, on Monday,

July 15, 1974, to commence at 10 a.m. The hearing was held at the said time and place.

Exhibits 1 through 4 were tendered and admitted into evidence, and official notice was taken of Certificates of Public Convenience and Necessity; PUC No. 6776, PUC No. 7185, and PUC No. 1945. The Examiner requested the Applicant to submit a map of the proposed area of extension and granted the Applicant until Thursday, July 18, 1974, to place said map in the mail. Testimony was received from several witnesses, both in support and in opposition to the application.

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

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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, and does business as "Woodland Garbage and Trash Service."

2. Applicant presently holds authority from this Commission under PUC No. 6776, which reads as follows:

"Transportation of

Ash, trash, and other refuse

From all points located within the corporate limits of the town of Woodland Park, Colorado, and a seven (7) mile radius thereof, to such locations where the same may be lawfully delivered or disposed of."

3. Applicant does not hold any other authority from this Commission.

4. The authority to which extension is hereby sought, PUC No. 6776, 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 PUC No. 6776 as follows:

Transportation of ash, trash, and other refuse

(a) from points located in an area within five miles on either side of U.S. Highway 24 between Woodland Park, Colorado, and Lake George, Colorado;

(b) from points located in an area five miles on each side of State Highway 67 from Divide, Colorado, to Victor, Colorado, including the towns of Cripple Creek and Victor, Colorado;

- (c) from points located in an area two miles on each side of U.S. Highway 24 from Woodland Park, Colorado, to a point nine miles easterly of Woodland Park, Colorado, including the unincorporated town of Cascade, Colorado.

6. The extension applied for herein is compatible with the authority held by Applicant; however, as requested, some of the areas overlap the existing area certificated to Applicant, and if this application would be granted, Applicant's entire authority description would have to be redrafted so that there would not be duplication and overlap.

7. Applicant owns sufficient equipment, as shown by Exhibit No. 1, and if this extension is granted, will lease additional equipment, all of which would be ample and suitable for the operation of the authority applied for herein. In addition, Applicant has sufficient experience, which would be ample and suitable for the operation of the authority applied for herein.

8. Applicant failed to submit sufficient proof of its net worth and financial ability. Exhibit No. 2, Applicant's Financial Statement admitted into evidence, shows that Applicant has zero net worth, and further, Exhibit No. 2 violates the Rules of this Commission in several material respects. Exhibit No. 2 raises serious questions as to the financial ability of Applicant to meet its substantial financial obligations, and Exhibit No. 2 wholly fails to indicate the permanency of the business of the Applicant, fails to detail Applicant's resources and financial ability, and said Exhibit No. 2 is wholly deficient insofar as the requirements of this Commission are concerned.

9. The chief corporate officers as well as the employees of Applicant 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 this Commission. Further, Applicant has or will make adequate provisions for insurance.

10. Protestant Glen M. Huffman, doing business as "Cripple Creek Victor Disposal," is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 7185, which provides as follows:

"Transportation of

Ash, trash, and other refuse

From all points located within Cripple Creek, Colorado, and a ten (10) mile radius thereof, to such locations where the same may be lawfully delivered or disposed of."

David O. Nadle, doing business as "Manitou Sanitation," is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 1945, which provides as follows:

"Transportation of

(1) Garbage

From all points located within the towns of Manitou Springs, Colorado; Cascade, Colorado; Green Mountain Falls, Colorado; Crystola, Colorado; and Woodland

Park, Colorado; and all points intermediate thereto within the Counties of El Paso and Teller, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

(2) Ash, trash, and refuse

From all points located within the town of Manitou Springs, Colorado, to such locations where the same may be lawfully delivered or disposed of.

(3) Ash, trash, and refuse

From all points within the area lying two (2) miles on either side of U.S. Highway No. 24 between Manitou Springs, Colorado, and a point six (6) miles northwest of Manitou Springs, Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: Item (3) of this Certificate is restricted against providing service from points located within the City of Colorado Springs, Colorado."

These Protestants provide ash and trash service to parts of the area requested by Applicant in this extension proceeding.

11. The evidence indicates that Jack Potter, General Manager of Applicant, who is also the owner of Woodland Trash Service, Inc., doing business as "Ver Ja Peat Moss," may be in violation of the Public Utilities Law of the State of Colorado by hauling trash for hire pursuant to a contract entered into with the County Commissioners of Teller County, apparently without proper authority from this Commission. The Staff of this Commission should conduct an investigation into this matter.

12. The granting of the extension as herein requested would not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant failed to satisfactorily prove its financial ability as required by the Rules and Regulations of this Commission.
2. Application No. 27491-Extension should be denied.
3. Pursuant to 115-6-9(2), CRS 1963, as amended it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

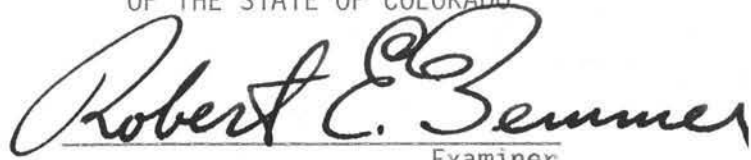
THE COMMISSION ORDERS THAT:

1. Application No. 27491-Extension, being an application of Environmental Disposal Corporation, doing business as "Woodland Garbage and Trash Service," 106 East Midland Avenue, Woodland Park, Colorado, 80863, for authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 6776 be, and hereby is, denied.

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

A handwritten signature in cursive script, reading "Robert E. Semmer". The signature is written in dark ink and is positioned above the printed name and title.

Examiner  
hbp/ nlr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
WELLS FARGO ARMORED SERVICE CORPO-	)	
RATION, 210 BAKER N.E., P. O. BOX	)	APPLICATION NO. 27608-PP-Extension
4313, ATLANTA, GEORGIA FOR AUTHORITY	)	
TO EXTEND OPERATIONS UNDER CONTRACT	)	ORDER OF THE COMMISSION
CARRIER PERMIT NO. B-958 AND B-958-I.	)	

- - - - -  
July 30, 1974  
- - - - -

Appearances: James M. Lyons, Esq., Denver, Colorado  
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and 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 named in the caption above 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.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-958 and B-958-I to include the following:

Transportation of

Film (processed and unprocessed)

Between Denver, Colorado, on the one hand, and Fort Morgan, Brush, Sterling, Durango, Cortez and Grand Junction, Colorado, on the other hand.

RESTRICTION: This Permit is restricted to rendering transportation service for one customer only, to-wit: Hull Photo Service, Inc., Denver, Colorado.



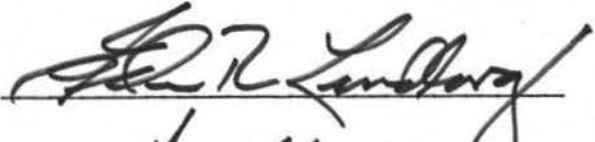
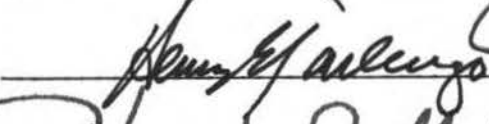
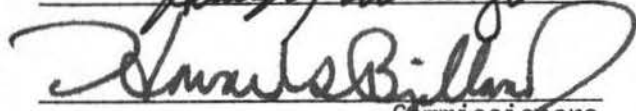
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Appendix  
Decision No. 85446  
July 30, 1974

Wells Fargo Armored Service Corporation

Transportation of

(1) Biological specimens and examination records

Between the DCL Biomedical, Inc. Laboratories in Denver, Colorado, on the one hand, and all points within the State of Colorado, on the other hand.

(2) Film (processed and unprocessed)

To and from all points in the State of Colorado.

RESTRICTION: Item (2) of this Permit is restricted to rendering services for one customer only, to wit: Calandra Photo of Colorado, Inc., Denver, Colorado.

(3) Video tapes and related educational materials

To and from all points in the State of Colorado.

RESTRICTION: Item (3) of this Permit is restricted to rendering services for one customer only, to wit: Colorado State University, Fort Collins, Colorado.

(4) Authority to use equipment in the State of Colorado as a Contract 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.

(5) Film (processed and unprocessed)

Between Denver, Colorado, on the one hand, and Fort Morgan, Brush, Sterling, Durango, Cortez and Grand Junction, Colorado, on the other hand.

RESTRICTION: Item (5) of this Permit is restricted to rendering transportation service for one customer only, to wit: Hull Photo Service, Inc., Denver, Colorado.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT G. BOICE, INDIVIDUALLY, AND )  
ROBERT G. BOICE, AS EXECUTOR UNDER )  
THE WILL OF FRANK S. BOICE, DECEASED, )  
OWNERS OF ALL THE OUTSTANDING CAPITAL )  
STOCK IN AND TO K-BAR LIVESTOCK TRANS- )  
PORT, INC., FOR AUTHORITY TO TRANSFER )  
SAID CAPITAL STOCK IN AND TO K-BAR )  
LIVESTOCK TRANSPORT, INC., RECORD )  
OWNER OF CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY PUC NO. 519 )  
AND 519-I TO I. R. BOOTH EQUIPMENT )  
COMPANY. )

APPLICATION NO. 27636-Stock Transfer  
ORDER OF THE COMMISSION

-----  
July 30, 1974  
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IT APPEARING, That by Notice of the Commission dated June 17, 1974, 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 Notice, 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 approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able, to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 519 and 519-I, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Robert G. Boice, individually, and Robert G. Boice, as executor under the will of Frank S. Boice, deceased, owner of all the outstanding capital stock in and to K-Bar Livestock Transport, Inc., be, and is hereby, authorized to transfer all the outstanding capital stock in and to K-Bar Livestock Transport, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 519 and 519-I to I. R. Booth Equipment Company.

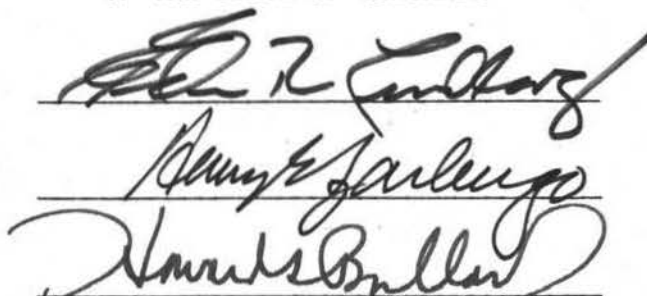
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, 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 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.

IT IS FURTHER ORDERED, 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 capital stock.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
W.M.W. CORPORATION, DOING BUSINESS  
AS "GLENWOOD TAXI," 526 PINE, GLEN-  
WOOD SPRINGS, COLORADO FOR TEMPORARY  
APPROVAL TO CONDUCT OPERATIONS UNDER  
A PORTION OF CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY PUC NO.  
1681, PENDING DETERMINATION OF THE  
APPLICATION TO ACQUIRE A PORTION OF  
SAID CERTIFICATE.

APPLICATION NO. 27685-Transfer Portion-  
TA

ORDER GRANTING TEMPORARY APPROVAL

-----  
July 30, 1974  
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The above-entitled application under CRS 1963, 115-6-20 (2),  
being under consideration, and

IT APPEARING, 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. 1681 from Aspen Cab Company  
& Little Percent, Inc., doing business as Aspen Cab Service Company to  
the above named Transferee.

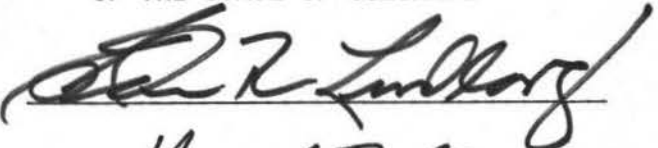

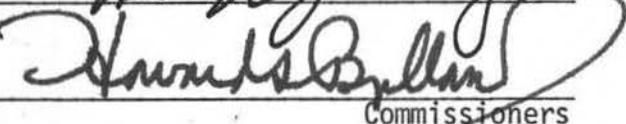
IT FURTHER APPEARING, That failure to grant temporary approval  
may result in destruction of, or injury to, the Applicants or interfere  
substantially with their future usefulness in the performance of adequate  
and continuous service to the public.

IT IS ORDERED, That Transferee 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 the Order  
shall not be commenced until all requirements have been met and Transferee  
has received notice in writing from the Commission that compliance has  
been effected and service may be instituted.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Appendix  
Decision No. 85448  
July 30, 1974

Glenwood Taxi

(1) Transportation - in taxicab service - of

Passengers and their baggage

Between points in a twelve (12) mile radius of Glenwood Springs, Colorado and between said points on the one hand and all points in the State of Colorado on the other hand.

RESTRICTION: Item (1) of this temporary approval is restricted as follows:

- (a) To the use of only vehicles having a capacity not to exceed seven (7) passengers.
- (b) Offices for solicitation of business shall be located only within a twelve (12) mile radius of Glenwood Springs, Colorado.

(2) Transportation - in sightseeing service - of

Passengers

Between said points and places in the following Counties; Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin, and Lake, State of Colorado.

RESTRICTION: Item (2) of this temporary approval is restricted as follows:

- (a) To the use of only vehicles having a capacity not to exceed twelve (12) passengers including the driver.
- (b) All transportation performed shall originate and terminate within a twelve (12) mile radius of Glenwood Springs, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROY L. AND ILENE MOORE, DOING BUSINESS )  
AS "R & I TRUCKING," STAR ROUTE #2, )  
BOX 5, PAGOSA SPRINGS, COLORADO FOR )  
EMERGENCY TEMPORARY AUTHORITY TO )  
OPERATE AS A CLASS "B" CONTRACT CAR- )  
RIER BY MOTOR VEHICLE. )

APPLICATION NO. 27730-PP-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

-----  
July 30, 1974  
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The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

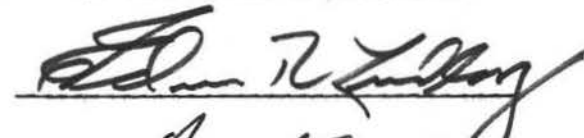

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Appendix  
Decision No. 85449  
July 30, 1974

R & I Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 85450)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT I. PERRIN, DOING BUSINESS AS )  
"BOB PERRIN TRUCKING," 3080 SOUTH )  
FEDERAL, DENVER, COLORADO FOR EMER- )  
GENCY TEMPORARY AUTHORITY TO EXTEND )  
OPERATIONS UNDER CONTRACT CARRIER )  
PERMIT NO. B-7839. )

APPLICATION NO. 27736-PP-Extension-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

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July 30, 1974  
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The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

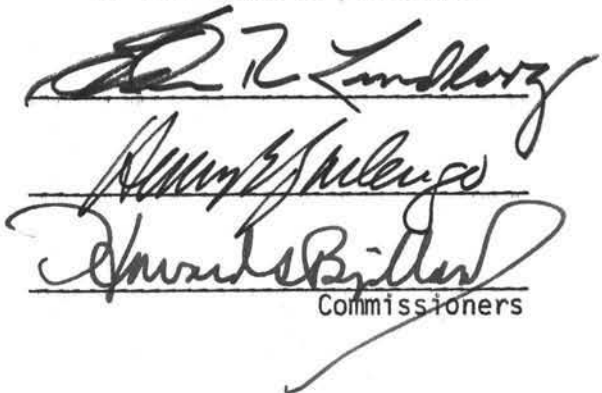
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners



Appendix  
Decision No. 85450  
July 30, 1974

Bob Perrin Trucking

Transportation of

Flyash

From the Arapahoe Station of Public Service Company of Colorado, 2601 So. Platte River Drive, Denver, Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This Permit is restricted to rendering transportation service for one customer only, the Public Service Company of Colorado.



(Decision No. 85451)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27473-PP-Extension
METROPOLITAN CONTRACT SERVICES, INC., )	
2460 WEST 26TH AVENUE, DENVER, )	RECOMMENDED DECISION OF
COLORADO, 80211, TO EXTEND OPERATIONS )	ROBERT E. TEMMER, EXAMINER
UNDER PERMIT NO. B-7521. )	
	GRANTING APPLICATION

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July 26, 1974  
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Appearances: Hans W. Johnson, Esq.,  
Denver, Colorado,  
for Applicant;  
John R. Barry, Esq.,  
Denver, Colorado,  
for Denver-Colorado Springs-  
Pueblo Motorway, Inc.; Conti-  
nental Bus System, Inc. (Rocky  
Mountain Lines Division),  
Protestants;  
Joseph F. Nigro, Esq.,  
Denver, Colorado, for  
Colorado Cartage Co., Inc.;  
Murph's Express, Inc.; and  
Weicker Transfer & Storage  
Co., Protestants.

PROCEDURE AND RECORD

On April 4, 1974, Applicant Metropolitan Contract Services, Inc., hereinafter referred to as Applicant, filed the above-titled 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 Docket No. 27473-PP-Extension to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On April 19, 1974, the Commission received the Motion to Intervene and Protest of Denver-Colorado Springs-Pueblo Motorway, Inc.; Continental Bus System, Inc., (Rocky Mountain Lines Division) as filed by their attorney John R. Barry. On April 23, 1974, the Commission issued its Decision No. 84894 granting the Motion to Intervene and Protest. On April 30, 1974, the protest of Colorado Cartage Co., Inc.; Murph's Express, Inc.; and Weicker Transfer & Storage Co. was received.

Pursuant to law, the Commission assigned the application to Robert E. Temmer, Examiner, for the purpose of conducting a hearing 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, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Monday, June 17, 1974, at 10 a.m. The hearing was held at the said time and place.

Exhibits 1 through 16 were tendered and admitted into evidence and the testimony of the witnesses presented was received.

Official notice was taken of any pertinent provisions of Case No. 1585 of this Commission, and official notice was taken of Decision No. 84043 of this Commission issued November 15, 1973.

As preliminary matters to the hearing, the protest of Weicker Transfer & Storage Co. was withdrawn, and a restrictive amendment tendered by the Applicant prohibiting "the transportation of business papers, records, and audit and accounting media," from any extended authority, if granted, was accepted by the Examiner since it was clearly restrictive in nature and did not affect the substance of the application.

At the conclusion of testimony, counsel for Protestants Colorado Cartage Co., Inc., and Murph's Express, Inc., moved to dismiss the application on the basis that the rates set forth in the contracts entered into between Applicant and Applicant's customers, such contracts being identified as Exhibits 10 and 11 in this proceeding, were violative of the Public Utilities Law of the State of Colorado, so that the contracts were void and of no effect, and, therefore, Applicant had failed to establish a necessary element of its case. Exhibits 10 and 11 each provide that any portion of the agreement that is contrary to the Public Utilities Law of the State of Colorado shall be void, and each provides that the rates set forth therein are subject to the approval of this Commission. This proceeding is not a rate case, but is a proceeding to determine whether or not Applicant's authority previously issued by this Commission should be extended. If the authority herein requested is granted, Applicant will be required to file tariffs, at which time the rates proposed by Applicant will be subject to the scrutiny of this Commission. Therefore, the Motion to Dismiss the Application be, and hereby is, denied.

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

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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 out-of-state corporation and holds a Certificate of Authority to do business as a corporation in the state of Colorado.
2. Applicant presently holds authority from this Commission under Permit No. B-7521, which reads as follows:

#### "(1) Transportation of

Gas and electric household appliances (including radio, stereo and television sets), household fixtures, and furniture,

From Montgomery Ward & Co. warehouses and Montgomery Ward & Co. retail stores located within a fifteen (15) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to retail customers of Montgomery Ward & Co. located within a fifty (50) mile radius of said intersection.

(2) Transportation of

Returned, repossessed, or trade-in furniture, household fixtures, and gas and electric household appliances (including radio, stereo, and television sets).

From Montgomery Ward & Co. retail customers located within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to Montgomery Ward & Co. retail stores and warehouses, located within fifteen (15) miles of said intersection.

RESTRICTION: Items (1) and (2) of this Permit are restricted to rendering transportation service for only the Montgomery Ward & Co.

(3) Transportation of

Retail store merchandise, fixtures and equipment

Between retail stores of Denver Dry Goods Company and between said retail stores and warehouses thereof located within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(4) Transportation of

Retail store merchandise, fixtures, and equipment

From the Denver Dry Goods Company stores and warehouses located within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said fifty (50) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

(5) Transportation of

Retail store merchandise, fixtures, and equipment

Between points within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, on the one hand, and Colorado Springs, Colorado, and points located on Interstate Highway No. 25 lying outside said fifty (50) mile radius to Colorado Springs, Colorado, on the other hand.

(6) Transportation of

Retail store merchandise, fixtures, and equipment

Between points set forth in Items (3), (4), and (5) above on the one hand and Fort Collins, Colorado and Greeley, Colorado, on the other hand.

RESTRICTION:

Items (3), (4), (5), and (6) of this Permit are restricted as follows:

- (a) To rendering transportation service for only Denver Dry Goods Company.
- (b) Restricted against the transportation of shipments weighing less than 50 pounds, regardless of the number of packages involved, or packages having a length and girth of less than 108 inches.
- (c) No shipments shall both originate and terminate within the city limits of Colorado Springs, Colorado.

(7) Transportation of

Retail store merchandise, fixtures, and equipment

Between retail stores of May D & F Stores and between said retail stores of May D & F Stores and between said retail stores and warehouses thereof located within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(8) Transportation of

Retail merchandise, fixtures, and equipment

From the May D & F Stores and warehouses located within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said fifty (50) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

(9) Transportation of

Retail store merchandise, fixtures, and equipment

Between points within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, on the one hand, and Colorado Springs, Colorado, on the other hand.

RESTRICTION: Item (9) of this Permit is restricted against rendering transportation service which both originates and terminates within Colorado Springs, Colorado.

(10) Transportation of

Retail store merchandise, fixtures, and equipment

Between points set forth in Items (7), (8), and (9) above, on the one hand, and Fort Collins, Colorado, on the other hand.

RESTRICTION: Items (7), (8), (9), and (10) of this Permit are restricted as follows:

- (a) To rendering transportation service for only May D & F Stores.
- (b) Restricted against the transportation of shipments weighing less than 50 pounds, regardless of the number of packages involved, or packages having a length and girth of less than 108 inches."

3. The authority to which extension is hereby sought, Permit No. B-7521, has been continually operated in the past and is presently in good standing with the Commission.

4. The Commission has jurisdiction over Applicant, Protestants, and the subject matter of this proceeding.

5. Applicant does not hold any other previously granted authority from this Commission other than Permit No. B-7521 as set forth above.

6. By this application, Applicant seeks to extend said authority so that, if granted, the authority relating to its services for the Denver Dry Goods Company and the May-D&F Stores would read as follows:

"(1) Transportation of

Retail store merchandise, fixtures and equipment

Between retail stores of Denver Dry Goods Company and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(2) Transportation of

Retail store merchandise, fixtures, and equipment

From the Denver Dry Goods Company stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

RESTRICTION:

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

- (a) To rendering transportation service for only Denver Dry Goods Company.
- (b) No shipments shall both originate and terminate within the city limits of Colorado Springs, Colorado.
- (c) Against transportation of business papers, records, and audit and accounting media.



(3) Transportation of

Retail store merchandise, fixtures and equipment

Between retail stores of May D & F Stores and between said retail stores of May D & F Stores and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(4) Transportation of

Retail store merchandise, fixtures, and equipment

From the May D & F Stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

RESTRICTION: Items (3) and (4) of this Permit are restricted as follows:

- (a) Against rendering transportation service which both originates and terminates within Colorado Springs, Colorado.
- (b) To rendering transportation service for only May D & F Stores.
- (c) Against transportation of business papers, records, and audit and accounting media."

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 and, in addition, proposes to acquire 13 small Dodge vans for use in performing the transportation services applied for, all of which will be ample and suitable for the operation of the authority applied for herein.

9. Applicant has sufficient experience from its previous operations, and sufficient net worth, as shown by its financial statement, 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, 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. Applicant presently has contracts with its customers, as shown by Exhibits 10 and 11, which contracts relate to the services to be provided in connection with the extension of authority herein sought.

12. The proposal of the Applicant is to continue furnishing the same specialized services to the Denver Dry Goods Company and May-D&F Stores that it has furnished in the past under Permit No. B-7521, but to increase the authorized area of service from a 50-mile radius of the intersection of Colfax and Broadway in Denver, Colorado, to a 100-mile radius of the intersection of Colfax and Broadway in Denver, Colorado, and, in addition, to commence "package delivery" service for both stores, by its proposal to eliminate the restrictions relating to size and weight of packages from its Permit. The package delivery operations would be carried on from a new terminal or warehouse facility, which Applicant has leased, as shown by Exhibit 4. In the past, Applicant has provided "bulk" delivery services for these two companies and has specially painted its delivery equipment to its customers' specifications, and had its employees wear uniforms with the store companies' identification on them so that they would have the same appearance as employees of the store. The new package delivery service Applicant proposes to operate would not incorporate these two features. The delivery vehicle for packages would not be identified with the store name, but would be identified with the Applicant's name and authority number as required by the Rules of this Commission. The Applicant's employees for the package delivery service would not wear the store companies' uniforms. However, by having one carrier provide all delivery services, the stores will be able to coordinate their deliveries better, and will not have to decide which carrier is to deliver which item. In addition, the stores will have better control over the deliveries, as explained below, and will be able to change their packaging methods to better suit their needs for small packages; for instance, clothing items will not have to be folded and put into boxes, but will be able to be sent out on hangers with protective bags around them so that they will not be wrinkled when the customer gets them, and this will be of benefit to the stores since their customers will be happier with this type of service. Applicant's drivers would stay in contact with the stores so that they could go back to points on the route, if desired by the store, rather than returning the package to the warehouse for later delivery, which might not be satisfactory, and so the stores will have a better idea of when deliveries will be made. This will be of benefit to the stores because on a great number of occasions, the customer of the store wants the item to be delivered at a certain time, and if it is not done, the customer is unhappy. Applicant's proposed service would allow this to be accomplished because of the contact and control over the delivery service that the store will have. The proposed service relating to package deliveries is specialized to the particular needs of Applicant's customers who need and want this type of service.

The Applicant's customers have found that the majority of their customers reside within the 100-mile area requested, and thus Applicant would be able to provide a complete transportation service for its customers if this application were granted. The stores have had difficulties in making deliveries beyond the 50-mile radius Applicant is now authorized to serve. Common carriers have been hesitant about making deliveries to homes; and, concerning large items, once the delivery is made, they do not want to uncrate it, or place it in the position it will stay in the home. If there is exchange merchandise, the common carriers require that it be crated before they will pick it up. These problems would be eliminated if this application is granted. In addition, the stores would be able to save a great deal of time, which presently is spent on training employees concerning which carrier delivers what items to their customers. Applicant will also continue the specialized service which it now provides in connection with "bulk" deliveries, including specially painted equipment, special uniforms, and installation services, all of which are designed to meet the particularized needs of the stores, and Applicant's customers need and want this type of service.

13. Protestants herein each hold authority from this Commission which authorizes them to provide services of the general type under consideration here. However, none of the Protestants can provide all of the services that the customers of Applicant need and desire, in the total area that these customers need the services performed in.

14. The common carriers authorized to serve in the area Applicant requests have not been able to meet the specialized needs of Applicant's customers and Applicant will provide a specialized and personalized service to its customers tailored to fit the needs of those customers.

15. 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.

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

17. The granting of the application 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 the 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 Order.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. Metropolitan Contract Services, Inc., 2460 West 26th Avenue, Denver, Colorado, 80211, be, and hereby is, authorized to extend operations under Permit No. B-7521 as follows:

##### (1) Transportation of

Retail store merchandise, fixtures, and equipment

Between retail stores of Denver Dry Goods Company and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

##### (2) Transportation of

Retail store merchandise, fixtures, and equipment

From the Denver Dry Goods Company stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located



within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

RESTRICTION:

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

- (a) To rendering transportation service for only Denver Dry Goods Company.
- (b) No shipments shall both originate and terminate within the city limits of Colorado Springs, Colorado.
- (c) Against transportation of business papers, records, and audit and accounting media.

(3) Transportation of

Retail store merchandise, fixtures, and equipment

Between retail stores of May D & F Stores and between said retail stores of May D & F Stores and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(4) Transportation of

Retail store merchandise, fixtures, and equipment

From the May D & F Stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

RESTRICTION:

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

- (a) Against rendering transportation service which both originates and terminates within Colorado Springs, Colorado.
- (b) To rendering transportation service for only May D & F Stores.
- (c) Against transportation of business papers, records, and audit and accounting media.

2. Henceforth the full and complete authority under Permit No. B-7521 shall be and read as follows:

(1) Transportation of

Gas and electric household appliances (including radio, stereo and television sets), household fixtures, and furniture

From Montgomery Ward & Co. warehouses and Montgomery Ward & Co. retail stores located within a fifteen (15) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado to retail customers of Montgomery Ward & Co. located within a fifty (50) mile radius of said intersection.

(2) Transportation of

Returned, repossessed, or trade-in furniture, household fixtures, and gas and electric household appliances (including radio, stereo, and television sets)

From Montgomery Ward & Co. retail customers located within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to Montgomery Ward & Co. retail stores and warehouses, located within fifteen (15) miles of said intersection.

RESTRICTION: Items (1) and (2) of this Permit are restricted to rendering transportation service for only the Montgomery Ward & Co.

(3) Transportation of

Retail store merchandise, fixtures, and equipment

Between retail stores of Denver Dry Goods Company and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(4) Transportation of

Retail store merchandise, fixtures, and equipment

From the Denver Dry Goods Company stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

RESTRICTION:

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

- (a) To rendering transportation service for only Denver Dry Goods Company.
- (b) No shipments shall both originate and terminate within the city limits of Colorado Springs, Colorado.

(c) Against transportation of business papers, records, and audit and accounting media.

(5) Transportation of

Retail store merchandise, fixtures, and equipment

Between retail stores of May D & F Stores and between said retail stores of May D & F Stores and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(6) Transportation of

Retail store merchandise, fixtures, and equipment

From the May D & F Stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

RESTRICTION:

Items (5) and (6) of this Permit are restricted as follows:

- (a) Against rendering transportation service which both originates and terminates within Colorado Springs, Colorado.
- (b) To rendering transportation service for only May D & F Stores.
- (c) Against transportation of business papers, records, and audit and accounting media.

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

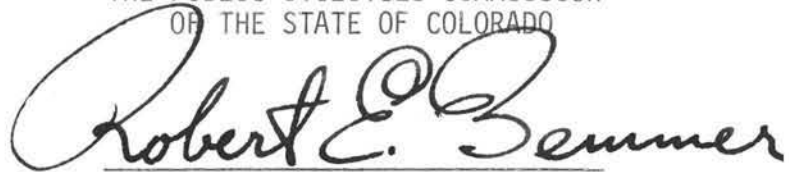
4. This Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of its customers, the necessary tariffs, required insurance, and has secured authority sheets.

5. 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 E. Semmer

Examiner  
hbp/nlr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HELICOPTERS UNLIMITED, INC., 8895 )	APPLICATION NO. 27629
MONTVIEW BOULEVARD, STAPLETON FIELD, )	
DENVER, COLORADO FOR AUTHORITY TO )	ORDER OF THE COMMISSION
OPERATE AS A COMMON CARRIER BY )	
AIRCRAFT. )	

- - - - -  
July 30, 1974  
- - - - -

Appearances: Don R. Evans, Esq., Denver, Colorado  
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); and that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered;

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing, and able to properly perform the service as hereinafter granted, and

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by aircraft for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

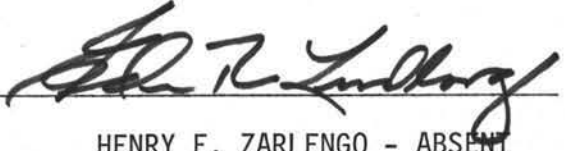
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder(s) of this Certificate with all present and future laws and rules and regulations of the Commission.

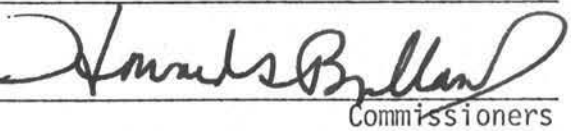
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "Amos B. Bell", written over a horizontal line.

Commissioners

Appendix  
Decision No. 85452  
July 30, 1974

Helicopters Unlimited, Inc.

Transportation - on call and demand by fixed wing aircraft - of

Human remains and ambulatory patients and attendants

Between all points located within the State of Colorado, with a base of operations and an office for solicitation of business at Denver, Colorado, and airports within a 10 miles radius thereof.

RESTRICTION: This Certificate is restricted to rendering transportation by air ambulance and/or air hearse only.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN F. KOUGH, DOING BUSINESS AS )  
"J & K DISPOSAL COMPANY", ROUTE 2, )  
BOX 370-T, CONIFER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

APPLICATION NO. 27706

ORDER GRANTING  
WITHDRAWAL OF APPLICATION

-----  
July 30, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 22, 1974 Applicant John F. Kough, doing business as "J & K Disposal Company", filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

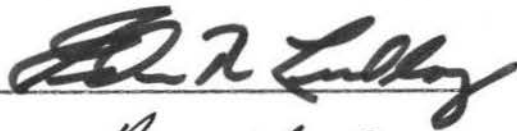
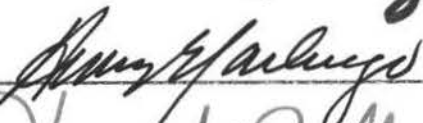
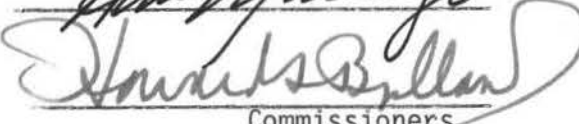
THE COMMISSION ORDERS THAT:

John F. Kough, doing business as "J & K Disposal Company", be, and hereby is, granted permission to withdraw the above-captioned application and the application is dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
jp



(Decision No. 85454)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27497-PP
DALE R. OVERTON, DOING BUSINESS AS )	
DALE'S AUTO SALVAGE & WATER SERVICE, )	ORDER GRANTING
P. O. BOX 1043, MEEKER, COLORADO, )	WITHDRAWAL OF APPLICATION
FOR A CLASS "B" PERMIT TO OPERATE )	
AS A CONTRACT CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	

July 30, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 26, 1974 Applicant Dale R. Overton, doing business as Dale's Auto Salvage & Water Service, filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Dale R. Overton, doing business as Dale's Auto Salvage & Water Service be, and hereby is, granted permission to withdraw the above-captioned application and the application is dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, )  
INC., A CORPORATION OF FORT COLLINS, ) APPLICATION NO. 27690-Securities  
COLORADO, FOR AN ORDER AUTHORIZING THE )  
ISSUANCE OF SECURITIES IN THE AMOUNT OF )  
\$2,437,000.00 AND TO APPLY THE PROCEEDS )  
THEREFROM TO CERTAIN LAWFUL PURPOSES. )

-----  
July 30, 1974  
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Appearances: Warren H. Price, Esq., and  
Randolph W. Starr, Esq.,  
Loveland, Colorado, for Applicant;  
M. R. Garrison, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

On July 5, 1974, Poudre Valley Rural Electric Association, Inc. (hereinafter referred to as Poudre Valley or Applicant) filed with the Commission the above-entitled application for authority (1) to execute an amendment to the amending loan contract dated March 12, 1974, amending the loan contract between Poudre Valley and the United States of America, dated May 26, 1952; (2) to execute a Mortgage Note for \$2,193,000 to the United States of America bearing interest at the rate of 5 percent per annum and payable within thirty-five (35) years after the date thereof; (3) to execute a Loan Agreement covering advances of \$244,000 dated April 5, 1974, between Poudre Valley and the National Rural Utilities Cooperative Finance Corporation; (4) to execute a Secured Promissory Note made by Poudre Valley to the National Rural Utilities Cooperative Finance Corporation in the amount of \$244,000 bearing interest at the rate of 7 percent per annum and payable within thirty-five (35) years after the date thereof; and (5) to execute a Supplemental Mortgage and Security Agreement made by and among Poudre Valley, the United States of America and the National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing after due and proper notice on July 23, 1974, at 9 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at such time and place was heard by Hearing Examiner Thomas M. McCaffrey, to whom the matter was assigned pursuant to law.

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

Applicant's General Manager testified in support of the application.

Exhibit 1, a multi-paged exhibit containing (a) Resolution of Board of Directors, (b) Amendment to Amending Loan Contract, (c) Mortgage Note, (d) Loan Agreement, (e) Secured Promissory Note, (f) Supplemental Mortgage, (g) Balance Sheet, (h) Income Statement (i) Capital Credits Schedule, (j) Long-Term Debt and Interest Schedule, (k) Loan Budget - Need and Use of Funds, and (l) Capital Structure - Ratios, was admitted into evidence.

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

#### FINDINGS OF FACT

Based on the evidence submitted, it is found as a fact that:

1. Poudre Valley is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963, as amended. It is engaged in the business of purchasing, acquiring, accumulating, transmitting, distributing, furnishing and selling electricity to its members and non-member consumers on its lines in the Counties of Larimer, Boulder and Weld, all in the State of Colorado.

2. Poudre Valley was granted a certificate of public convenience and necessity for its service territory by Decision Nos. 74564 and 80437.

3. Poudre Valley is a corporation organized under the laws of the State of Colorado and its Articles of Incorporation and all amendments thereto properly certified are on file with this Commission.

4. The Commission has jurisdiction over Poudre Valley as Applicant herein and the subject matter of this application.

5. Poudre Valley needs the loan funds sought to be approved in this application for the improvement of its electrical system; for the construction, completion, extension and improvement of its properties; for the improvement and maintenance of its service; and for other lawful purposes.

6. The Board of Directors of Applicant, the Rural Electrification Administration and the National Rural Utilities Cooperative Finance Corporation all have approved the respective loan applications described herein totaling \$2,437,000 subject to approval by this Commission.

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

8. The Commission is fully advised in the premises.

9. The Amendment, dated March 12, 1974, to the amending loan contract between Poudre Valley and the United States of America dated as of May 26, 1952, as amended (Applicant's Exhibit 1 (b)), should be authorized and approved.

10. The Mortgage Note payable to the United States of America in the amount of \$2,193,000 (Applicant's Exhibit 1 (c)) 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.

11. The Loan Agreement, dated April 5, 1974, between Poudre Valley and the National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit 1 (d)) providing for the advancement of loan funds in the amount of \$244,000, should be authorized and approved.

12. The Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$244,000 (Applicant's Exhibit 1 (e)) 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, C.R.S. 1963, and, therefore, should be authorized and approved.

13. The Supplemental Mortgage and Security Agreement made by and among Poudre Valley, the United States of America and the National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit 1 (f)) should be authorized and approved.

14. Since Chapter 115-1-4, Colorado Revised Statutes, 1963, as amended, requires that 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 Examiner be omitted and that this Decision should be the initial Decision of the Commission.

#### CONCLUSION

It is the conclusion of the Commission that the authority sought in the instant application is in the public interest and should be granted. An appropriate Order will be entered.

#### O R D E R

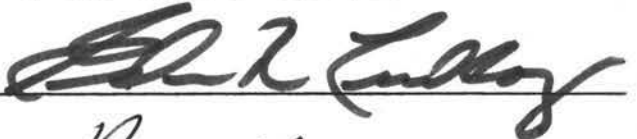

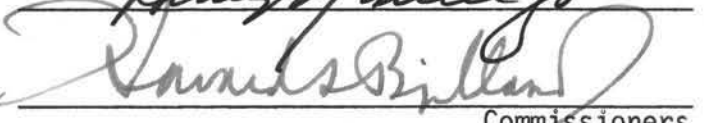
##### THE COMMISSION ORDERS:

1. That the execution of the Amendment, dated March 12, 1974, 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 1 (b)), be, and the same hereby is, authorized and approved.
2. That the issuance of the Mortgage Note to the United States of America in the amount of \$2,193,000 (Exhibit 1 (c)), be, and the same hereby is, authorized and approved.
3. The execution of the Loan Agreement between Poudre Valley Rural Electric Association, Inc., and the National Rural Utilities Cooperative Finance Corporation covering loan advances of \$244,000 (Exhibit 1 (d)) be, and the same hereby is, authorized and approved.
4. The issuance of the Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$244,000 (Exhibit 1 (e)) be, and the same hereby is, authorized and approved.
5. That the execution of the Supplemental Mortgage and Security Agreement made by and among Poudre Valley Rural Electric Association, Inc., and the United States of America and the National Rural Utilities Cooperative Finance Corporation (Exhibit 1 (f)) be, and the same hereby is, authorized and approved.
6. That within One Hundred Twenty (120) days of the execution of the five (5) loan instruments authorized herein, Poudre Valley shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.
7. That nothing herein contained shall be construed to imply any recommendation or guarantee of or any obligation with regard to said securities on the part of the State of Colorado.
8. That the Commission retain jurisdiction of this proceeding to the end that it may make such further Order or Orders in the premises as it may deem proper or desirable.
9. That the authority granted herein shall be exercised from and after the date of this Order and the Order herein contained shall be effective forthwith.

10. 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), C.R.S. 1963, as amended,

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

KENNETH H. BLANSETT and  
BARBARA N. BLANSETT

Complainants

vs.

NORTHERN NATURAL GAS COMPANY  
DOING BUSINESS AS PEOPLES  
NATURAL GAS COMPANY

Respondent.

CASE NO. 5558

ORDER GRANTING  
DISMISSAL OF COMPLAINT

July 30, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 8, 1974 Complainants herein filed a Complaint against Northern Natural Gas Company doing business as Peoples Natural Gas Company.

On April 15, 1974 an Order to Satisfy or Answer was directed to Northern Natural Gas Company doing business as Peoples Natural Gas Company, 1700 Broadway, Denver, Colorado.

On July 23, 1974 the parties to the above-captioned matter filed a Stipulation for Dismissal of Complaint.

The Commission states and finds that good cause exists and that the within complaint should be dismissed with prejudice.

An appropriate order will be entered.

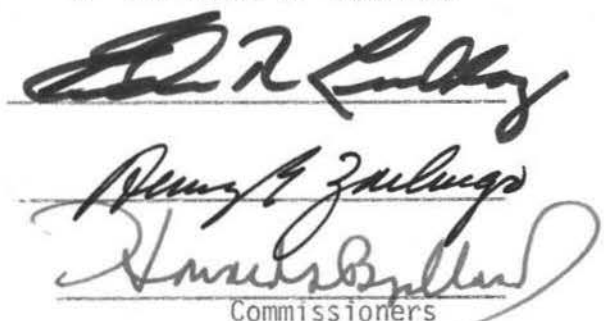
O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5558 be, and hereby is, dismissed with prejudice.
2. This order shall become effective forthwith.

DONE IN OPEN MEETING this 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners



(Decision No. 85457)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
AIRWAY COMMUNICATIONS, 8345 WEST 16TH	)	
AVENUE, LAKEWOOD, COLORADO, FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	APPLICATION NO. 25764
AND NECESSITY TO BEGIN TO OFFER,	)	
RENDER, FURNISH OR SUPPLY MOBILE	)	
RADIOTELEPHONE COMMON CARRIER SERVICE	)	
AND RADIO COMMON CARRIER PAGING SERVICE	)	
TO THE PUBLIC IN THE CITY AND COUNTY	)	
OF DENVER AND VICINITY.	)	

IN THE MATTER OF THE APPLICATION OF	)	
RADIO CONTACT CORPORATION, A COLO-	)	
RADO CORPORATION, 5702 WEST 26TH	)	
AVENUE, LAKEWOOD, COLORADO FOR A	)	APPLICATION NO. 25855
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO BEGIN TO OFFER, RENDER,	)	
FURNISH OR SUPPLY INTERCONNECTED	)	
MOBILE RADIOTELEPHONE COMMON CARRIER	)	
SERVICE AND RADIO COMMON CARRIER	)	
PAGING SERVICE TO THE PUBLIC IN THE	)	
METROPOLITAN DENVER AREA, BOULDER	)	ORDER GRANTING
AND VICINITY.	)	EXTENSION OF TIME

-----  
July 30, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 12, 1974 Examiner Robert L. Pyle entered Recommended Decision No. 85184 granting certificates of Public Convenience and Necessity to Airway Communications and to Radio Contact Corporation. Paragraph 3 of the ordering provision of Decision No. 85184 states that each applicant shall file tariffs of rates, rules, and regulations of this Commission within twenty (20) days from the effective date of this decision.

On July 9, 1974 the Commission issued Decision No. 85362, which decision denied exceptions filed by Protestant Mobile Radio Telephone Service, Inc..

On July 22, 1974 both applicants in the above captioned matters, Airway Communications and Radio Contact Corporation, filed requests for an extension of time until August 6, 1974 and August 7, 1974, respectively, in which to file their tariffs of rates, rules and regulations, and reliability contours, pursuant to Recommended Decision No. 85184.

The Commission states and finds that good cause exists for the granting of the requests of applicants.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Airway Communications and Radio Contact Corporation be, and hereby are, granted an extension of time until August 7, 1974 in which to file tariffs of rates, rules and regulations, and reliability contours.

This order shall become effective forthwith.

DONE IN OPEN MEETING this 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





Commissioners

jp



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
S. C. THOMAS, DOING BUSINESS AS )  
"THOMAS HOUSE MOVER," 695 36 ROAD, )  
PALISADE, COLORADO FOR AUTHORITY TO )  
TRANSFER ALL RIGHT, TITLE, AND )  
INTEREST IN AND TO CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 5071 TO S. C. THOMAS AND )  
WILLIAM G. BAILEY, DOING BUSINESS )  
AS "THOMAS HOUSE MOVER," 140 WEST )  
6TH STREET, PALISADE, COLORADO. )

APPLICATION NO. 27624-Transfer

ORDER OF THE COMMISSION

- - - - -  
August 6, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 5071, as granted by Commission Decision No. 70671, dated January 10, 1968, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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.

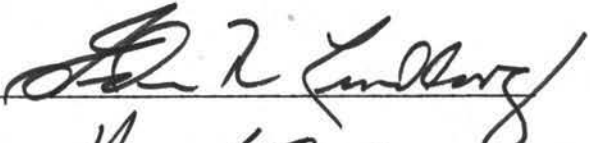
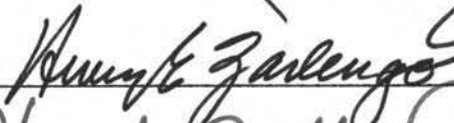
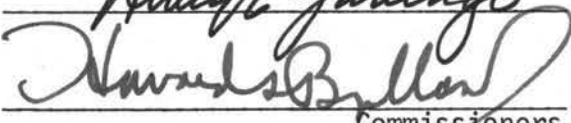
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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 filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

(Decision No. 85459)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF	)	
RESPONDENT, WESTERN LEASING COMPANY	)	CASE NO. 5555
OF COLORADO, UNDER CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	ORDER DISMISSING SHOW CAUSE
PUC NO. 4360.	)	

-----  
July 30, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 16, 1974 the Commission entered Decision No. 84844 in the above-captioned matter directing the Respondent herein, Western Leasing Company of Colorado, to appear before the Commission to show cause why the Commission should not take action and enter such order or penalty as may be appropriate in this matter. The matter was initially set for hearing on June 11, 1974. The matter was later reset for hearing before the Commission on July 31, 1974.

By Decision No. 85281 dated July 2, 1974, Commission authorized transfer of Certificate No. 4360 and cancelled Certificate No. 3717. The result of this decision is to render the issues in Case No. 5555 moot.

The Commission now finds that Case No. 5555 should be dismissed.

An appropriate order will be entered.


O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5555 be, and hereby is, dismissed.
2. The hearing set for Wednesday, July 31, 1974 be, and hereby is, vacated.
3. This order shall be effective forthwith.

DONE IN OPEN MEETING this 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

jp

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. 27726

EMERGENCY DISTRICT 7-74

- - - - -  
July 30, 1974  
- - - - -

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, Larimer, Morgan, Otero, Prowers, Pueblo, and Weld, Colorado.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting late onions in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of late onions in the counties of Adams, Larimer, Morgan, Otero, Prowers, Pueblo, and Weld, Colorado, and that the present or future public convenience and necessity requires or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following.


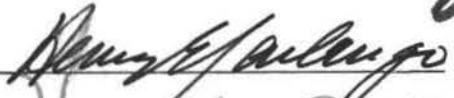
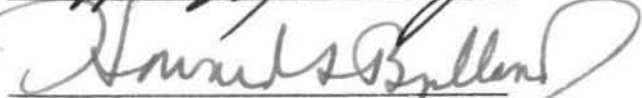
O R D E R

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, Larimer, Morgan, Otero, Prowers, Pueblo, and Weld, Colorado; provided, however, that said certificates shall be effective only for a period of NINETY (90) DAYS commencing August 1, 1974.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

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. 27727  
EMERGENCY DISTRICT 8-74

-----  
July 30, 1974  
-----

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 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.


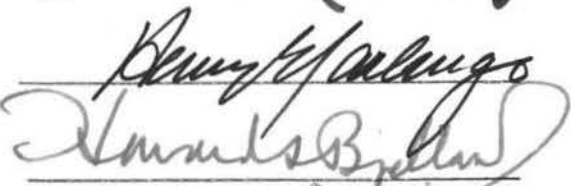
O R D E R

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, Colorado; provided, however, that said certificates shall be effective only for a period of NINETY (90) DAYS commencing August 15, 1974.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
BOULDER-YELLOW CAB, INC., 2680 ARA-	)	APPLICATION NO. 27625-PP-Extension
PAHOE STREET, BOULDER, COLORADO FOR	)	
AUTHORITY TO EXTEND OPERATIONS UNDER	)	ORDER OF THE COMMISSION
CONTRACT CARRIER PERMIT NO. B-8254.	)	

- - - - -  
August 6, 1974  
- - - - -

Appearances: Walter M. Simon, Esq., Denver, Colorado  
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 ( ) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and 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 named in the caption above is fit, willing and able properly to perform the extended service as herein-after granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-8254 to include the following:

Transportation of

Passengers and their baggage and parcels

Between the following named points:

- (a) IBM Office, located in the Arapahoe Shopping Center, Boulder, Colorado;
- (b) IBM Plant located at 28th and Glenwood Streets, Boulder, Colorado;
- (c) IBM Main Plant, located at Niwot, Colorado.



RESTRICTIONS: This Permit is restricted as follows:

- (a) Transportation of parcels shall not exceed fifty (50) pounds;
- (b) To rendering transportation service for only International Business Machines Corporation.

IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85462  
August 6, 1974

Boulder-Yellow Cab, Inc.

Transportation of

(1) Passengers and their baggage and parcels

Between the IBM Chesapeake Building, Niwot, Colorado, and the IBM Main Plant Building, Niwot, Colorado.

(2) Passengers and their baggage and parcels

Between the following named points:

- (a) IBM Office, located in the Arapahoe Shopping Center, Boulder, Colorado;
- (b) IBM Plant located at 28th and Glenwood Streets, Boulder, Colorado;
- (c) IBM Main Plant, located at Niwot, Colorado.

RESTRICTIONS: Items (1) and (2) of this Permit are restricted as follows:

- (a) Transportation of parcels shall not exceed fifty (50) pounds;
- (b) To rendering transportation service for only International Business Machines Corporation.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE FAILURE OF CERTAIN CORPORATIONS, )  
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE )  
ACTIONS INSTITUTED BEFORE THE COMMISSION )  
FOR AUTHORITY TO OPERATE AS TOWING )  
CARRIERS BY MOTOR VEHICLE OVER THE PUBLIC )  
HIGHWAYS OF THE STATE OF COLORADO. )

- - - - -  
August 6, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the corporations, partnerships, and/or persons as specifically set forth in the Appendix attached hereto have paid to the Commission the required filing fee for authority to operate as towing carriers by motor vehicle over the public highways of the State of Colorado, but have either (1) failed to file an application or (2) have failed, after filing an application for such authority, to file either the required certificates of insurance, designation of agent for service of notices, orders or process, list of equipment, articles of incorporation or description of storage facilities -- all of which is required by law and the Commission's Rules and Regulations Governing Towing Carriers by Motor Vehicle.

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

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as set forth in the Appendix attached hereto should be dismissed.

O R D E R

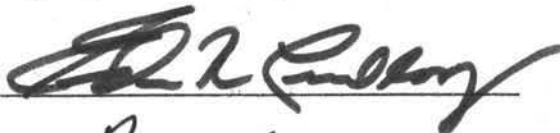

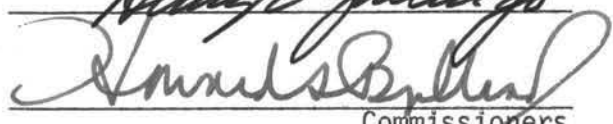
THE COMMISSION ORDERS:

That all actions instituted before this Commission by the corporations, partnerships, and/or persons as set forth in the Appendix attached hereto, to obtain authority to operate as towing carriers by motor vehicle over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

This Order shall become effective thirty (30) days from the day and date hereof.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Robert J. Gilmister & John Merrill, dba Bob & Dave's Servicer 195 W. Jefferson Hayden, Colorado 81639	Public Liability & Property Damage Insurance, Cargo Insurance
Pablo R. Gallegos, dba Bobby's Standard Box 196 La Jara, Colorado 81140	Public Liability & Property Damage Insurance, Cargo Insurance, Designation of Agent, List of Equipment
Maxine Northeutt, dba Chimney Rock Store & Cafe Box 90 Chimney Rock, Colorado 81127	Public Liability & Property Damage Insurance
Earl C. Bennett, dba Earl's Towing R. R. 1, Box 12 Cedaredge, Colorado 81413	Public Liability & Property Damage Insurance, Cargo Insurance
Rowland Harms, dba Harm's Garage R. R. 1, Box 174 Buena Vista, Colorado 81211	Public Liability & Property Damage Insurance, Cargo Insurance, Designation of Agent
Jim Horton, dba Lee's Texaco Box 457 Antonito, Colorado 81120	Public Liability & Property Damage Insurance
John C. Strasser, dba Riverside Towing Rt. 4, Box 286B Greeley, Colorado 80631	Public Liability & Property Damage Insurance, Cargo Insurance, Designation of Agent, List of Equipment, Description of Storage Facilities
Darrell & Clifford Shanks, dba Shanks Repair Rt. 1, Box 75 Idalia, Colorado 80735	Public Liability & Property Damage Insurance, Cargo Insurance
Kenneth & Mary Spurlin Box 232 South Fork, Colorado 81154	Public Liability & Property Damage Insurance, Cargo Insurance, Designation of Agent
Cook Chevrolet-Olds, Inc. P. O. Box 96 Craig, Colorado 81625	Articles of Incorporation, Designation of Agent, Description of Storage Facilities

(Decision No. 85464)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF RATES AND CHANGES )	
OF TARIFFS UNDER ADVICE LETTER NO. )	
928 OF MOUNTAIN BELL AND THE LEVEL )	Case No. 5553
AND QUALITY OF TELEPHONE SERVICE )	
PROVIDED BY SAID COMPANY IN THE )	ORDER GRANTING MOTION TO
RURAL AREAS OF THE STATE OF COLORADO.)	VACATE AND TO DISMISS

-----  
July 30, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1974, Terracor, Inc., and certain individual customers and prospective customers, hereinafter collectively referred to as complainants, filed their complaint.

On March 11, 1974, the Commission issued an Order To Satisfy or Answer directed to Respondent, Mountain States Telephone & Telegraph Co.

On March 27, 1974, Respondent filed a Motion To Dismiss which was granted April 2, 1974, by Decision No. 84757.

Subsequently, Complainants filed an Amended Complaint to which Respondent filed its Answer. On June 12, 1974, the case was set for hearing on August 2, 1974.

On July 24, 1974, Complainants filed their Motion to Vacate the scheduled hearing and to Dismiss their complaint.

The Commission states and finds that The Motion to Vacate and Dismiss should be granted.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Amenced Complaint filed herein be, and hereby is, dismissed without prejudice.
2. The hearing date of August 2, 1974, be and hereby is vacated.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ed L. Lusk*

*Stanley Lusk*

*Donald S. Bullard*  
Commissioners  
aaU

(Decision No. 85465)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	APPLICATION NO. 27606-Ext.
OF WESTERN AIR STAGES, INC., TO )	
EXTEND OPERATIONS UNDER PUC NO. )	ORDER DENYING APPLICANT'S
ACS-71. )	MOTION TO STRIKE

- - - - -  
July 30, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 29, 1974, Applicant filed the within application.

On June 13, 1974, Rampart Aviation Company filed a protest to the within application.

On June 26, 1974, Applicant filed a Motion to Strike Protest of Rampart Aviation Company.

The Commission states and finds that insufficient grounds have been shown for granting the within Motion to Strike, that the protest filed by Rampart Aviation Company is timely and proper, and that, therefore, Applicant's Motion to Strike should be denied as set forth in the following Order.

O R D E R



THE COMMISSION ORDERS THAT:

Applicant's Motion to Strike, filed June 26, 1974, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners  
aau

(Decision No. 85466)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE TRANSFER OF CERTIFICATE NO. 1025 )	APPLICATION NO. 26736-Transfer
& I FROM WILLIAM M. WILSON, DOING )	
BUSINESS AS "WILSON TRUCK SERVICE" )	ORDER AMENDING DECISION NO. 83626
TO LAW FARMS AND CATTLE COMPANY, )	
1012 SWINK AVENUE, ROCKY FORD, )	
COLORADO. )	

-----  
July 30, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 6, 1973, by Recommended Decision No. 83626, Hearing Examiner Thomas M. McCaffrey authorized the transfer of all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1025 and PUC No. 1025-I from "Wilson Truck Service" to "Law Farms and Cattle Company", doing business as "Law Motor Lines", a division of Law Farms and Cattle Company. This recommended decision became the Order of the Commission by operation of Law.

On July 22, 1974 "Law Farms and Cattle Co." filed its Petition for Corrective Order requesting that the Commission amend Decision No. 83626 to correct the name of the transferee from "Law Farms and Cattle Company" to "Law Farms and Cattle Co.", the latter being transferee's correct corporate name.

The Commission states and finds that, good cause having been shown therefor, the Petition should be granted and pursuant to CRS 115-6-12 (1963, as Amended), Decision No. 83626 should be amended to show the name of the transferee as "Law Farms and Cattle Co."

An appropriate order will be entered.

O R D E R




THE COMMISSION ORDERS THAT:

1. Decision No. 83626 be, and hereby is, amended to delete the name of the transferee as written therein as "Law Farms and Cattle Company", and to insert in lieu thereof the name of the transferee as "Law Farms and Cattle Co.", wherever and whenever same appears in Decision No. 83626.

1  
This order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

jp



(Decision No. 85467)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INVESTIGATION AND SUSPENSION OF )	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF CENTRAL )	DOCKET NO. 852
TELEPHONE & UTILITIES CORPORATION, )	
PUEBLO, COLORADO, FILED UNDER ADVICE )	ORDER GRANTING WITHDRAWAL OF REQUEST
LETTER NO. 362 AND 362 SUPPLEMENTAL. )	FOR EXTENSION OF TIME FOR FILING
	EXCEPTIONS TO RECOMMENDED DECISION

---  
July 30, 1974  
---

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 27, 1974, Central Telephone & Utilities Corporation filed with this Commission its Advice Letter Nos. 362 and 362 Supplemental, Colorado PUC No. 3 - Electric, accompanied by 105 tariff sheets as more fully described therein. The proposed electric rates would become effective on thirty (30) days' notice or on April 1, 1974, unless suspended by the Commission.

The Commission in Decision No. 84733, issued March 27, 1974, on its own motion, suspended the proposed tariffs for a period of one hundred twenty (120) days or until July 30, 1974, unless otherwise ordered by the Commission, and further ordered that the matter be set for hearing in the Courtroom, Post Office, 5th and Main Street, Pueblo, Colorado, on May 13, 1974, at 10 a.m. Upon due and proper notice to all persons, firms, or corporations, the hearing was held at the said time and place by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned pursuant to law.

Subsequent to the filing of the subject tariffs, a protest was filed by Ideal Basic Industries, Inc., which firm appeared at the hearing to present evidence.

On June 6, 1974, Examiner McCaffrey entered his Recommended Decision No. 85130 in the matter.

On June 25, 1974, Protestant, Ideal Basic Industries, Inc., filed a Motion for Extension of Time in Which to File Exceptions, which Motion was granted on July 16, 1974, in Decision No. 85392.

On July 24, 1974, Protestant, Ideal Basic Industries, Inc., filed its Withdrawal of Request for Extension of Time for Filing of Exceptions to Recommended Decision No. 85130.

The Commission states and finds that it should grant this request of Protestant.

An appropriate Order will be entered.

O R D E R


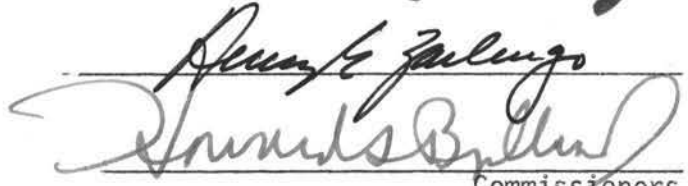
THE COMMISSION ORDERS THAT:

1. Protestant, Ideal Basic Industries, Inc., be, and hereby is, granted leave to withdraw its Request for Extension of Time for Filing Exceptions to Recommended Decision No. 85130, and said request be, and hereby is, deemed withdrawn.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners  
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
TRANS-COLORADO PIPELINE COMPANY FOR	)	
A CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY FOR APPROVAL OF (1) THE	)	APPLICATION NO. 27472
ACQUISITION BY TRANS-COLORADO FROM	)	
ROCKY MOUNTAIN NATURAL GAS COMPANY,	)	ORDER GRANTING PETITION
INC., OF THE SOUTHEAST LISBON PIPELINE	)	TO REOPEN RECORD
AND SWEETENING PLANT, (2) THE CON-	)	
STRUCTION AND OPERATION BY TRANS-	)	
COLORADO OF A NEW SALES METER STATION	)	
TO MEASURE DELIVERIES TO ROCKY MOUNTAIN	)	
NEAR DELTA, COLORADO, AND (3) A NEW	)	
TARIFF, SUPERSEDING TRANS-COLORADO'S	)	
EXISTING TARIFF PROVIDING FOR	)	
DELIVERIES OF GAS TO ROCKY MOUNTAIN	)	
NEAR DELTA, COLORADO.	)	

- - - - -  
July 30, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 4, 1974, Applicant Trans-Colorado Pipeline Company filed with this Commission its application for approval of three separate items as set forth in the above-titled application.

On June 17, 1974, following a hearing, Examiner Thomas M. McCaffrey entered his Recommended Decision No. 85216 granting in part and denying in part the authorizations sought.

On July 8, 1974, Applicant filed Exceptions to Recommended Decision No. 85216.

On July 26, 1974, Applicant filed a Petition requesting that the Commission reopen the record, hold further hearings and receive additional evidence, and to stay Commission consideration of Applicant's filed Exceptions until the conclusion of such further hearings.

The Commission states and finds that the Petition should be granted and that, pursuant to CRS 1963, 115-6-9(2), as amended, the Commission should conduct further hearings for the purpose of receiving additional evidence, and should stay consideration of Applicant's filed Exceptions until the conclusion of such further hearings.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. A further hearing by the Commission shall be conducted herein, as set forth below, for the purpose of receiving such additional relevant and material evidence the parties desire to present:

DATE: August 28, 1974

TIME: 10 a.m.

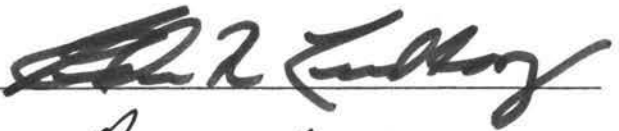
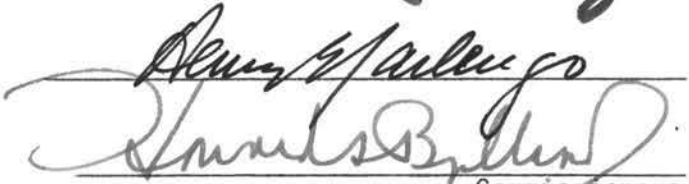
PLACE: 507 Columbine Building  
1845 Sherman Street  
Denver, Colorado 80203

2. Consideration of Applicant's filed Exceptions shall be stayed pending the conclusion of the further hearing herein.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners  
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: APPLICATION OF STEAMBOAT STAGE )  
COMPANY, TO PUBLISH PASSENGER TIME )  
SCHEDULE NO. 10, ON LESS THAN )  
STATUTORY NOTICE. )  
-----

APPLICATION NO. 27738

-----  
July 30, 1974  
-----

STATEMENT

BY THE COMMISSION:

By Application filed July 15, 1974, Steamboat Stage Company, P. O. Box 59, Steamboat Springs, Colorado 80477, by its Secretary, William M. James, requests permission to place into effect its Passenger Time Schedule No. 10, on less than statutory notice, to become effective on August 1, 1974.

FINDINGS OF FACT

1. The publishing of the changed Time Schedule No. 10 is to conform with the new airline schedule serving Steamboat Springs Airport beginning August 1, 1974.

2. The publishing of Time Schedule No. 10, on less than statutory notice, will be in the public interest and should be authorized.

O R D E R

THE COMMISSION ORDERS:

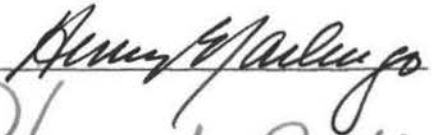
1. That Steamboat Stage Company be, and it hereby is, authorized to publish Time Schedule No. 10, on less than statutory notice, to become effective on August 1, 1974.

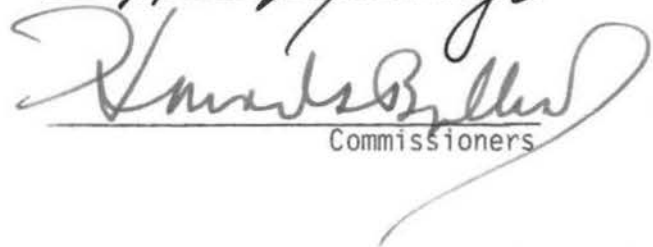
2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

IN THE MATTER OF INCREASED LIMOUSINE )  
FARES CONTAINED IN AIRPORT LIMOUSINE )  
SERVICE TARIFF NO. 1, SCHEDULED TO )  
BECOME EFFECTIVE AUGUST 8, 1974. )  
-----

MISCELLANEOUS DOCKET NO. 251  
ORDER REJECTING TARIFF

-----  
July 30, 1974  
-----

STATEMENT

BY THE COMMISSION:

On July 8, 1974, Airport Limousine Service filed Local Passenger Tariff No. 1, Colorado PUC No. 1, to become effective August 8, 1974. The purpose of said filing was to increase the rates and fares contained therein by approximately 48 percent. The Commission on its own motion has examined the proposed tariff for compliance with Law and the Rules and Regulations of the Public Utilities Commission.

FINDINGS OF FACT

1. Respondent's Local Passenger Tariff No. 1, Colorado PUC No. 1, contains the following provisions:

- a. Item 35: "Dogs will be carried if crated or in containers," but does not state whether or not there is a charge for such transportation.
- b. Item 40: "There will be no redemption of tickets." Would allow the carrier to retain payment for services not rendered.
- c. Item 50: "Organized Party Rates--Applies to organized parties (conventions, etc.) of ten (10) or more persons traveling together with an escort or conductor in charge." Involves group rates which are not specifically included in Airport Limousine authority.
- d. Item 60: "All operations of carrier hereunder are on schedule." However, no Time Schedule is on file.
- e. Item 100:  
Between Airport Terminal and any point in Zone 1  
Single Passenger Fare \$2.25  
Each Additional Passenger Fare \$1.10  
O.P.R. (Organized Party Rates) \$ .75¢ Each

- e. Item 100: (Continued)  
Between Airport Terminal and points in Zones  
2 thru 18  
Single Passenger Fare  
35¢ per Zone plus Zone 1 fare  
Each Additional Passenger Fare  
30¢ per Zone plus Zone 1 fare  
O.P.R. (Organized Party Rates)  
20¢ per Zone plus Zone 1 fare

This item does not specify how or under what conditions the Single Passenger Fare versus the Additional Passenger Fare would apply.

CONCLUSIONS ON FINDINGS OF FACT

1. Respondent's Local Passenger Tariff No. 1, Colorado PUC No. 1, does not comply with the Commissions' Rules and Regulations governing Common Carriers in that the Rules and Rates are not set forth in clear and explicit terms.

2. Pursuant to CRS 115-6-11 (3), Respondent's tariff filing should be rejected as set forth in the following Order.


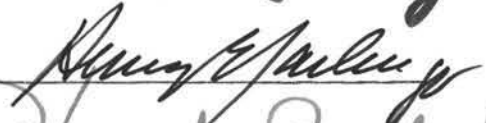
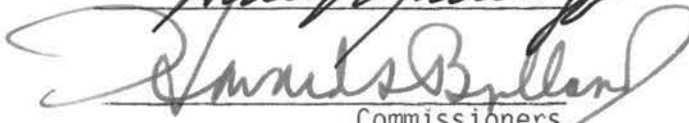
O R D E R

THE COMMISSION ORDERS THAT:

1. Airport Limousine Service, Local Passenger Tariff No. 1, Colorado PUC No. 1, be, and it hereby is, rejected.
2. Any use of Airport Limousine Service, Local Passenger Tariff No. 1, Colorado PUC No. 1, shall be unlawful.
3. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: THE MATTER OF COLORADO MOTOR )	
TARIFF BUREAU, INC., AGENT, FILING )	INVESTIGATION AND SUSPENSION
REVISED PAGES BEARING CORRECTION )	DOCKET NO. 870
NOS. 2263 THRU 2273, INCLUSIVE, )	
INCREASING RATES ON CEMENT IN MOTOR )	ORDER VACATING HEARING AND
FREIGHT TARIFF NO. 14, COLO. PUC )	CLOSING INVESTIGATION AND
NO. 13. )	SUSPENSION DOCKET NO. 870
-----	

-----  
July 30, 1974  
-----

STATEMENT

On May 30, 1974, Colorado Motor Tariff Bureau, Inc., Agent, Respondent, for and on behalf of Carriers party to its Motor Freight Tariff No. 14, Colorado PUC No. 13, filed revised pages bearing Correction Nos. 2263 thru 2273, inclusive, to said tariff increasing rates and charges on the transportation of cement in bulk and in bags in intrastate commerce within the State of Colorado, to become effective on July 1, 1974.

Said tariff revisions would have increased the mileage rates from 6 to 10 percent and would have applied a 1¢ per cwt. increase to the specific commodity rates.

No protests to the proposed rates were received. However, the Commission after a review of the supporting data suspended the matter on its own motion due to insufficiency of the data to support the increase, and set the matter for hearing on July 31, 1974 by Decision No. 85282, dated June 25, 1974. Subsequent to June 25, 1974 additional data in support of the increase was filed.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. That the suspended increases in Colorado Motor Tariff Bureau Tariff No. 14 would amount to 6 to 10 percent on mileage rates and would add 1¢ per cwt. to the specific commodity rates.
2. That the proposed increases would apply for all participating carriers.
3. That supporting data was received from Don Ward, Inc., Atwood Truck Line, Inc., Elbert Transfer Company, and North Park Transportation which showed the proposed increases to be just and reasonable.
4. That from information received from the two major intrastate cement shipping companies (Ideal Cement Company and Martin Marietta Cement Company) these four (4) carriers transport approximately 95% of the bulk cement moving intrastate in Colorado.

5. That at the time of suspension the only data received was from Don Ward, Inc. and North Park Transportation.

6. That additional data has now been received from Don Ward, Inc. and some cost information from Atwood Truck Line, Inc. and Elbert Transfer Company.

7. That all supporting carriers have shown substantial increases in fuel, tires, labor and maintenance which justify the proposed increases.

8. That comprehensive data has been received from Don Ward, Inc. showing an urgent need for the increases sought due to increased costs.

9. That the proposed increases are just and reasonable.

#### CONCLUSIONS ON FINDINGS OF FACT

#### THE COMMISSION CONCLUDES:

1. That the proposed increases are lawful and in the public interest.

2. That adequate justification has now been furnished and that it will be in the public interest to vacate the hearing date of July 31, 1974, to close Investigation and Suspension Docket No. 870, and to allow the suspended rates to become effective on one day's notice.

An appropriate Order shall be entered.

#### O R D E R

#### THE COMMISSION ORDERS:

1. That the hearing date of July 31, 1974 in Investigation and Suspension Docket No. 870 be, and it hereby is, vacated.

2. That the suspension of the increased rates in Colorado Motor Tariff Bureau Tariff No. 14, PUC No. 13, be, and it hereby is, rescinded.


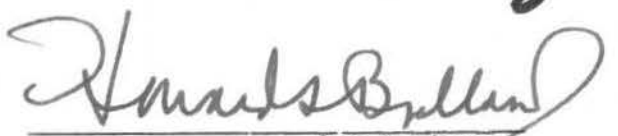
3. That the necessary supplement to Colorado Motor Tariff Bureau Tariff No. 14, Colorado PUC No. 13, shall be issued on one day's notice cancelling the suspension of the involved rates.

4. That Investigation and Suspension Docket No. 870 be, and it hereby is, closed.

5. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Commissioner Henry E. Zarlengo  
dissenting.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I dissent for insufficient evidence.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: ITEM NO. 640, STORAGE-RULE; )  
PROPOSED ITEM NO. 1290, BAKERY )  
GOODS - DENVER TO MONTROSE AND ) CASE NO. 1585  
ITEM NO. 1960 FOODSTUFFS, DENVER )  
TO VARIOUS DESTINATIONS. )  
-----

-----  
July 30, 1974  
-----

STATEMENT

BY THE COMMISSION:

On July 5, 1974, Colorado Motor Tariff Bureau, Inc., Agent, filed with the Commission proposed Item No. 1290 and Amendments to Items No. 640 and No. 1960 of its Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19\* (\*Colorado Motor Carriers' Association, Agent, Series) as set forth in appendix "A" attached hereto, proposed to become effective August 10, 1974.

FINDINGS OF FACT

1. Item No. 640 relates to storage charges computed per 100 pounds or fraction thereof, per calendar day. The tariff as filed proposes an increase in rates as follows:

	<u>PRESENT</u>	<u>PROPOSED</u>	<u>PERCENT OF INCREASE</u>	<u>DATE OF LAST INCREASE</u>	<u>PERCENT OF LAST INCREASE</u>
BASIC RATE	.10	.15	50%	1-15-73	25%
MINIMUM CHARGE	.30	.35	16.6%	11- 2-73	11%

2. The tariff as filed proposes a new commodity item No. 1290 to provide a rate on bakery goods other than frozen, not otherwise indexed in the motor freight classification. The proposed rate is \$3.25 per cwt. with a minimum of 3000 pounds. The proposed rate would be subject to Amendment No. 34 of Colorado Motor Tariff Bureau Tariff No. 12-B of 6 percent which makes the effective amount of the new rate \$3.45 per cwt. with a minimum of 3000 pounds.

The current tariff provisions have no rate on this commodity on 3000 pound minimum shipments, which void would be filled by proposed commodity Item No. 1290. Proposed commodity Item No. 1290 is desired by at least one shipper in order to fill this presently existing void.

3. The tariff as filed proposes to delete certain side line rates in Item No. 1960 as follows:

<u>CITY</u>	<u>RATE</u>
Breckenridge	5,000# - \$1.61 10,000# - \$1.52

<u>CITY</u>	<u>RATE</u>
Dillon	5,000# - \$1.52 10,000# - \$1.47
Frisco	5,000# - \$1.56 10,000# - \$1.48

Presently, only one carrier, to-wit: Mountain Motorway, is affected by these rates. This carrier presently has in effect lower rates for these same commodities in Item No. 1975 and the purpose of the proposed tariff change is to remove the higher of these conflicting rates and charges.

4. The tariffs as filed are just and reasonable.
5. Notice of the proposed tariff changes was given as follows:

<u>ITEM NO.</u>	<u>METHOD</u>
640 ) 1290 ) 1960 )	Posted in terminals as required by Rule 19-G of the Rules of Practice and Procedure.

#### CONCLUSIONS ON FINDINGS OF FACT

The tariffs as filed should be permitted to become effective as filed, as same are lawful.

An appropriate Order shall be entered.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That the proposed rates and charges set forth in appendix "A" attached hereto shall become the prescribed rates, rules and regulations governing common motor vehicles operating for-hire.
2. That all motor vehicle common carriers who are affected by the changes prescribed herein shall be published, or caused to be published, tariffs reflecting the changes prescribed herein.
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 motor vehicle common carriers.
4. That on and after August 10, 1974, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed provided that all call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent in Rule 385 of Case 1585.
5. That on and after August 10, 1974, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging or collecting rates and charges which shall not be less than those herein prescribed, provided that Class "B" contract carriers shall be subject to the penalty rule of twenty (20) percent in Rule 385 of Case 1585.

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.


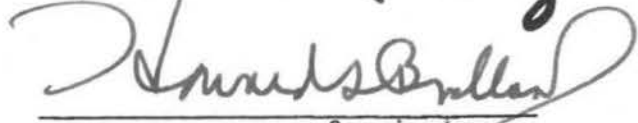
7. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

8. That this Order shall become effective forthwith.

9. That jurisdiction is retained to make such further Orders as may be necessary and proper.

DONE IN OPEN MEETING this 30th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Commissioner Henry E. Zarlengo  
dissenting.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I dissent for improper notice and lack of evidence.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner

APPENDIX "A"

CHARGES ARE NOT SUBJECT TO SUPPLEMENT 17 OR ~~+~~AMENDMENTS 30 AND 33.  
CHARGES ARE SUBJECT TO ~~+~~AMENDMENT 34.

MF-ICC 8\*  
COLO. PUC 19\*  
(\*COLORADO MOTOR CARRIERS'  
ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

RULES AND REGULATIONS

7TH REVISED PAGE 97

ITEM	APPLICATION
640	<p><u>STORAGE:</u></p> <p>(A) FORTY-EIGHT HOURS' FREE TIME WILL BE ALLOWED, WHICH FREE TIME WILL BE COMPUTED FROM THE FIRST 7:00 A.M., AFTER ARRIVAL OF SHIPMENT AT DESTINATION (EXCLUDING SUNDAYS AND HOLIDAYS).</p> <p>(B) SHIPMENTS HELD ON THE PREMISES OF THE CARRIER IN EXCESS OF FREE TIME ALLOWED WHEN HAVING BEEN GIVEN OR AFFORDED THE PROPER STORAGE BY THE CARRIER, WILL BE SUBJECT TO THE FOLLOWING STORAGE CHARGES PER DAY, OR ON OPTION OF CARRIER, MAY BE SENT TO PUBLIC WAREHOUSE. (SEE NOTE).</p> <p>(C) WHEN FREIGHT IS STORED IN THE CARRIER'S POSSESSION, A CHARGE OF 15 CENTS PER 100 POUNDS, OR FRACTION THEREOF, PER CALENDAR DAY SUBJECT TO A MINIMUM CHARGE OF 35 CENTS PER SHIPMENT PER CALENDAR DAY WILL BE MADE, BUT NOT LESS THAN 330 CENTS PER SHIPMENT. THE MAXIMUM CHARGE WILL BE \$32.50 PER SHIPMENT PER VEHICLE, IF MORE THAN ONE VEHICLE IS USED TO TRANSPORT THE SHIPMENT, FOR EACH 24-HOUR PERIOD. IN COMPUTING TIME, SUNDAYS AND LEGAL HOLIDAYS (NATIONAL, STATE AND MUNICIPAL) BUT NOT HALF HOLIDAYS WILL BE EXCLUDED. FRACTIONS OF A DAY ARE TO BE CONSIDERED AS ONE DAY.</p> <p>NOTE: IN ADDITION TO RATE NAMED FOR STORAGE, A CHARGE OF 17 CENTS PER 100 POUNDS WILL BE MADE FOR EXTRA HANDLING OF A SHIPMENT SENT TO THE PUBLIC WAREHOUSE, MINIMUM CHARGE \$1.00 PER SHIPMENT.</p>

SECTION 4 COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED) FOR APPLICATION, SEE PAGE 245					
ITEM	COMMODITY	FROM	TO	RATES	ROUTE (X)

8TH REVISED PAGE 252

1290 7 8	BAKERY GOODS, NO1, OTHER THAN FROZEN, MINIMUM WEIGHT 3,000 POUNDS.	DENVER	MONTROSE	325	15; 87
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RATES ARE NOT SUBJECT TO SUPPLEMENT 17 OR +AMENDMENTS 30 AND 33.  
RATES ARE SUBJECT TO +AMENDMENT 34.

COLORADO MOTOR TARIFF BUREAU, INC., AGENT				
SECTION 4				
COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)				
FOR APPLICATION, SEE PAGE 245				

5TH REVISED PAGE 273-A

ITEM	COMMODITY	FROM	TO		RATES	ROUTE (X)	
1960	FOODSTUFF: GROCERIES, AS DESCRIBED IN ITEM 715.	DENVER	SEE BELOW.		SEE BELOW		
	TO	RATES					
		MINIMUM WEIGHT--POUNDS					
		LESS THAN 1,000	1,999	2,000	5,000	10,000	
	BRECKENRIDGE (SEE NOTE)	220	214	206	(E) 194	(E) 177	34
	CLIMAX	226	218	210	194	177	30
	DILLON (SEE NOTE)	214	206	196	(E) 194	(E) 177	34
	DUMONT	177	169	162	149	136	34
	EMPIRE	183	172	164	153	138	34
	FRISCO (SEE NOTE)	217	209	200	(E) 194	(E) 177	34
	GEORGETOWN	188	177	169	155	143	34
	IDAHO SPRINGS	171	163	156	142	128	34
	KOKOMO	225	217	209	193	176	30
	LAWSON	177	169	162	149	136	34
	LOVELAND PASS	204	194	186	- -	- -	21; 34
	MONTEZUMA	214	206	196	179	165	34
	SILVER PLUME	188	177	169	- -	- -	21; 34
(SUBJECT TO ITEM 595 OF THE GOVERNING CLASSIFICATION)							
NOTE: RATES WILL NOT APPLY VIA SOUTH PARK MOTOR LINES, INC. SEE ITEM 1975.							

- ↓ DENOTES REDUCTION
- / DENOTES ADDITION
- ♦ DENOTES INCREASE
- (E) DENOTES ELIMINATION
- (X) SEE SECTION 7 FOR ROUTES



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INVESTIGATION AND SUSPENSION OF )  
PROPOSED CHANGES IN RATES OF CENTRAL )  
TELEPHONE & UTILITIES CORPORATION, )  
PUEBLO, COLORADO, FILED UNDER ADVICE )  
LETTER NO. 362 AND 362 SUPPLEMENTAL. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 852

ORDER OF THE COMMISSION

July 31, 1974

Appearances: Harry S. Petersen, Esq., Pueblo, Colorado, and  
William R. Mattoon, Esq., Pueblo, Colorado, and  
Donald W. Graves, Esq., Chicago, Illinois,  
for Respondent;  
Jeffrey C. Pond, Esq., Denver, Colorado,  
for Ideal Basic Industries, Inc., Protestant;  
Bruce C. Bernstein, Esq., Denver, Colorado,  
for the Staff of the Commission.

PROCEDURE AND RECORD

On February 27, 1974, Central Telephone & Utilities Corporation filed with this Commission its Advice Letter Nos. 362 and 362 Supplemental, Colorado PUC No. 3 - Electric, accompanied by 105 tariff sheets as more fully described therein. The proposed electric rates would become effective on thirty (30) days' notice or on April 1, 1974, unless suspended by the Commission.

The Commission in Decision No. 84733, issued March 27, 1974, on its own motion, suspended the proposed tariffs for a period of one hundred twenty (120) days or until July 30, 1974, unless otherwise ordered by the Commission, and further ordered that the matter be set for hearing in the Courtroom, Post Office, 5th and Main Street, Pueblo, Colorado, on May 13, 1974, at 10 a.m. Upon due and proper notice to all persons, firms, or corporations, the hearing was held at the said time and place by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned pursuant to law.

On March 22, 1974, a protest was filed by Ideal Basic Industries, Inc. which firm appeared at the hearing to present evidence.

Exhibit 1 was so marked but not offered into evidence, and Respondent presented into evidence Exhibits 2 through 6, inclusive; Protestant, Ideal Basic Industries, Inc., presented Exhibit 7; and the Staff of the Commission offered and had admitted into evidence Exhibits 8 and 9.

On July 16, 1974, in Decision No. 85392, the period of suspension in Decision No. 84733 was further suspended until October 28, 1974, unless otherwise ordered by the Commission.

On July 24, 1974, Respondent filed its Stipulation agreeing to complete and file with the Commission on or before November 1, 1974, a cost-of-service study covering all of its electric utility services within the jurisdiction of the Commission.

The Commission, on its own motion, has examined Recommended Decision No. 85130, and finds that the Commission should enter the following Order which adopts in part, rejects in part, and generally modifies the Findings of Fact and Recommended Decision of the Examiner.

#### FINDINGS OF FACT

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

1. Respondent, Central Telephone & Utilities Corporation, is a Kansas Corporation authorized to do business in the State of Colorado, and is a public utility subject to the jurisdiction of this Commission.

2. On December 31, 1973, Respondent purchased power from the Bureau of Reclamation of the United States Government. This contract with the Bureau of Reclamation expired on this date. On January 1, 1974, Respondent began purchasing power from the Public Service Company of Colorado under a contract entered into in 1969 when it knew that the Bureau of Reclamation would no longer supply power, as of December 31, 1973, and a new supplier would be required. In order to obtain a commitment from Public Service, it was necessary that Respondent agree not to construct any additional generating capability of its own during the term of the contract. ✓

3. Under the new power contract with Public Service Company, the cost of power to Respondent will be greatly increased. In 1973 the actual cost of power purchased was \$1,451,004. Based upon the actual 1973 requirements, the cost of power purchased will increase a total of \$1,364,892, from the 1973 figure of \$1,451,004 to \$2,815,896 in 1974.

4. In lieu of offering evidence upon its proposed tariffs as filed, Respondent proposed increases in rates to Respondent's retail customers in Colorado which would result in an increase of approximately 6.46 percent to each of its customers, resulting in an estimated \$986,679 increase in revenue, and its offered exhibits and testimony supported this proposal.

5. Respondent's rate of return data, as shown in Exhibit 4, Schedule 1, Page 3, amended, indicates that the Respondent's return on rate base is 7.31 percent before the proposed increase and 8.74 percent after the proposed increase. This exhibit also indicates an 8.06 percent return on equity before the increase and a 10.44 percent return on equity after the increase. The capitalization ratios shown on this exhibit were prepared on a corporate basis, which results in a relatively low debt ratio of 32.37 percent and a correspondingly high common equity ratio of 60.18 percent. Staff Exhibit 9, using the same return on rate base as indicated above, was prepared on a consolidated basis and indicates an almost complete reversal of the debt-equity ratio. On a consolidated basis, the debt ratio becomes 59.54 percent and the common equity ratio becomes 31.39 percent, which results in a return on equity of 8.38 percent before the proposed increase and a return on common equity of 12.93 percent after the proposed increase. The Staff's consolidated presentation demonstrates quite clearly the impact of leverage.

Central Telephone & Utilities Corporation assists in the financing of subsidiaries and furnishing equity support for subsidiary debt issues, and therefore it is felt that the Southern Colorado Power Division should share in the benefits of system financing. The fact that the Southern Colorado Power Division is part of the parent and not a subsidiary is no reason for the ratepayers of Colorado to have to pay more to support the high equity ratio of the parent. A method to distribute the benefits of the system

leverage to the Colorado ratepayers is to use the capitalization of the consolidated system and its related cost. Thus, a relatively smaller return on rate base will go further toward satisfying the requirements for a fair return on equity. Respondent in future tariff filings should attempt to compute its figures on a consolidated basis rather than on a corporate basis as done in this proceeding.

6. The rate increase as proposed by Respondent represents a pass-along increase in the cost of purchasing power from Public Service Company. The proposed increase is not expected to fully recover the increased cost, nor is any attempt made in this filing to recover any additional fixed cost increases. Respondent is presently undertaking a cost study, which it stipulated would be completed by November 1, 1974, at which time it will be filed with this Commission.

7. Pending receipt of the cost-of-service study, the evidence as presented is that the rate increases as presented in Respondent's testimony are just and reasonable at this time and should be allowed to become effective.

8. Ideal Basic Industries, Inc., protested this subject rate increase because, as adduced by this Protestant's testimony in the hearing, it was under the impression that the proposed rate increase would result in duplication of charges to this firm. As shown by Respondent in testimony and revised exhibits, any duplication of fuel cost adders has essentially been eliminated.

9. Respondent's tariffs as originally proposed in its Advice Letter No. 362 and 362 Supplemental, and upon which no evidence was offered in support thereof, are unjust and unreasonable.

#### CONCLUSIONS OF FINDINGS OF FACT

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

1. The tariff rate revisions filed by Central Telephone & Utilities Corporation on February 27, 1974, under its Advice Letter No. 362 and 362 Supplemental, Colorado, PUC No. 3 - Electric, are in violation of CRS 115-3-1 (1963 as amended).

2. Respondent should be given leave to file, on not less than one (1) day's notice, tariffs which will produce the revenues noted in Finding No. 4 by spreading equally an approximately 6.46 percent increase to each block of each rate.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. The tariff rate revisions filed by Central Telephone & Utilities Corporation on February 27, 1974, under its Advice Letter No. 362 and 362 Supplemental, Colorado PUC No. 3 - Electric, be, and hereby are, permanently suspended.

2. Central Telephone & Utilities Corporation be, and hereby is, authorized to file on not less than one (1) day's notice, tariff rate revisions to reflect an increase in revenue of \$986,679, and said increase shall be spread by increasing each block of each of Respondent's rates approximately 6.46 percent.

3. Investigation and Suspension Docket No. 852 be, and hereby is, closed.

4. Respondent be, and hereby is, directed to complete a cost-of-service study covering all of its electric utility services which are subject to the jurisdiction of this Commission and to file same with this Commission by November 1, 1974, together with any associated rate revisions deemed appropriate by Respondent as a result of such cost-of-service study.

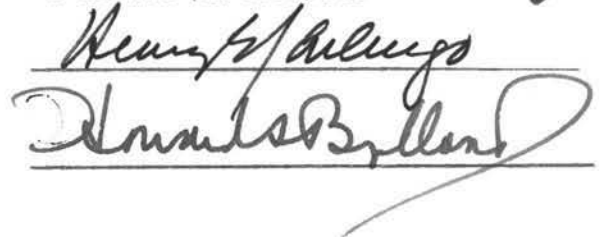
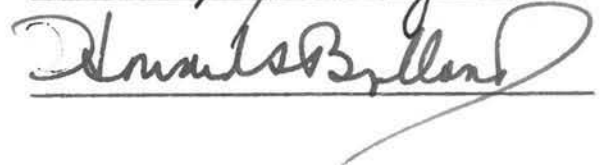
This Order shall be effective forthwith.

DONE IN OPEN MEETING the 31st day of July, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



I do not participate

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

- - - - -  
August 6, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the corporations, partnerships, and/or persons as specifically set forth in the Appendix attached hereto have paid to the Commission the required filing fee for authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, but have either (1) failed to file an application or (2) have failed, after filing an application for such authority, to file either the required certificate of insurance or a designation of agent for service of notices, orders or process -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

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

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as set forth in the Appendix attached hereto should be dismissed.

O R D E R


THE COMMISSION ORDERS:

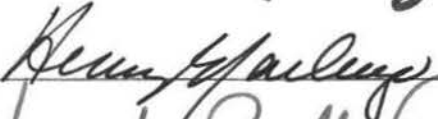
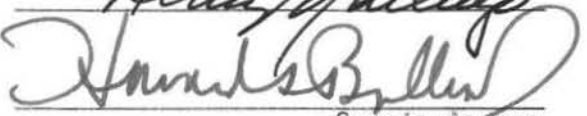
That all actions instituted before this Commission by the corporations, partnerships, and/or persons as set forth in the appendix attached hereto, to obtain authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

This Order shall become effective thirty (30) days from the day and date hereof.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
  
\_\_\_\_\_

Commissioners



<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
A & M Welding Service 2600 E. Mabry Dr. Clovis, New Mexico 88107	Public Liability & Property Damage Insurance, Designation of Agent, Application
Heihrich Ahrens Rist Canyon Road Bellvue, Colorado 80512	Public Liability & Property Damage Insurance
Aqua Play Equipment P. O. Box 346 Uirita, Oklahoma 74301	Public Liability & Property Damage Insurance, Designation of Agent
Jerry E. & Ann J. Atencio, dba Atencion Catering Service 12300 W. 38th Avenue Wheatridge, Colorado 80033	Public Liability & Property Damage Insurance
George R. McKay, dba B & T Turf Supply Rt. 2, Box 535 Santa Fe, New Mexico 87501	Public Liability & Property Damage Insurance, Designation of Agent
Jose Miguel Balderas P. O. Box 851 Monte Vista, Colorado 81144	Public Liability & Property Damage Insurance
Bruce Walter Broadhead 5597 W. Mexico Avenue Lakewood, Colorado	Public Liability & Property Damage Insurance
Bud McCracken, dba Bud's Installation 411 Prospect Ft. Morgan, Colorado 80701	Public Liability & Property Damage Insurance
Larry C. Byrd, dba Byrd Excavating Co. Rt. 1, Box 228 Franktown, Colorado 80116	Public Liability & Property Damage Insurance
Cedric Pantan, dba C & P Auto 6 W. Mt. Eden Avenue Bronx, New York 10453	Public Liability & Property Damage Insurance, Designation of Agent
C & R Mfg., Inc. 405 Center Street Center, Texas 75935	Public Liability & Property Damage Insurance, Designation of Agent
George Chamberlain P. O. Box 212 Naturita, Colorado 81422	Public Liability & Property Damage Insurance
Champion Cooler Corp. P. O. Box 886 Dennison, Texas 75020	Public Liability & Property Damage Insurance
Cyprus Tubing & Conduit Co., Inc. 1739 W. 213th Street Torrance, California 90509	Public Liability & Property Damage Insurance, Designation of Agent
Alfred H. Daugherty P. O. Box 342 Chama, New Mexico 87520	Public Liability & Property Damage Insurance, Designation of Agent

Appendix

Decision No. 85474

August 6, 1974

Page 2

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
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Echol Chemical Formulators, Inc. P. O. Box 1765 Lakeland, Florida 33802	Public Liability & Property Damage Insurance, Designation of Agent
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F A P Corporation 6011 Osunane Albuquerque, New Mexico 87109	Public Liability & Property Damage Insurance
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A. P. Fambro, dba Fambro Gate & Panel Box 223 Cisco, Texas 76437	Public Liability & Property Damage Insurance, Designation of Agent
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Faultless Co., Div. Bliss & Laughlin Ind., Inc. 1421 No. Garvin Street Evansville, Indiana 47714	Public Liability & Property Damage Insurance, Designation of Agent
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G & T Industries 710 East 22nd Street Lawrence, Kansas 66044	Public Liability & Property Damage Insurance, Designation of Agent
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Fidel O. Gallegos 745 Alto Santa Fe, New Mexico	Public Liability & Property Damage Insurance, Designation of Agent
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Gibson Products Co. of Farmington, Inc., dba Gibson's Discount Center 130 Washington S. E. Albuquerque, New Mexico 87108	Public Liability & Property Damage Insurance, Designation of Agent
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Grand River Corp. Box 197, Moraine Park Granby, Colorado 80446	Public Liability & Property Damage Insurance
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Gary Halvorson, dba Halvorson Trucking Kennebec, South Dakota 57544	Public Liability & Property Damage Insurance
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Ival C. Hardy, dba Hardy Grain Co. South 20th Street Chickasha, Oklahoma 73018	Public Liability & Property Damage Insurance, Designation of Agent
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Hobart Corporation 711 World Headquarters Avenue Troy, Ohio 45374	Public Liability & Property Damage Insurance
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Holiday Rambler Corporation State Road 19 Wakarusa, Indiana 40573	Public Liability & Property Damage Insurance, Designation of Agent
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Horticultural Carriers, Inc. P. O. Box 768 Tahlequah, Oklahoma 74464	Public Liability & Property Damage Insurance, Application
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Lucille Bowman, dba Jacks Trucking 2802 C 3/4 Road Grand Junction, Colorado	Public Liability & Property Damage Insurance
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Jackson Mfg. Co. Box 427 Mazie, Oklahoma 74353	Public Liability & Property Damage Insurance, Designation of Agent
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<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Dale Eugene Johnson, dba Johnson's Auto Wrecking Road 41 Hudson, Colorado 80005	Public Liability & Property Damage Insurance
Lumber, Inc. P. O. Box 3884 Albuquerque, New Mexico 87108	Public Liability & Property Damage Insurance, Designation of Agent
Charlene Mohoney, dba Milly-Ice Cream Machine 250 2674 Road Grand Junction, Colorado 81501	Public Liability & Property Damage Insurance
George Ellibee, dba Mr. Plywood of New Mexico Rt. 1, Box 334-C Espanola, New Mexico 87532	Public Liability & Property Damage Insurance, Designation of Agent
Guy L. Mock Box 73 Montrose, Colorado 81401	Public Liability & Property Damage Insurance
Ralph D. Moss 3715 G 4/10 Road Palisade, Colorado 81526	Public Liability & Property Damage Insurance
Mueller Supply Co., Inc. Hiway 67 West Ballinger, Texas 76821	Public Liability & Property Damage Insurance
David Mikkelsen & Kenneth Twite, dba Nogales Drywall Corp. 4090 Old Tucson Road Nogales, Arizona	Public Liability & Property Damage Insurance, Designation of Agent
Patterson-Monroe, Inc. R. R. 2, Box 315 Greenfield, Indiana 46140	Public Liability & Property Damage Insurance
Pennsylvania Marketing & Transportation Cooperative Association Box 81 Alum Bank, Pennsylvania 15521	Public Liability & Property Damage Insurance, Designation of Agent
Sidney L. Pernell, dba S. L. Pernell Trucking 1813 No. Queseda Street Arlington, Virginia 22205	Public Liability & Property Damage Insurance, Designation of Agent
Orlando A. Chadwick, dba The Pioneer 810 So. Corona Street Denver, Colorado 80209	Public Liability & Property Damage Insurance
Richton International Corp. 211 W. Emporia Ontario, California	Public Liability & Property Damage Insurance
Rigid Forms 121 So. Kallock Richmond, Kansas 66080	Public Liability & Property Damage Insurance

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Jerry Van Riper 731 Pine Canon City, Colorado 81212	Public Liability & Property Damage Insurance
G. P. Loeffler, dba Roadrunner Feed & Fuel Esterbrook, Rt. #6 Douglas, Wyoming 52633	Public Liability & Property Damage Insurance, Designation of Agent
Ross Brothers Transportation, Inc. P. O. Box 103 Circle, Montana 59215	Public Liability & Property Damage Insurance
Sherrell Upholstering P. O. Box 189 Hickory, North Carolina 28601	Public Liability & Property Damage Insurance, Designation of Agent
Travis Joe Porter, dba Travco Rt. 2 Durango, Colorado 81301	Public Liability & Property Damage Insurance
U. S. Plywood Division of Champion International Corp. 4019 Edith Blvd. N. E. Albuquerque, New Mexico 87107	Public Liability & Property Damage Insurance
Ossian E. Smith, dba W-J Trucking Co. P. O. Box 1300 Sterling, Colorado 80751	Public Liability & Property Damage Insurance
Wahlen Bros. Furniture Mfg., Inc. 6380 So. 2nd W. Murray, Utah 84107	Public Liability & Property Damage Insurance

(Decision No. 85475)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE THE MATTER OF MOTOR VEHICLE	)	
COMMON AND CONTRACT CARRIERS LISTED	)	RECOMMENDED DECISION OF
ON "APPENDIX A" HERETO,	)	THOMAS M. McCaffrey,
	)	EXAMINER
Respondents.	)	

- - - - -  
August 1, 1974  
- - - - -

Appearances: Harold L. Lootens, Denver,  
Colorado, of the Staff  
of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on June 5, 1974 and June 7, 1974. The matters were duly called for hearing pursuant to such notice on Thursday, July 25, 1974, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey 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 records and files of the Commission do not disclose an Annual Report filed with the Commission by each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto as required by the Public Utilities Laws of this state and the Rules and Regulations of this Commission.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be ~~revoked~~

for failure to file an Annual Report with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Annual Report prior to the effective date of this Order.

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

  
Examiner  
nlr

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
DICK McREYNOLDS, INC. 965 West 6th Avenue Broomfield, CO 80020	8874	AR-371
R & K TRUCKING, INC. P. O. Box 682 Limon, CO 80828	435 and B-7127	AR-373
BIG VALLEY TRANSFER Garner, Douglas M., d/b/a P. O. Box 146 Nucla, CO 81424	943 & I, 6812, B-6636 and B-7014	AR-378
MARY M. BLEVINS MILK TRANSPORT Box 66, Route 1 Kersey, CO 80644	3267 and 4817	AR-379
GRAND JUNCTION-PALISADE FREIGHT LINE 752 - 37 9/10 Road, Box 482 Palisade, CO 81526	17 and B-2174	AR-391
KECK, FLOYD 2221 Linden Avenue Trinidad, CO 81082	5991	AR-394
PET CAB Brown, Allen J. 3000 Bellaire Denver, CO 80207	8971	AR-400
QUINBY BROS. HOUSE MOVERS, INC. Route 1, Box 51 Commerce City, CO 80022	5521	AR-401
SOUTHWESTERN MOVING & STORAGE Fowler, Travis I. & Evelyn I. d/b/a 816 Water Street Canon City, CO 81212	6412	AR-403
CENTRAL CITY OPERA HOUSE ASSOCIATION 636 University Boulevard Denver, CO 80202	2393	AR-409
FRONTIER TRAILS, INC. c/o Linder, E. F. Route 1, Box 10 Hesperus, CO 81326	8307	AR-413
ADVENTURE TOURS, INC. Caldwell, Gregory 692 Laurel Avenue Des Plains, IL 60016	8938	AR-423
GOLDEN EAGLE TRANSPORTATION CO., INC. P. O. Box 654 Vail, CO 81657	9136	AR-424

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
PTARMIGAN P'TOURS, INC. 821 17th Street Denver, CO 80203	8989	AR-425
CUMMING, ROBERT D. 8 Old Broadmoor Road Colorado Springs, CO 80906	2130	AR-427
TAFOYA, MIKE 711 East Garfield Street Colorado Springs, CO 80900	2181	AR-428
A & B RUBBISH REMOVAL 6710 West 35th Wheatridge, CO 80033	3209	AR-433
STRASSHEIM, JOHN & ALFRED H. 11315 West 58th Avenue Arvada, CO 80002	3243	AR-436
BRAGG, JESSE, JR. & BRAGG, EARL 642 East Williamette Colorado Springs, CO 80900	3337	AR-442
BOB'S CLEAN-UP SERVICE 1220 Del Mar Parkway Aurora, CO 80010	3672 and B-7687	AR-452
A & B HAULING Morgan, Otis L. 930 Troy Aurora, CO 80010	3691	AR-453
CHAMBERS, HARRY 2241 Williams Street Denver, CO 80205	5048	AR-464
COMMUNITY SANITATION Hendryx, Paul & Dorma Box A Monument, CO 80132	6396	AR-467
D & L SANITATION SERVICE 1226 Florence Colorado Springs, CO 80906	7745	AR-472
HUGHES, JOHN L. 817 - 7th Street Walden, CO 80480	8255	AR-477

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, RATE SECTION, PUBLIC UTILITIES COMMISSION,  
PHONE: 892-3175

(Decision No. 85476)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INVESTIGATION AND SUSPENSION OF )	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF ROCKY )	DOCKET NO. 861
MOUNTAIN NATURAL GAS COMPANY, INC., )	
DENVER, COLORADO, FILED UNDER ADVICE )	RECOMMENDED DECISION OF
LETTER NO. 33. )	HOWARD S. BJELLAND,
	COMMISSIONER

- - - - -  
August 1, 1974  
- - - - -

Appearances: Wynn Bennett, Jr., Esq.,  
Denver, Colorado, for  
Rocky Mountain Natural Gas Company, Inc.,  
Respondent;  
Thomas W. Osborn, Jr.,  
Delta, Colorado, for the  
Delta Housing Authority;  
Nick Darrow, Esq.,  
Delta, Colorado, for the  
City of Delta;  
Phillip Mahoney,  
Aspen, Colorado, for the  
City of Aspen;  
Charles W. Miller,  
Aspen, Colorado, for the  
Aspen Valley Improvement Association;  
Naomi Niemann,  
Glenwood Springs, Colorado,  
for Glenwood Floral;  
J. Nicholas McGrath, Jr., Esq.,  
Aspen, Colorado, for the  
Board of County Commissioners  
of Pitkin County;  
Kent Teall and James A. Richards,  
Denver, Colorado, of the  
Staff of the Commission.

PROCEDURE AND RECORD

Rocky Mountain Natural Gas Company, Inc., on April 15, 1974, filed with this Commission its Advice Letter No. 33, Colorado PUC No. 3, accompanied by 12 tariff sheets as more fully described therein and reference to which is hereby made. The stated purpose of this filing was to increase the rates charged for residential, commercial and industrial natural gas service by \$1,065,630 (24.954%) annually and to cancel the industrial, interruptible Tariff Sheet No. 14 because of contract cancellation.

The proposed rates were to become effective on thirty (30) days' notice (May 15, 1974) unless suspended by the Commission.



As a result of the Notice to customers, the Commission received a number of protests from customers of the company objecting to the proposed increase. The Commission decided on its own motion, Decision No. 85032, dated May 14, 1974, to briefly suspend the effective date of the proposed tariffs and to set the matter for hearing. The proposed tariffs, after the expiration of the brief suspension period, became effective on May 17, 1974. The effect of the Commission decision was to retain jurisdiction in the Commission to hear the matter, even though the proposed new rates were permitted to become effective. On May 30, 1974, the hearing dates set in Decision No. 85032 were vacated and reset as follows:

<u>Date</u>	<u>Time</u>	<u>Place</u>
July 8 and 9, 1974	9 a.m.	Montrose, Colorado
July 10, 1974	9 a.m.	Glenwood Springs, Colorado
July 12, 1974	9 a.m.	Walden, Colorado

After due and proper notice to all interested parties, the matter was heard at the aforementioned times and places by Commissioner Howard S. Bjelland, to whom it was duly assigned, concurrently with Investigation and Suspension Docket No. 860 on a joint record.

The following public witnesses appeared and testified:

At Montrose:

Thomas W. Osborn, Delta, Colorado; Eldon DeMoude, Austin, Colorado; Frank Dennis, Montrose, Colorado; Julia Foster, Montrose, Colorado; and John Neill, Hotchkiss, Colorado.

At Glenwood Springs:

Don Waller, Carbondale, Colorado; Charles W. Miller, Aspen, Colorado; Naomi Niemann, Glenwood Springs, Colorado; W. K. Martin, Aspen, Colorado; Phillip Mahoney, Aspen, Colorado; Thomas Steinberg, Aspen, Colorado; and William Brehmer, Aspen, Colorado.

At Walden:

John L. Gresham, Walden, Colorado; Tolly Ann Gore, Walden, Colorado; Peter Lepponen, Walden, Colorado; John A. Price, Walden, Colorado; Barbara Hughes, Walden, Colorado; Helen Layman, Walden, Colorado; Sandra Fliniaux, Walden, Colorado; Robert Eyestone, Wellington, Colorado; and Gene Young, Walden, Colorado.

In addition to the public witnesses who testified at Walden, a large number of additional customers were present, all from Walden, who wished their names placed in the record in general opposition to the rate increase. These customers were:

Bessie L. Johnson, Dr. David France, Ethel Rodriguez, Sally Langendorf, Rae Redman, Carol Conley, Thomas Kellogg, Delbert Leatherman, Edna Mann, Hazel Gresham, E. O. Layman, Arlene Gray, Bill Riley, A. W. Gray, Frank Soto, Elizabeth Bird, Alta Powell, Peg Hampton, Diphane Swaney, Mrs. John Potter, Richard Burt, Lila Bishop, M. C. Sanchez, Alma Bagby, Ann Pease, Thomas J. Pease, Ruth Miller, Kenneth Carlstrom, Gary Crouner, Floyd Brown, Virgil Mylander, Mary A. Brands, Artiebelle Schoonover, Kareen Harman, Arthur Harman, James Sherman, Gerald Peterson, Sophie Peterson, Gertrude Huston, Blanche Dodge, Ruth Donohoe, Mrs. Joe Smith, George Corkle, Sheila Murray, Marie Murphy, and Dillon Donohoe.

The following employees of Respondent appeared as witnesses and gave testimony on behalf of Respondent:

Orville M. Shockley, Denver, Colorado (President, Chief Executive Officer and member of Board of Directors); D. L. Parsons, Denver, Colorado (Secretary-Treasurer and member of Board of Directors).

The following exhibits, all of which were offered in evidence, were admitted:

- Exhibit No. 1 - Balance Sheet as of December 31, 1973.
- Exhibit No. 2 - Statement of Income & Expense, December 31, 1973.
- Exhibit No. 3 - Statement of Retained Earnings, Twelve Months Ended December 31, 1973.
- Exhibit No. 4 - Net Operating Income, Twelve Months Ended December 31, 1973.
- Exhibit No. 5 - Summary of Pro Forma Adjustments, Twelve Months Ended December 31, 1973.
- Exhibit No. 6 - Detail of Pro Forma Adjustments, Twelve Months Ended December 31, 1973.
- Exhibit No. 7 - Weather Normalization Summary Test Year Ended December 31, 1973.
- Exhibit No. 8 - Net Operating Income, Twelve Months Ended December 31, 1973.
- Exhibit No. 9 - Average Rate Base, Twelve Months Ended December 31, 1973.
- Exhibit No. 10 - Cost of Long-term Debt, December 31, 1973.
- Exhibit No. 11 - Cost of Money, December 31, 1973.
- Exhibit No. 12 - Detail of Cost of Service, Test Year, December 31, 1973.

Exhibit No. 13 - Comparative Statements of Income & Expense Period Ended May 31, 1974.

Exhibit No. 14 - The Distaffer: The Rising Costs of Energy.

Exhibit No. 15 - 1974-75 Demand and Supply.

Exhibit No. 16 - Analysis of Current Applications for Gas Service.

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

On July 11, 1974, the Board of County Commissioners of Pitkin County filed with the Commission a request for "leave to file untimely the Board's opposition to the rate increase proposed by the applicant." On July 16, 1974, the Commission entered Decision No. 85394 granting such request and permitting the said Board of County Commissioners "to file a statement of position within 10 days." No such statement was filed within the specified period.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Commissioner Howard S. Bjelland now transmits herewith to the Commission the record and exhibits of this proceeding, together with a recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Hearing Commissioner finds as fact from such record that:

1. Rocky Mountain Natural Gas Company, Inc., the Respondent, is a public utility as defined in 115-1-3, CRS 1963, as amended, and is engaged in the business of purchasing, acquiring, distributing, furnishing and selling natural gas to its consumers in those areas in the State of Colorado within the confines of its certificate of public convenience and necessity as previously issued by this Commission.

2. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding.

3. Rocky Mountain Natural Gas Company, Inc., for the period consisting of the first five months of 1973, had total net income in the amount of \$234,217. For the first five months of 1974, the company's net income was a negative \$22,324. In other words, the company in the first five months of 1974 did not make enough money to cover interest payments on debt.

4. The test year for determination of rate base, rate of return and revenue requirements for Respondent in these proceedings is the 12-month period ended December 31, 1973.

5. The average rate base of Respondent for the test year used and useful in its natural gas operations is \$9,394,876 (Exhibit No. 9) properly consisting of:

Utility Plant in Service	\$13,796,933
Nonutility Plant (Merchandising)	(75,822)
Prepayments	38,465
Inventories - Plant Material	\$117,546
Propane	31,988
Underground gas storage	<u>2,981</u>
	152,515
Cash Working Capital	137,701
Contributions (in aid of construction)	(1,404,185)
Customer Advances	<u>(133,949)</u>
Gross Rate Base	12,511,658
Reserve for Depreciation & Depletion	(3,141,766)
Reserve for Depreciation, Nonutility	<u>25,984</u>
	<u>\$9,395,876</u>

6. Respondent's total operating revenue after in-period adjustments was \$4,386,688. The operating revenue deductions for the same period after in-period adjustments consist of \$4,083,499, leaving net operating income amounting to \$303,189. When these figures have been adjusted for weather normalization, however, Respondent's total operating revenues would have been \$4,313,142, and Respondent's operating revenue deductions would have been \$4,059,759, resulting in a net operating income of \$253,383.

7. Respondent's capitalization for the test year is as follows:

	<u>Amount</u>	<u>Percent</u>
Long-term Debt	\$5,755,425	57.69
Common Stock	<u>4,220,786*</u>	<u>42.31</u>
	\$9,976,211	100.00

\*Excludes \$685,945 investment in and receivable from associated company.

8. A rate of return on common equity of 12.00% is reasonable and necessary in order that Respondent be able to attract investors and thus raise capital for Respondent's operations and capital improvements. A return on common equity of 12.00% is, therefore, just and reasonable.

9. A rate of return on common equity of 12.00% indicates a total cost of capital to Respondent and return on rate base of 10.30% as follows:

	<u>Percent of Capitalization</u>	<u>Weighted Average Cost</u>	<u>Composite Cost</u>
Long-term Debt	57.69	9.05%	5.22%
Common Stock	<u>42.31</u>	12.00	<u>5.08</u>
	100.00		10.30%

10. A fair return on Respondent's rate base is 10.30%, which rate of return is both adequate and necessary to service its debt, pay a reasonable dividend, provide for reasonable accumulation of surplus and maintain the financial integrity of the company.

11. The required net operating income based upon weather normalized test year conditions and after applying the fair rate of return of 10.30% to the appropriate value of Respondent's rate base of \$9,395,876, is \$967,712.

12. Respondent's existing rates produce and will continue to produce, when weather normalized, less than a fair rate of return. The earnings deficiency, based upon the test year, is as follows:

Net Operating Income Required - Finding No. 11, <u>supra</u>	\$967,712
Test Year Weather Normalized Net Operating Income - Finding No. 6, <u>supra</u>	(253,383)
Net Operating Income Deficiency	\$714,329

13. A gross revenue increase of \$1,065,630 is needed to overcome the earnings deficiency stated in Finding No. 11, calculated as follows:

Gross Revenue Increase	\$1,065,630
Less: Franchise Tax	\$ 21,313
State Income Tax	32,608
Federal Income Tax	<u>297,380</u>
	<u>351,301</u>
Net Operating Income Deficiency	\$ 714,329

14. Having determined Respondent's revenue requirements, it is necessary to decide from which customer classifications these revenues shall be derived -- how the rate increase should be spread. The Respondent presented evidence of a cost-of-service study recently completed by Respondent which shows the cost of service per MCF @ 15.025, regardless of type of service, to be 140.78¢ as follows:

<u>Description</u>	<u>Cost Per MCF</u>
Gas Purchases	31.26¢
Labor	25.14
Transmission of gas by others	11.70
Customer Accounting Expenses (excluding payroll)	1.70
Sales Promotion Expense (excluding payroll)	.20
Administrative & General Expense (excluding payroll)	11.49

Other Operating Expenses	4.21
Depreciation, Depletion & Amortization	11.90
Property Taxes	5.89
Payroll & Other Taxes	3.32
Income Taxes	<u>8.64</u>
Total Operating Revenue Deductions	115.45¢
Cost of Long-term Debt	13.64
Other (Income) & Deductions - Net	(1.57)
Return to Equity	<u>13.26</u>
Total Operating Revenue	<u>140.78¢</u>

The rates filed by Respondent spread the increase equally between all rate classifications. Considering the findings of the cost-of-service study, for the purposes of this tariff filing, such an equal spread of the increase is just, reasonable and nondiscriminatory.

15. The rate increase proposed in the tariffs will result in an average monthly charge as follows, based upon an average monthly consumption of 14.125 MCF:

<u>General Service Area</u>	<u>Rate/MCF</u>	<u>Average Monthly Charge</u>
Walden	\$ .90	\$12.72
Wellington, Frederick, Firestone, Dacono, Evanston	1.26	17.82
Dove Creek	1.36	19.19
Aspen, Glenwood Springs, Delta, Montrose, Basalt, Cedaredge, Eagle, Gypsum, Hotchkiss, Olathe, Orchard City, Collbran, Paonia	\$1.47	\$20.73

The rates are different in the various general service areas because Respondent obtains gas for these areas from different suppliers at different rates which is reflected accordingly in Respondent's rates.

16. The tariffs as filed by Respondent under and with Advice Letter No. 33 are just, reasonable and nondiscriminatory.

#### DISCUSSION

Rocky Mountain Natural Gas Company, Inc., is a relatively new utility in Colorado, having originally commenced providing natural gas service to the public in the late 1950s. It has an extremely high debt ratio and a correspondingly high cost of debt -- interest costs having been made even higher because of the time period in which such funds have been borrowed. The financial problems of the company have been compounded by gas supply problems, which have been continuous practically since the first day of service. The increases in rates which have been the subject matter of this proceeding are absolutely essential in order that the company may continue to provide service.



### CONCLUSIONS ON FINDINGS OF FACT

The Hearing Commissioner concludes that the tariffs filed by Respondent with and under Advice Letter No. 33, and under consideration in the instant proceeding, are just, reasonable, lawful and nondiscriminatory, and should be permitted to remain in effect.

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

### O R D E R


#### THE COMMISSION ORDERS THAT:

1. The tariffs filed by Rocky Mountain Natural Gas Company, Inc., under Advice Letter No. 33 shall remain in effect, and the instant investigation and suspension proceeding shall be closed.

2. This Recommended Decision shall be effective on the day it becomes the decision of the Commission, and if such be the case, 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

  
\_\_\_\_\_  
Commissioner  
vjr



(Decision No. 85477)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE MATTER OF INCREASED  
FARES FILED BY YELLOW CAB, INC.

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INVESTIGATION AND SUSPENSION  
DOCKET NO. 864

RECOMMENDED DECISION OF  
THOMAS M. McCAFFREY,  
EXAMINER

DENYING INCREASE

- - - - -  
August 1, 1974  
- - - - -

Appearances: Walter M. Simon, Esq., Denver,  
Colorado, for Respondent;  
I. H. Kaiser, Esq., Denver,  
Colorado, for Independent  
Drivers Association of Denver,  
Protestant;  
Lloyd C. Espinosa and David H. Cross,  
Denver, Colorado, of the Staff of  
the Commission.

PROCEDURE AND RECORD

On May 15, 1974, Yellow Cab, Inc., hereinafter referred to as Respondent, filed Colorado PUC No. 34, canceling Colorado PUC No. 32, setting forth increased fares scheduled to become effective June 14, 1974. This tariff filing proposed an increase in the flagdrop for the first one-fifth mile from .70 to .75.

On May 31, 1974, Independent Drivers Association of Denver filed its protest to Respondent's tariff filing. The Commission assigned Investigation and Suspension Docket No. 864 to the tariff filing and, in Decision No. 85133, issued June 4, 1974, upon a finding that the said filing may be in violation of the law, suspended the effective date of the tariff and set the matter for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, on July 24, 1974, at 10 a.m. The hearing was held at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

Exhibits 1 through 10, inclusive, were offered and admitted into evidence, and at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey 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. Respondent, Yellow Cab, Inc., is a common carrier transporting passengers for hire under authority granted by this Commission and is, therefore, subject to the Rules and Regulations of the Commission.
2. Respondent, by this tariff, proposes to increase the flagdrop from .70 to .75 for the first one-fifth mile, which means that the minimum charge for any transportation services rendered passengers would be increased a total of .05, resulting in an additional .05 charge for each and every trip.
3. Protestant Independent Drivers Association is a legal entity representing all drivers employed by Respondent and through which all employee negotiations with Respondent are conducted. On May 31, 1973, said Protestant entered into a "Taxicab Agreement," filed as Exhibit 4 herein and which is to be effective until May 31, 1976. The subject proposed rate increase was filed with this Commission pursuant to the terms and provisions of said Agreement, providing in pertinent part, as follows:

#### "ARTICLE 20

##### Cab Lease Payments

1. From the fares received by the driver, the Company shall be entitled to retain the sum equal to:
  - a) FOR EACH 10-1/2 HOUR SHIFT \$11.50NOTE: (a) In the event the presently applied for Rate Increase is granted by P.U.C. shift rate will be \$13.90.
  - b) The per shift lease payments above specified shall be increased by 10¢ for each 1¢ per gallon that the Company's gasoline, including taxes, is increased over Company's present cost. The Company agrees to apply to the Public Utilities Commission for a taxicab rate increase if it appears that as a result of the application of this paragraph the economic position of the drivers has been adversely affected to the extent of 50¢ per shift. Increases granted by this method will be removed when gasoline price is reduced."

The price of gasoline had increased from 20.19 cents per gallon in February to 26.19 cents per gallon in May, 1974, when this filing was made, resulting in a lease payment increase to the drivers of .60 per shift. Since the filing of the proposed increase, there has been an additional .01 per gallon increase in the cost of gasoline, and the drivers, at the time of hearing, were paying an additional .70 per shift under the provisions of Paragraph 1(b) above.

4. Respondent projects that, based upon its past records and extensive experience, the number of trips per driver per shift will average between 18 to 20, resulting in an increase of at least .90 and perhaps up to \$1 per shift. Respondent and Protestant have not agreed how this additional revenue would be divided, and the parties anticipate that the matter

will probably have to be submitted to arbitration. Respondent expects that the division would be approximately 30 percent to the company and 70 percent to the drivers, although there is nothing upon which to base such expectations, except a like division mutually agreed upon between the parties when the flagdrop was previously increased. In the absence of a determination as to percentage of the proposed increase that will be received by Respondent, it is impossible to determine what effect the proposed increase would have on Respondent's financial status.

5. While Respondent has filed the proposed increase in accordance with the contractual provisions of its agreement with Protestant Independent Drivers Association, it is this Protestant's position that the proposed increase would have a deleterious affect upon the volume of business and would be against the best interests of the public. In support of this contention, evidence shows that prior increases have resulted in noticeable decreases in the number of requests for taxi service. In August, 1973, when a rate increase was authorized by this Commission, the number of requests for cab service in the following month of September dropped from a total of 163,908 in September of 1972 to 112,084 in September of 1973; from 182,382 in October, 1972, to 155,315 in October, 1973; from 181,161 in November, 1972, to 163,507 in November, 1973; and a drop from 188,988 in December, 1972, to 158,187 in December of 1973. A similar decrease in the number of taxi service requests followed an authorized rate increase in March of 1974, as follows: from 183,690 in April of 1973 to 148,095 in 1974; from 183,032 in May, 1973, to 145,098 in 1974; and from 170,465 in the month of June, 1973, to 148,469 in the same month of 1974. While there may be other factors partially responsible for a decrease in business following these rate hikes, it is clear from the evidence that the rate increases were major factors. It is the Protestant's position that the requested increase, if allowed to become effective, would have the same or similar effect on the number of requests for service, resulting in less income to the drivers, diminished economic accessibility of cab service to the public, especially the lower-income and fixed-income groups, and a generally detrimental public relations effect.

6. There can be no question that Respondent's operating costs have and will continue to increase in this present highly inflationary period, of which inflation the Examiner on his own motion hereby takes official notice. It is equally clear from the evidence in this proceeding, however, that Respondent's proposed .05 flagdrop increase, while relatively insignificant to the middle and upper-income groups, could, and probably would, have a serious affect upon the lower and fixed-income segments' ability to afford Respondent's services. These segments comprise the majority of persons who use taxi services, including the aged and handicapped. Members of Protestant's association are willing to absorb and continue to pay to Respondent the additional .60 (.70 at the time of hearing) per shift charged by Respondent as the result of the increase in the cost of gasoline, as they believe that this additional lease cost will be less than the members' loss of revenue if the proposed increase is allowed to become effective. As indicated above, it is uncertain as to how the revenue derived from the proposed increase will be divided between Respondent and the drivers. If the revenue division is 70 percent to the drivers and 30 percent to the Respondent, which allocation was indicated as reasonable in the hearing, Respondent would receive 1.5 cents, gross, for each flagdrop, or approximately .27 to .30 per driver shift. Evidence presented in this hearing is insufficient to determine with reasonable certainty the effect, if any, this additional revenue would have on Respondent's net income. The proposed rate increase would in all probability reduce the drivers' income, have an unknown effect upon Respondent's net income, add to the inflationary spiral, and, most importantly, place Respondent's taxi services beyond the economic means of many, probably a majority, of the public normally utilizing

such services. The proposed increase, especially in view of Protestant's stated desire to pay the increased lease payment payoffs without a rate increase at this time, is not justified by the record in this proceeding, is clearly not in the public interest, and the proposed increase, as published in Respondent's Tariff Colorado PUC No. 34, should be canceled.

#### CONCLUSIONS ON FINDINGS OF FACT

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

1. The increased fares under suspension herein are not just and reasonable, not in the public interest, and Respondent's Tariff Colorado PUC No. 34 should be canceled.

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

#### O R D E R

##### THE COMMISSION ORDERS THAT:


1. Yellow Cab, Inc., be, and hereby is, ordered to cancel its Tariff Colorado PUC No. 34, presently under suspension herein.

2. Investigation and Suspension Docket No. 864 be, and hereby is, closed.

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

  
Examiner  
hbp/mlr



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LEO HART, DOING BUSINESS AS "D. R. )	APPLICATION NO. 27581-Transfer
HART RUBBISH REMOVAL, 6041 TICHY )	
BOULEVARD, COMMERCE CITY, COLORADO" )	RECOMMENDED DECISION OF
FOR AUTHORITY TO TRANSFER PUC 3065 )	ROBERT E. TEMMER, EXAMINER
TO UNITED STATES DISPOSAL SYSTEMS, )	
INC. 2519 WEST 11TH AVENUE, DENVER, )	
COLORADO. )	

- - - - -  
August 1, 1974  
- - - - -

Appearances: William A. Wilson, Esq.,  
Denver, Colorado, for  
Transferee and Transferor.

PROCEDURE AND RECORD

On May 15, 1974, Applicants filed the above-captioned application with this Commission for authority to transfer Certificate of Public Convenience and Necessity PUC No. 3605 to operate as a common carrier by motor vehicle for hire from Leo Hart, doing business as "D. R. Hart Rubbish Removal" to United States Disposal Systems, Inc., a Colorado corporation.

The Commission assigned Docket No. 27581-Transfer to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended. There were no protests received to the above-captioned application. After due and proper notice to all interested persons, firms, or corporations, the application was set for hearing on Friday, July 26, 1974, at 10 a.m. in the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Pursuant to law, the Commission assigned the application to Robert E. Temmer, Examiner, for the purpose of conducting a hearing on the application and the hearing was held at the aforesaid time and place. Mr. Leo Hart testified for the Transferor, and Mr. Andrew J. Bosman testified for the Transferee in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application.

Official notice was taken of the following documents on file with the Commission: The Purchase of Sale Agreement between the Transferee and the Transferor, the equipment list of the Transferee, and a financial statement of United States Disposal Systems, Inc.

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

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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 Transferor, Leo Hart, is a sole proprietorship doing business under the name of "D. R. Hart Rubbish Removal," whose business address is 6041 Tichy Boulevard, Commerce City, Colorado 80022.
2. The Transferee, United States Disposal Systems, Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado with its Articles of Incorporation filed with the Colorado Public Utilities Commission.
3. The Commission has jurisdiction over Transferor, Transferee, and the subject matter of this proceeding.
4. The Transferor herein is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 3605, which is the subject of this proceeding, and which has been continually operated in the past and is presently in good standing with the Commission.
5. The Transferor, on the advice of his physician, must no longer engage in the transportation of waste materials for the public within the city and county of Denver.
6. The Transferor executed a Purchase and Sale Agreement with the Transferee for all of the assets used in his rubbish removal business; the consideration for said assets is fair and reasonable.
7. Certificate of Public Convenience and Necessity PUC No. 3605 is free and clear of any debts, encumbrances, or obligations.
8. The Transferee is currently providing for the transportation of waste materials under Certificate of Public Convenience and Necessity PUC No. 2212. Transferee also holds Certificate of Public Convenience and Necessity PUC No. 2078 and Permit B-7779, which have no bearing on the herein transfer proceeding.
9. The Transferee's operating rights under PUC No. 2212 duplicate and overlap the operating rights of the Transferor contained in PUC No. 3605, and if this application is granted, both parties request that PUC No. 3605 be canceled.
10. The record reflected there are currently over one hundred common carriers providing for the transportation of ash, trash, and refuse within the city and county of Denver. The cancellation of Certificate of Public Convenience and Necessity PUC No. 3605, because of duplicating operating rights, would not result in any substantial diminution of competition to the public, and the Doctrine of Regulated Competition will still prevail.
11. The Transferee has sufficient experience, equipment, and net worth, all of which are ample and suitable to provide service to the customers the Transferor is currently serving, and for the operation of the authority sought to be transferred herein.
12. 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 Transferee has, or will

make, adequate provisions for insurance, and will engage in bona fide motor carrier operations.

13. The granting of the application 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 as sought herein by Applicants should be granted as hereinafter set forth.

2. Certificate of Public Convenience and Necessity PUC No. 3605 should be canceled.

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

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. Leo Hart, doing business as "D. R. Hart Rubbish Removal," 6041 Tichy Boulevard, Commerce City, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in Certificate of Public Convenience and Necessity PUC No. 3605 to United States Disposal Systems, Inc., 2519 West 11th Avenue, Denver, Colorado, subject to encumbrances, if any, against said authority.

2. Certificate of Public Convenience and Necessity PUC No. 3605 be, and hereby is, canceled.

3. The 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 this Commission, upon proper application.

4. 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.

5. 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.

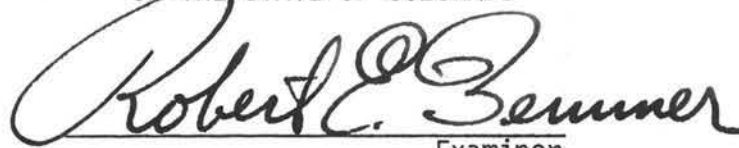
6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

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

A handwritten signature in cursive script, reading "Robert E. Ziemmer". The signature is written in dark ink and is positioned above a horizontal line.

Examiner  
nlr  
jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE BOARD OF COUNTY COMMISSIONERS )	APPLICATION NO. 27583
OF EL PASO COUNTY, COLORADO FOR )	
AUTHORITY TO CLOSE THE CROSSING OF )	RECOMMENDED DECISION OF
THE ATCHISON, TOPEKA AND SANTA FE )	ROBERT E. TEMMER, EXAMINER
RAILWAY COMPANY AND THE DENVER AND )	
RIO GRANDE WESTERN RAILROAD COMPANY )	GRANTING APPLICATION
AT BRADLEY ROAD IN EL PASO COUNTY )	
COLORADO. )	

- - - - -  
August 1, 1974  
- - - - -

Appearances: Eugene F. Hart, Jr., Esq.,  
Colorado Springs, Colorado,  
for Applicant;  
Irwin L. Sandler, Esq.,  
Colorado Springs, Colorado,  
for Intervenor Red Arrow  
Corporation of Colorado;  
Douglas McHendrie, Esq.,  
Denver, Colorado, for  
Intervenor Atchison, Topeka  
& Santa Fe Railway Company;  
Eric Paul, Esq., Denver,  
Colorado, for Intervenor  
The Denver & Rio Grande Western  
Railroad Company;  
John H. Baier, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

On May 16, 1974, the Board of County Commissioners of El Paso County, Colorado, hereinafter referred to as Applicant, filed the above-entitled application seeking an order of this Commission authorizing the closing of certain railroad grade crossings on Bradley Road in El Paso County, Colorado.

The Commission assigned Docket No. 27583 to the application and gave due and proper notice to all interested persons, firms, or corporations and set the matter for hearing on Thursday, July 18, 1974, at 10:30 a.m. in the Judicial Building, 20 East Vermijo Street, Colorado Springs, Colorado. At the said time and place, the hearing was held by Examiner Robert E. Temmer, to whom the matter was duly assigned according to law. Prior to the hearing, and on June 17, 1974, Red Arrow Corporation of Colorado, hereinafter referred to as Red Arrow, filed a Petition to Intervene, and the Commission, by Decision No. 85251, issued June 25, 1974, granted Red Arrow leave to intervene. On June 26, 1974, the Atchison, Topeka & Santa Fe Railway Company, hereinafter referred to as Santa Fe, filed a Petition to Intervene, and by Decision No. 85342, issued July 9, 1974, the Commission granted Santa Fe the right to intervene. On July 1, 1974, The Denver and Rio Grande Western Railroad Company, hereinafter referred to as Rio Grande, petitioned for leave to

intervene, and by Decision No. 85341, issued July 9, 1974, the Commission granted Rio Grande the right to intervene.

Exhibits 1 through 12 were marked for identification at the hearing, and Exhibits 1 through 10 and 12 were offered and admitted into evidence. Exhibit No. 11 was withdrawn. Official notice was taken of Commission Decision No. 83589, issued August 30, 1973, and Decision No. 66415, issued December 7, 1965. Testimony was received from witnesses in support and in opposition to the application and at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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 on all the evidence of record, the following is found as fact that:

1. The County of El Paso is a political subdivision of the state of Colorado. Bradley Road is a county road in El Paso County and it crosses the tracks of the Santa Fe and the Rio Grande just east of the intersection of Bradley Road and State Highway No. 85, which is also known as U.S. Highway No. 85-87, and which highway will hereinafter be referred to as Highway 85-87. The crossing of Bradley Road over the Rio Grande tracks is a very short distance from Highway 85-87, and as Bradley Road proceeds east, it crosses the tracks of the Santa Fe a short distance from the tracks of the Rio Grande. Bradley Road is a two-lane roadway at the point of crossing of each set of railroad tracks, and has a paved surface approximately 20 feet wide at each crossing. Bradley Road does not intersect with any other roads, either public or private, between the crossing of the Rio Grande tracks and the crossing of Santa Fe tracks. At the intersection of Bradley Road and the Santa Fe tracks, the angle of the crossing is 52°30', so that a motorist approaching the crossing has to look back over his shoulder in one direction to see if a train is coming.

2. Both crossings are protected by standard flashing light protection devices with audible warning bell, as authorized by Commission Decision No. 66415, issued December 7, 1965. In addition, there is a stop sign at the intersection of Bradley Road and Highway 85-87.

3. The purpose of this application is to secure Commission approval for the closing of the crossing of Bradley Road over the Santa Fe tracks and the closing of the crossing of Bradley Road over the Rio Grande tracks.

4. The Commission has jurisdiction over the instant proceedings, the Applicant, and the Intervenor herein, and the matters involved herein.

5. Visibility in both directions for vehicles using both crossings is restricted because of the angle of approach of Bradley Road to the railroad tracks and, in addition, people traveling west on Bradley Road have their vision partially obscured at the Santa Fe crossing by an approach route to an overpass over the railroad tracks, by bridge abutments, and by a nursery building and trees adjacent to the crossing on the south side of Bradley Road just to the east of the Santa Fe tracks. There have been at least three fatal accidents at these crossings in the past and during the period from August, 1969, through May, 1973, there were three auto-train accidents at the Santa Fe crossing. Some of these accidents occurred after the installation of the standard protection devices at these crossings, and the standard

protection devices have not been effective in preventing accidents at these crossings.

6. Each crossing is of a mainline track. At the present time, southbound trains use the Rio Grande track, and northbound trains use the Santa Fe track. Occasionally, this is changed. There are eight to nine train movements per day each way on the tracks so that there is a total of 16 to 18 train movements per day. In several months, all trains, both northbound and southbound, will use the Santa Fe tracks at this location, and the tracks of Rio Grande will be removed, so that there will be 16 to 18 train movements on the Santa Fe tracks and, of those movements, about half will be northbound and about half will be southbound. The district speed on the Santa Fe tracks at this crossing is presently 55 miles per hour, and the district speed on the Rio Grande tracks is also 55 miles per hour; however, there is in effect an order by the Rio Grande limiting the speed on its tracks to 30 miles per hour because of construction in the area and the contemplated removal of the tracks.

7. A traffic count taken at the end of June, 1974, shows that an average of 2,537.5 cars per 24-hour period use Bradley Road and cross over the tracks of the Santa Fe and the Rio Grande.

8. At the present time, there are twin highway railroad grade separation structures over the tracks of the Santa Fe and the Rio Grande, and such structures are a part of State Highway No. 83, also known as Academy Boulevard. Interchanges in connection with these twin structures are in existence at Bradley Road, and at Highway 85-87. This grade separation was authorized by Commission Decision No. 83589, issued August 30, 1973. Said Decision authorized the construction of this grade separation, and contemplated the closing of the Bradley Road crossings over the Santa Fe and the Rio Grande tracks, upon proper application and presentation of evidence showing a need for the closing of the Bradley Road crossings. These twin separation structures and interchanges will hereinafter be referred to as the Academy Boulevard Overpass.

9. If Bradley Road is closed at the points of crossing over the Santa Fe and the Rio Grande tracks, Applicant will construct barricades across Bradley Road to the east of the Santa Fe crossing and to the west of the Rio Grande crossing to prevent traffic from using the road, and in addition, will remove the roadway surface at the crossings by the use of heavy equipment, and will grade the area so that no roadway will exist between the tracks, or over the tracks.

10. If this application is granted, and the Bradley Road crossings are closed, complete access will be provided to all surrounding property by the Academy Boulevard Overpass, and no property owner will be denied access to his property. However, the distances involved to get to the properties located on Bradley Road from Highway 85-87 or from Bradley Road to Highway 85-87 will be increased. The increases involved vary from 4/10-mile to 9/10-mile. The interchange loops and ramps at Bradley Road for the Academy Boulevard Overpass were provided so that access would be provided for these properties, and with a view to closing the Bradley Road crossings over the railroad tracks of Santa Fe and Rio Grande. The Academy Boulevard Overpass was constructed at a cost of between \$2,000,000 and \$3,000,000. If Bradley Road is not closed across the railroad crossings, the loops and ramps provided at Bradley Road in connection with the Academy Boulevard Overpass would not have been necessary.



11. Red Arrow owns property in the vicinity of the Bradley Road crossings, as shown in red on Exhibit No. 1. If this application is granted and the crossings are closed, then in that event, the portion of Red Arrow's property fronting on Bradley Road would have less vehicular traffic passing in front of it. This property is currently used by a nursery pursuant to a lease between Red Arrow and the owner of the nursery. The evidence did not establish the term of this lease, nor the provisions of the lease. At the present time, Red Arrow is negotiating for the sale of the property; however, the prospective purchaser was not identified, and the evidence did not establish whether or not any proposed contract for the sale of the property would be contingent on the subject railroad crossings remaining open. The evidence shows that there may be some diminution in value of the property of the Red Arrow if these crossings are closed; however, the evidence fails to establish what the extent of any diminution in value might be. The evidence does establish that access to this property will not be eliminated and that the only possible effect of granting the subject application would make access to the property a little more difficult in the sense that to get to the property from Highway 85-87, or from the property to Highway 85-87, the Academy Boulevard Overpass would have to be used. This slight difficulty, coupled with a possible decrease in exposure to the property by people driving by it, are the only effects the granting of this application would have on Red Arrow.

12. Mr. Kenneth Blackmore is the operator of a service station on Highway 85-87 approximately 1/4-mile north of the Bradley Road-Highway 85-87 intersection. A number of his customers use the Bradley Road crossings to get to his station and if this application is granted, those customers would have to use the Academy Boulevard Overpass, and the distance they would have to travel would be slightly increased. It is possible that some of his customers would not travel this additional distance and would seek out other sources of supply. Mr. Ivan Young operates a liquor store just to the north of Mr. Blackmore's station and his customers would encounter the same difficulties as Mr. Blackmore's, and they also might not travel the extra distance to come to his store. Thus, both Mr. Young and Mr. Blackmore might possibly suffer a diminution in business; however, the evidence fails to establish what the exact magnitude, if any, of this diminution in business would be.

13. A Petition bearing approximately 207 signatures was admitted into evidence as Exhibit No. 2, purporting to show that the people signing the petition objected to the closing of the Bradley Road crossings. The bases of their objections were not stated; however, it is noted that there is some public opposition to the closing of the Bradley Road crossings.

14. The responsible officials of Applicant, and the officials of the Santa Fe and the Rio Grande did not give consideration to the installation of more effective protective devices at the Bradley Road crossings as an alternative to closing the crossings. It was proposed by Red Arrow that short-arm gates should be provided at these crossings in addition to the standard flashing signals at the crossings, rather than closing the crossings. The installation of short-arm gates at these crossings would improve the safety of the crossings, but would not eliminate all hazards at the crossings. The ideal type of protection of a railroad crossing is a grade separation, and the Academy Boulevard Overpass provides that type of protection. Grade separations eliminate the possibility of motor vehicle colliding with a train, and this is the most beneficial type of protection to the public. Providing short-arm gates would involve a cost of approximately \$20,000, and the cost of closing the crossings will be approximately \$1,500. The Applicant is willing to bear all costs of closing the Bradley Road crossings.

15. The existing railroad crossings of Bradley Road at the Santa Fe tracks and the Rio Grande tracks just to the east of Highway 85-87 are hazardous and dangerous crossings. This hazard can be eliminated by closing these crossings and the closing of these crossings will involve minimal inconvenience to members of the public compared to the increase in safety the public will derive from the closing of the crossings, as complete access to all points concerned is provided by the Academy Boulevard Overpass.

16. The granting of the application for the closing of the Bradley Road Crossings would be in the public interest, and would promote the public safety and convenience.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The closing of the Bradley Road crossings of the Santa Fe tracks and of the Rio Grande tracks is required so as to promote public safety.

2. The order sought in the instant application should be granted.

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

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. The County of El Paso is authorized and directed to close the railroad crossing of Bradley Road and the Atchison, Topeka & Santa Fe tracks and the crossing of Bradley Road and The Denver and Rio Grande Western Railroad tracks just east of U.S. Highway 85-87, and the roadway and roadway surface over and between said tracks is to be removed by the County of El Paso.

2. The cost of said closing is to be borne by the County of El Paso.

3. The Commission hereby retains jurisdiction to make such further order or orders as may be required so as to give this decision full force and effect.

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 E. Ziemmer*

Examiner  
hbp/nlr



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27485-PP
PAUL C. MOAREMOFF, DOING BUSINESS	)	
AS "EXECUTIVE LIMOUSINE SERVICE,"	)	RECOMMENDED DECISION OF
10950 EAST COLFAX, AURORA, COLORADO,	)	THOMAS M. McCAFFREY,
FOR A CLASS "B" PERMIT TO OPERATE AS	)	EXAMINER
A CONTRACT CARRIER BY MOTOR VEHICLE	)	
FOR HIRE.	)	DISMISSING APPLICATION

- - - - -  
August 1, 1974  
- - - - -

Appearances: Walter M. Simon, Esq., Denver,  
Colorado, for Yellow Cab,  
Inc., Protestant;  
I. H. Kaiser, Esq., Denver,  
Colorado, for Independent  
Drivers Association of Denver,  
Protestant.

STATEMENT AND FINDINGS OF FACT

On April 5, 1974, the above-titled application was filed with this Commission, requesting authority for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire. The Commission assigned Docket No. 27485-PP to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Protests to the granting of the application were filed as follows: on May 3, 1974, the protest of American Limousine Service, Inc.; on May 13, 1974, the protest of Yellow Cab, Inc.; and on May 17, 1974, the protest of Independent Drivers Association of Denver, Colorado. Protestant Yellow Cab, Inc., also on May 13, 1974, propounded written Interrogatories to Applicant, which Interrogatories went unanswered, and the Commission, in Decision No. 85273, issued June 25, 1974, granted said Protestant's Motion to Compel Applicant to Answer Interrogatories. No Answers were filed with this Commission.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be held in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado, on Tuesday, July 2, 1974, at 10 a.m. This hearing was subsequently vacated and the matter reset for hearing at the aforesaid place on Tuesday, July 30, 1974, at 10 a.m. The application was called for hearing at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

Neither the Applicant nor any person on his behalf appeared at the hearing, and upon motion duly made by the counsel for Protestants Yellow Cab, Inc., and Independent Drivers Association of Denver, the Examiner dismissed the application for Applicant's failure to appear.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above Statement and Findings of Fact, it is concluded that:

1. Application No. 27485-PP 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 Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 27485-PP, being the application of Paul C. Moaremovff, doing business as "Executive Limousine Service," 10950 East Colfax, Aurora, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, 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

  
Examiner  
hbp/nlr

(Decision No. 85481)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27531
A. T. B. EXPRESS SERVICE, INC., SPACE )	
135, FRANKLIN MOBILE COURT, DENVER, )	RECOMMENDED DECISION OF
COLORADO FOR A CERTIFICATE OF PUBLIC )	THOMAS M. McCaffrey,
CONVENIENCE AND NECESSITY TO OPERATE )	EXAMINER
AS A COMMON CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	DISMISSING APPLICATION

- - - - -  
August 1, 1974  
- - - - -

Appearances: John R. Barry, Esq., Denver,  
Colorado, for Applicant;  
Thomas J. Burke, Jr., Esq.,  
Denver, Colorado, for Purolator  
Courier Corporation, Protestant.

PROCEDURE AND RECORD

On April 26, 1974, Applicant filed the above-titled 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 as specifically set forth in said application.

Applicant requested temporary authority, and the Commission, by Decision No. 85071, issued May 28, 1974, granted such temporary authority.

The Commission assigned Docket No. 27531 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Subsequent to the filing of the application, the following protests were received: on May 13, 1974, the protest of Purolator Courier Corporation; and on May 20, 1974, the protests of Acme Delivery Service, Inc., and Colorado Cartage Co., Inc. Protestant Purolator Courier Corporation, on the same date of filing the protest, also filed Interrogatories to Applicant.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the matter for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Thursday, July 25, 1974, at 10 a.m. The application was called for hearing at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

As a preliminary matter, official notice was taken of Commission Decision No. 83060, issued May 29, 1973. Protestant Purolator Courier Corporation moved to dismiss the application for failure of Applicant to answer Interrogatories propounded to Applicant on May 13, 1974, with Answers thereto due on or before July 17, 1974. Answers were delivered to Protestant

in the afternoon of July 24, 1974, the day preceding the hearing. After hearing arguments of counsel for Applicant and Protestant, the Examiner granted the motion to dismiss on the basis that Applicant had, without good cause shown, failed to answer Protestant's Interrogatories in accordance with the Rules and Regulations of this Commission and the Colorado Rules of Civil Procedure.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record 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, A. T. B. Express Service, Inc., failed to answer certain interrogatories propounded to it by Protestant Purolator Courier Corporation on May 13, 1974, until the afternoon of Wednesday, July 24, 1974, at which time a copy of the Answers to said Interrogatories were delivered to said Protestant. The Answers to said Interrogatories were not delivered to Protestant Purolator Courier Corporation in sufficient time to allow this firm to properly prepare for the scheduled hearing on this application. Applicant, without good cause shown, has failed to comply with the Rules and Regulations, and the Colorado Rules of Civil Procedure, in failing to answer Protestant's Interrogatories within the time specified in Rule 37 of the Colorado Rules of Civil Procedure, and this application should be dismissed.

2. The ruling of the Examiner in dismissing this application should be affirmed.

#### CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 27531 should be dismissed without prejudice.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. Application No. 27531, being the application of A. T. B. Express Service, Inc., Space 135, Franklin Mobile Court, Denver, Colorado, 80229, for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, dismissed without prejudice.

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

Thomas M. McCaffrey  
Examiner  
nlr  
jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OSCAR E. KING, 1008 MORNING STAR DRIVE, )  
COLORADO SPRINGS, COLORADO FOR AUTH- )  
ORITY TO TRANSFER ALL RIGHT, TITLE, )  
AND INTEREST IN AND TO CONTRACT CARRIER )  
PERMIT NO. B-6879 TO JOHN D. KELLY, )  
DOING BUSINESS AS "KING'S ROCK CENTER," )  
2421 BUSCH AVENUE, COLORADO SPRINGS, )  
COLORADO. )

APPLICATION NO. 27666-PP-Transfer

ORDER OF THE COMMISSION

- - - - -  
August 6, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-6879, as granted by Commission Decision No. 66759 dated February 8, 1966, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

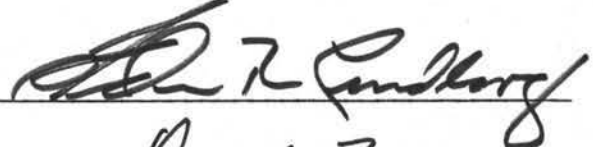

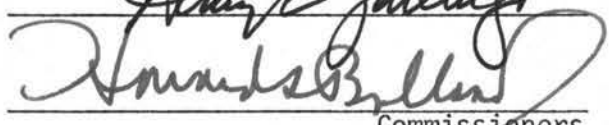


IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES AND BERNARD POWELL, DOING )  
BUSINESS AS "POWELL BROS.," ROUTE )  
1, BOX 99, OVID, COLORADO FOR AUTH- )  
ORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27675-PP  
ORDER OF THE COMMISSION

-----  
August 6, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

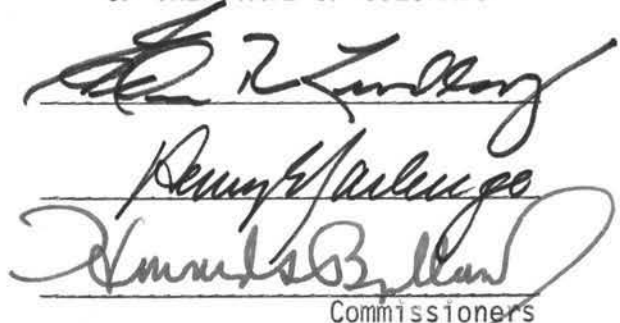
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85483  
August 6, 1974

Powell Bros.

Transportation of

Sugar beets

From points located in the Counties of Sedgwick, Phillips and Logan to the Great Western Sugar Factory, Ovid, Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only Great Western Sugar Company, Ovid, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SECURITY GARBAGE COMPANY, INC., )  
2775 WESTON ROAD, COLORADO SPRINGS, )  
COLORADO FOR AUTHORITY TO OPERATE )  
AS A CLASS "B" CONTRACT CARRIER BY )  
MOTOR VEHICLE. )

APPLICATION NO. 27678-PP

ORDER OF THE COMMISSION

- - - - -  
August 6, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

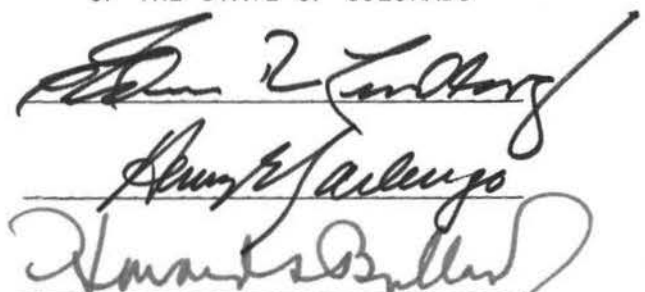
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85484  
August 6, 1974

Security Garbage Company, Inc.

Transportation of

Ash, trash and other refuse

From points located in the County of Teller, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This Permit is restricted to rendering transportation service for only United States Department of Agriculture, Forest Service.

(Decision No. 85485)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSE ALBERTO AVALOS, DOING BUSINESS )  
AS "AVALOS TRASH SERVICE," 1235 )  
BOHMEN AVENUE, PUEBLO, COLORADO FOR )  
EMERGENCY TEMPORARY AUTHORITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE. )

APPLICATION NO. 27741-ETA

ORDER DENYING EMERGENCY TEMPORARY  
AUTHORITY

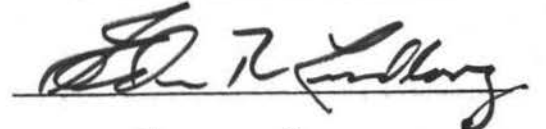
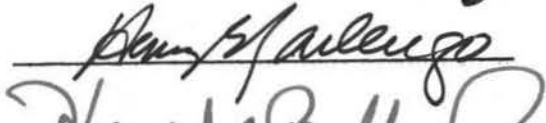

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August 6, 1974  
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The above-entitled application being under consideration, and  
IT APPEARING, That there is no immediate or urgent need for the  
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,  
denied.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

(Decision No. 85486)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORLANDO A. COCA, DOING BUSINESS AS )  
"COCA & SONS," 263 FEDERAL, DENVER, )  
COLORADO FOR EMERGENCY TEMPORARY )  
AUTHORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27743-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

- - - - -  
August 6, 1974  
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

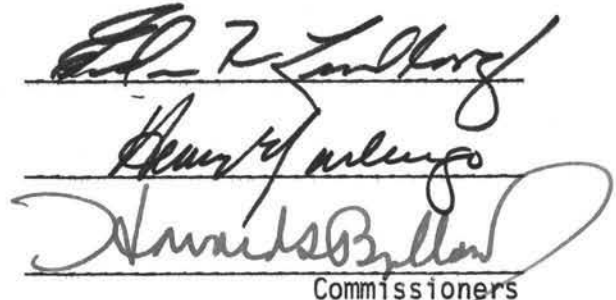
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85486  
August 6, 1974

Coca & Sons

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
YAMPA VALLEY ELECTRIC ASSOCIATION, )	APPLICATION NO. 27595
INC., A CORPORATION, OF STEAMBOAT )	
SPRINGS, COLORADO, FOR A CERTIFICATE )	RECOMMENDED DECISION OF
OF PUBLIC CONVENIENCE AND NECESSITY )	ROBERT E. TEMMER, EXAMINER
AUTHORIZING THE EXERCISING OF )	
FRANCHISE RIGHTS IN THE TOWN OF )	GRANTING APPLICATION
STEAMBOAT SPRINGS, COLORADO. )	

- - - - -  
August 2, 1974  
- - - - -

Appearances: Marvin L. Brown, Esq., Steamboat Springs,  
Colorado, for Applicant;  
Gerald E. Hager, Denver, Colorado, of  
the Staff of the Commission.

PROCEDURE AND RECORD

On May 23, 1974, Yampa Valley Electric Association, Inc., Steamboat Springs, Colorado, hereinafter referred to as Applicant, filed an application for a certificate of public convenience and necessity to exercise franchise rights in the town of Steamboat Springs, Routt County, Colorado, for the construction, operation, and maintenance of an electrical distribution system for the sale of electric energy, as specifically set forth in said application. The Commission assigned Docket No. 27595 to the application and gave due and proper notice to all interested persons, firms, or corporations, and set the matter for hearing to be held on July 25, 1974, at 9 a.m. in the Routt County Court House, Steamboat Springs, Colorado. At the said time and place, the matter was heard by Robert E. Temmer, Examiner, to whom the matter was assigned pursuant to law.

No one appeared at the hearing in opposition to the granting of this application, and no written protests or requests for intervention were received.

Exhibits A, B, C, D and E were identified and admitted into evidence, and the testimony of James A. Golden, the General Manager of Applicant, was taken.

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

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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 non-profit cooperative corporation organized and existing under, and by virtue of, the laws of the State of Colorado, and is a public utility subject to the jurisdiction of this Commission. Applicant is engaged primarily in the purchase, generation, transmission, distribution, and sale of electric energy at various locations in Moffat, Routt, Rio Blanco, Eagle, and Grand Counties in Colorado, and also in Carbon and Sweetwater Counties in the State of Wyoming.

2. Exhibit A, as admitted into evidence herein, is a certified copy of an amendment to Applicant's Certificate of Incorporation; and Applicant's Certificate of Incorporation, together with all other amendments thereto, are on file with this Commission.

3. Exhibit B, as admitted into evidence herein, is a copy of a franchise granted to Applicant May 9, 1973, by the Board of Trustees of the Town of Steamboat Springs, duly passed and adopted, entitled as follows:

"ORDINANCE NO. 414

AN ORDINANCE GRANTING A FRANCHISE TO YAMPA VALLEY ELECTRIC ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE TOWN OF STEAMBOAT SPRINGS, COLORADO, AND TO USE THE STREETS OR ALLEYS OF THE TOWN FOR SUCH PURPOSES."

The term of the franchise is for a period of twenty-five years, and provides for a franchise consideration to be paid to the Town of Steamboat Springs in the amount of three percent of its gross revenues derived from the sale of electricity within the town, with certain exceptions as set forth in said franchise.

4. Applicant seeks from this Commission a Certificate of Public Convenience and Necessity to exercise the franchise rights granted to it by the Town of Steamboat Springs.

5. The Commission has jurisdiction over Applicant herein, and over the subject matter involved in this application.

6. The Applicant has been engaged in the business of distributing and selling electric energy in the town of Steamboat Springs for many years under a previous franchise, pursuant to a Certificate of Public Convenience and Necessity granted by this Commission in Decision No. 50304, issued May 21, 1958.

7. There is no other public utility within the town of Steamboat Springs engaged in the furnishing of electricity.

8. The total number of customers in the town of Steamboat Springs for which the Certificate is sought to exercise franchise rights is approximately 2,797.

9. Applicant's existing facilities are adequate for the operations to be conducted under the franchise, and they will be used in continuing service under said franchise. Applicant also has or will have the facilities to service the projected load growth in the town of Steamboat Springs during the term of the franchise.

10. Applicant's financial statements, Exhibits C and D, admitted into evidence herein, demonstrate Applicant's financial ability to perform its franchise obligations.

11. The present and future public convenience and necessity requires, and will require, the exercise by Applicant of the franchise rights granted by the Town of Steamboat Springs, for the purchase, generation, transmission, distribution, and sale of electricity in the said town and the authority sought herein should be granted.

12. The granting of this application 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 in the application should be granted.

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

#### O R D E R

#### THE COMMISSION ORDERS THAT:

1. The present and future public convenience and necessity requires, and will require, the exercise by Applicant, Yampa Valley Electric Association, Inc., of the franchise rights granted in and by Ordinance 414 of the Town of Steamboat Springs, Colorado, dated May 9, 1973, identified herein as Exhibit B, said exhibit, by reference, being made a part hereof, for the purchase, generation, transmission, distribution, and sale of electricity in said town, and this Order shall be taken, deemed, and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Applicant shall containue the installation, operation, and maintenance of its electric system and supply service in the town of Steamboat Springs in accordance with its schedules of rates, rules and regulations now on file with this Commission, or as the same may be amended or changed according to law and the Rules and Regulations of this Commission.

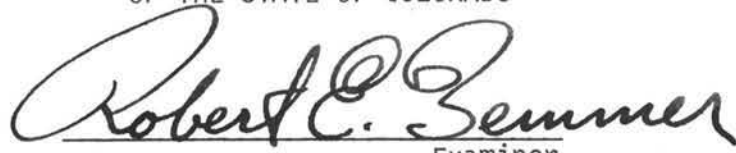
3. Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission and shall continue to keep its practices in accordance with the "Rules Regulating the Service of Gas and Electric Utilities," as prescribed by this Commission now in effect and as they may hereafter be amended.

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

  
Examiner  
nir  
jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SAN LUIS VALLEY RURAL ELECTRIC CO- )  
OPERATIVE, INC., FOR AN ORDER )  
AUTHORIZING IT TO EXECUTE MORTGAGE )  
NOTE IN FAVOR OF THE UNITED STATES )  
OF AMERICA, A SECURED PROMISSORY )  
NOTE TO NATIONAL RURAL UTILITIES )  
COOPERATIVE FINANCE CORPORATION, )  
AND A SECURING COMMON SUPPLEMENTAL )  
MORTGAGE AND SECURITY AGREEMENT )  
IN FAVOR OF THE UNITED STATES OF )  
AMERICA AND THE NATIONAL RURAL )  
UTILITIES COOPERATIVE FINANCE )  
CORPORATION. )

APPLICATION NO. 27700 -  
Securities

- - - - -  
August 6, 1974  
- - - - -

Appearances: Gordon H. Rowe, Jr., Esq., Monte Vista,  
Colorado, for Applicant;  
M. R. Garrison, Denver, Colorado of the  
Staff of the Commission.

S T A T E M E N T

On July 10, 1974, San Luis Valley Rural Electric Cooperative, Inc. (hereinafter referred to as San Luis Valley or Applicant), filed with the Commission the above entitled application for authority (1) to issue a Mortgage Note for \$1,097,000 payable to the United States of America bearing interest at the rate of five per cent (5%) per annum and payable within thirty-five (35) years after the date thereof; (2) to issue a Secured Promissory Note for \$470,000 payable to National Rural Utilities Cooperative Finance Corporation (hereinafter referred to as CFC) bearing interest at the rate of seven per cent (7%) per annum and payable within thirty-five (35) years after the date thereof; (3) to approve an Amendment to Amending Loan Contract dated April 19, 1974, amending the Loan Contract between San Luis Valley and the United States of America dated February 14, 1964, as amended; (4) to approve a Loan Agreement between Applicant and CFC dated April 19, 1974; and (5) to execute a Supplemental Mortgage and Securities Agreement made by and among San Luis Valley, the United States of America, and National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing after due and proper notice on July 22, 1974, at 9 A.M. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and -- at such time and place -- was heard by Hearing Examiner Thomas M. McCaffrey, to whom the matter was assigned pursuant to law.

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



The General Manager, Office Manager and Project Engineer of Applicant testified in support of the application.

Exhibits 1 through 15, inclusive, were admitted into evidence.

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

#### FINDINGS OF FACT

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

1. Applicant, San Luis Valley Rural Electric Cooperative, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963, as amended. It is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its consumers on its lines in the Counties of Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande and Saguache, State of Colorado.

The Applicant herein is a corporation organized under the laws of the State of Colorado and its Articles of Incorporation, and all amendments thereto, properly certified, are on file with this Commission.

By virtue of Application No. 18595, Decision No. 56987, dated August 7, 1961; Application No. 21147, Decision No. 65447, dated July 27, 1965; and as modified by Application No. 22991, Decision No. 70864, dated February 13, 1968, all of which applications and decisions official notice is hereby taken, San Luis Valley Rural Electric Cooperative, Inc. was granted Certificates of Public Convenience and Necessity by this Commission to conduct operations in its present service territory.

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

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical system and for the construction, completion, extension, and improvements of its properties, for the improvement and maintenance of its service, for the discharge or lawful refunding of obligations of the Applicant, for the reimbursement of monies actually expended for some of said purposes from income of the Applicant, and for other lawful purposes.

4. The Board of Directors of the Applicant, the Rural Electrification Administration, and CFC have approved the loan applications subject to the approval of this Commission.

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

6. The Commission is fully advised in the premises.

7. The Amendment, dated April 19, 1974, to the Amending Loan Contract between San Luis Valley Rural Electric Cooperative, Inc., and the United States of America, dated as of February 14, 1964, as amended (Exhibit 4), should be authorized and approved.

8. The Loan Agreement dated April 19, 1974, between the Applicant and CFC, (Exhibit 5) should be authorized and approved.

9. The Mortgage Note payable to the United States of America, in the amount of \$1,097,000 (Exhibit 1) and the Secured Promissory Note to CFC in the amount of \$470,000 (Exhibit 2) are 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, as amended, and therefore should be authorized and approved.

10. The Supplemental Mortgage and Security Agreement made by and among the Applicant, the United States of America, and National Rural Utilities Cooperative Finance Corporation (Exhibit 3) should be authorized and approved.

11. Since Chapter 115-1-4 Colorado Revised Statutes 1963, as amended, requires that 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 Examiner be omitted and that this Decision should be the initial Decision of the Commission.

#### CONCLUSION

It is the conclusion of the Commission that the authority sought in the instant application is in the public interest and should be granted.

An appropriate order will be entered.

#### ORDER

##### THE COMMISSION ORDERS:

1. That the issuance of the Mortgage Note to the United States of America in the amount of \$1,097,000 (Exhibit 1), by reference incorporated into and made a part hereof, be, and the same hereby is, authorized and approved.

2. That the issuance of the Secured Promissory Note to CFC in the amount of \$470,000 (Exhibit 2), by reference incorporated into and made a part hereof, be, and the same hereby is, authorized and approved.

3. That the execution of the Amendment, dated April 19, 1974, to Amending Loan Contract between San Luis Valley Rural Electric Cooperative, Inc. and the United States of America dated February 14, 1964, as amended (Exhibit 4), by reference incorporated into and made a part hereof, be, and the same hereby is, authorized and approved.

4. That the execution of the Loan Agreement, dated April 19, 1974, between Applicant and CFC (Exhibit 5), by reference incorporated into and made a part hereof, be, and the same hereby is, authorized and approved.

5. That the execution of the Supplemental Mortgage and Security Agreement made by and among Applicant, the United States of America, and National Rural Utilities Cooperative Finance Corporation (Exhibit 3), by reference incorporated into and made a part hereof, be, and the same hereby is, authorized and approved.



6. That within one hundred twenty (120) days of the execution of the five (5) loan instruments authorized herein, San Luis Valley Rural Electric Cooperative, Inc. shall file with this Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

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

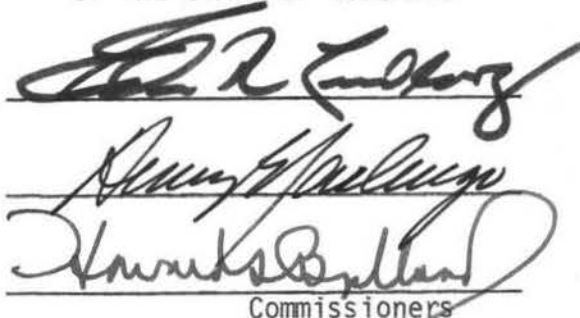
8. That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as may seem proper or desirable.

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

10. 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.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALPINE TRANSPORTATION, INC., FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY AUTHORIZING OPERATION )  
AS A COMMON CARRIER BY MOTOR VEHICLE )  
IN INTRASTATE COMMERCE. )

APPLICATION NO. 27525

ORDER GRANTING LEAVE TO WITHDRAW  
PETITION FOR LEAVE TO INTERVENE  
AND GRANTING MOTION TO DISMISS  
PROTEST

- - - - -  
August 6, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 29, 1974, Intervenor San Juan Tours, Inc., by its attorney John S. Walker, Jr., filed with the Commission a "Motion for Leave to Withdraw" its Petition for Leave to Intervene in the above-captioned matter which had been previously filed with the Commission on May 21, 1974.

On July 31, 1974, Protestant, Continental Trailways Bus Companies, by its attorney John R. Barry, filed with the Commission a "Motion to Dismiss Protest" which had been heretofore filed with the Commission on May 22, 1974.

The Commission states and finds that sufficient grounds have been shown in the Motion for Leave to Withdraw the Petition for Leave to Intervene for the granting of said request to San Juan Tours, Inc. The Commission also states and finds that sufficient grounds have been presented in the "Motion to Dismiss Protest" filed by Protestant, Continental Trailways Bus Companies to grant its request and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:



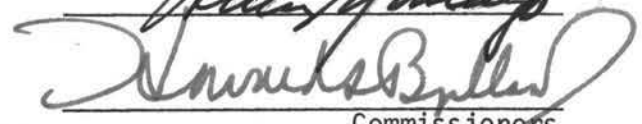
1. San Juan Tours, Inc., be, and hereby is, granted leave to withdraw its Petition for Leave to Intervene in the above proceeding filed with the Commission on May 21, 1974.

2. The "Motion to Dismiss Protest" of Continental Trailways Bus Companies filed with the Commission on July 31, 1974, in Application No. 27525, by Continental Trailways Bus Companies, be, and hereby is, granted.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 6th day of August 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
aaU

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

EMERGENCY PETITION OF THE DENVER	)	
AND RIO GRANDE WESTERN RAILROAD	)	APPLICATION NO. 27708
COMPANY FOR TEMPORARY PERMISSION	)	
TO SERVE A COAL-LOADING FACILITY	)	ORDER GRANTING
OPERATED BY EMPIRE ENERGY CORPO-	)	WITHDRAWAL OF APPLICATION
RATION AT CRAIG, COLORADO.	)	

August 6, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 25, 1974 Applicant The Denver and Rio Grande Western Railroad Company filed with the Commission a Motion for Leave to Withdraw Application.

On July 29, 1974 the Colorado State Legislative Board of the United Transportation Union filed with the Commission a Petition for Leave to Withdraw Protest Against Application No. 27708.

The filing of Applicant's Motion for Leave to Withdraw Application renders Protestant's Petition for Leave to Withdraw Protest moot.

The Commission finds and concludes that proper grounds exist for granting Applicant's request.

An appropriate order will be entered.

ORDER

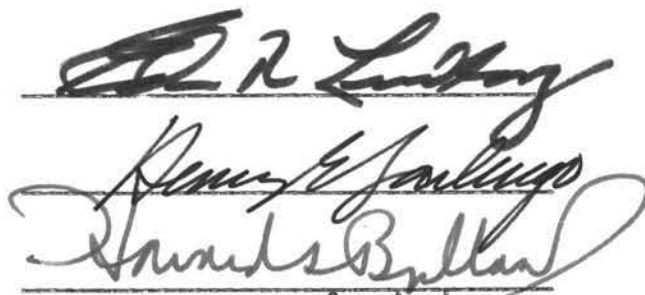
THE COMMISSION ORDERS THAT:

The Denver and Rio Grande Western Railroad Company be, and hereby is, granted permission to withdraw the above-captioned application, and the application is dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

(Decision No. 85491)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EMPIRE DISPATCH, INC., 2109 - 23RD )	
AVENUE, GREELEY, COLORADO, FOR )	APPLICATION NO. 27257-Transfer
AUTHORITY TO TRANSFER ITS EXISTING )	
CERTIFICATE OF PUBLIC CONVENIENCE )	ORDER DENYING EXCEPTIONS TO
AND NECESSITY FOR TWO-WAY DOMESTIC )	RECOMMENDED DECISION NO. 84964
PUBLIC LAND MOBILE RADIO SERVICE AND )	
ONE-WAY PAGING SERVICE ISSUED PURSUANT )	
TO DECISIONS NO. 61665 AND NO. 75032 )	
TO CONTACT-DENVER, INC., 8345 WEST )	
16TH AVENUE, LAKEWOOD, COLORADO. )	

-----  
August 6, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 2, 1974, Robert L. Pyle, Hearing Examiner, entered his Recommended Decision No. 84964 in the above-captioned matter.

On July 29, 1974, Applicants, Empire Dispatch, Inc., and Contact-Denver, Inc., filed with the Commission their joint Exceptions to Recommended Decision No. 84964.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Applicants, Empire Dispatch, Inc., and Contact-Denver, Inc., should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 84964 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Applicants, Empire Dispatch, Inc., and Contact-Denver, Inc., be, and the same hereby are, overruled and denied.

2. The findings of fact and conclusions of Hearing Examiner Robert L. Pyle in Recommended Decision No. 84964 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision 84964 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS.

COMMISSIONER ZARLENGO DISSENTING:

I respectfully dissent.

The Transferor and Transferee Applicants are illegally being denied their rights by denial of the exceptions. For one reason, the Examiner indicates in the Recommended Decision that the certificate is vague and that the operations conducted thereunder might, or might not, be legal. At any rate, the Examiner makes no specific findings that the operations are illegal. This is no legal ground for denying the application. If other separate proceedings should be necessary, they may be instituted, but the Applicants should not be deprived of their rights to transfer the certificate from one to the other because the Commission cannot interpret its own certificate and the legality of the operations conducted thereunder. It does not appear, by proper notice, that the indefiniteness or vagueness of the certificate was to be raised as an issue or that the proper pleadings were filed to make it an issue. All that the Applicants ask is that the certificate, whatever it may be, should be transferred. If this were done, they themselves would assume the risk of exactly what rights are being transferred.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner  
hbp

(Decision No. 85492)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF RULES AND REGULATIONS )  
GOVERNING CONTRACT CARRIERS BY MOTOR )  
VEHICLE. )

CASE NO. 5545

ORDER GRANTING EXTENSION  
OF TIME

- - - - -  
August 6, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 16, 1974, Hearing Examiner Robert L. Pyle entered his Recommended Decision No. 85388 in the above-captioned matter.

On August 1, 1974, each of the Counsel of Record on behalf of their respective intervenors, named and identified under "Appearances" in said Recommended Decision No. 85388, jointly filed a motion for an extension of time to each of the said Counsel of Record, as follows:

1. An extension of time to August 31, 1974, within which to order and notify the official reporter of the Commission of the transcript of the proceedings, or portions thereof, to be prepared and certified by him.

2. An extension of time for the filing of the said transcript until it has been prepared and certified by the official reporter of the Commission.

3. An extension of time of sixty (60) days from the date on which said transcript is certified by the said reporter within which to file Exceptions to Recommended Decision No. 85388 entered by Examiner Robert L. Pyle on July 16, 1974.

The Commission states and finds that sufficient grounds have been shown for granting said request.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Motion for an Extension of Time filed jointly by each of the Counsel of Record on behalf of their respective intervenors, named and identified under "Appearances" in Recommended Decision No. 85388 dated July 16, 1974 be, and hereby is, granted. Each of the said Counsel of Record, on behalf of their respective intervenors, is granted extensions of time as follows:

1. An extension of time to August 31, 1974, within which to order and notify the official reporter of the Commission of the transcript of the proceedings, or portions thereof, to be prepared and certified by him.






2. An extension of time for the filing of the said transcript until it has been prepared and certified by the official reporter of the Commission.

3. An extension of time of sixty (60) days from the date on which said transcript is certified by the said reporter within which to file Exceptions to Recommended Decision No. 85388 entered by Examiner Robert L. Pyle on July 16, 1974.

This Order shall be effective forthwith.

DONE IN OPEN MEETING THE 6th day of August 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners  
aaU

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF THE CITY OF COLORADO SPRINGS, )	
DEPARTMENT OF PUBLIC UTILITIES )	
FOR AN ORDER AUTHORIZING IT TO )	APPLICATION NO. 27739
EFFECT REVISED TARIFF SHEETS WHICH )	
REFLECT SETTLEMENT RATES OF FPC )	
DOCKET RP 73-93. )	

-----  
August 6, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

1. Applicant, City of Colorado Springs, is a municipal corporation authorized and existing under the provisions of Article XX of the Constitution of The State of Colorado.
2. Applicant operates a municipal utility under the provisions of Article XII, Sections 79 and 79A of The Charter of The City of Colorado Springs adopted pursuant to said Article XX of the Constitution of The State of Colorado.
3. Applicant is engaged in the distribution of natural gas to residential, commercial, industrial and special contract customers within the City of Colorado Springs and certain surrounding areas in El Paso County specified in the Certificate of Public Convenience and Necessity in Decision No. 72803.
4. Applicant supplies gas service both inside and outside the city under identical rate schedules for similar classes of customers and the Applicant will continue to supply under identical rate schedules for "inside" and "outside" customers.
5. Applicant's natural gas requirements are totally obtained from Colorado Interstate Gas Company (Colorado Interstate), a division of Colorado Interstate Corporation. The rates and charges of Colorado Interstate incident to the sale of gas to Applicant are subject to the jurisdiction of the Federal Power Commission (FPC).
6. On July 10, 1974, the FPC accepted revised tariff sheets (Exhibit B to the Application) filed by CIG as constituting satisfactory compliance with the FPC Order issued May 10, 1974 to reflect settlement rates in Docket No. RP 73-93. A copy of the FPC acceptance letter (Exhibit A) was attached to the Application and made a part by reference.
7. Applicant has normalized volumes for extreme weather conditions. Attached to the Application and made a part by reference was Exhibit C, Weather Normalization Computations.
8. Applicant is herewith directed to file revised tariff sheets, copies of which were attached to its Application and marked Exhibit E and made a part by reference, to become effective on one day's notice in accordance with 115-3-4 CRS 1963, as amended. Said filing will decrease Applicant's permanent gas rates by an amount calculated to produce on a normalized annual basis additional revenue substantially equal to the normalized annual decrease in the cost of

gas to be purchased by Applicant from Colorado Interstate under its settlement rates in Docket No. RP 73-93. Attached to the Application and made a part by reference was Exhibit D, Calculations to Support Gas Rate Decrease to Distribute Cost Decreases for Gas Purchased from Colorado Interstate Gas Company.

9. The settlement rates of Colorado Interstate in Docket No. RP 73-93 are estimated to decrease the annual cost of gas purchased by Applicant by approximately \$366,203 from present gas costs based on normalized volumes purchased for the year ending June 30, 1974. Of this amount, approximately \$121,293 is outside the city for 15,172 customers.

10. The decreased cost to Applicant's average residential customer will be approximately \$.26 per month as a result of this filing.

11. The filing of this Application has been brought to the attention of affected customers of Applicant contemporaneously with the filing by means of suitable publicity in the Colorado Springs Sun (a daily morning newspaper of general circulation in Applicant's service area) and the Colorado Springs Gazette-Telegraph (a daily evening newspaper of general circulation in Applicant's service area). Press releases were also available to all other newspapers, radio and television stations. The publicity indicated the amount of decrease by customer rate class, the reasons therefor, the effective date of same, and the advice that any customer of Applicant, upon request to the Commission, may have had notice of any hearing which was ordered by the Commission in this matter. The City Council of The City of Colorado Springs at its regular meeting January 8, 1974, passed Ordinance No. 74-1, approving tariff sheets for the Gas Division as hereinafter approved by The Public Utilities Commission to be equally effective within the municipal limits.

An appropriate Order will be entered.

#### ORDER

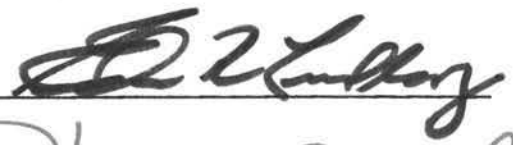

#### THE COMMISSION ORDERS THAT:

1. Applicant, City of Colorado Springs, is directed to file, to become effective on one (1) day's notice and for all sales for meters read on and after August 14, 1974, its proposed permanent gas tariff sheets as hereinabove set forth; and more specifically, Exhibit E, which is attached hereto and made a part hereof.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

COMMISSIONER HENRY E. ZARLENGO  
SPECIALLY CONCURRING.

COMMISSIONER HENRY E. ZARLENGO SPECIALLY CONCURRING:

I specially concur in the order but not in the manner the increase originally became effective.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioner  
hbp

FORM R-1 CITY OF COLORADO SPRINGS, COLORADO  
Department of Public Utilities  
name of utility

Ninth Revised  
Cancels Eighth Revised  
Colo. PUC No. 1  
Sheet No. 2  
Sheet No. 2

NATURAL GAS RATES (General Service Classification)	
RESIDENTIAL SERVICE (Rate Title or Number)	Company Rate Code
<u>AVAILABILITY</u> Available by contract to existing service locations for present connected load and for gas volume commitments made under this schedule prior to June 28, 1973, using the Department's standard service for residential purposes. Availability of service for additional loads will be in accordance with the provisions of the Rules and Regulations of the Department, made a part hereof. Service to existing service locations under Rate Schedules G1-C, G2-I, G3-I and Special Contracts will not be allowed to transfer service to this rate schedule.	G1-R
<u>APPLICABILITY</u> Applicable to Residential Service which is defined as the furnishing of natural gas for the exclusive use of the individual customer for domestic purposes, e.g., cooking, water heating, space heating, clothes drying, area lighting in a private home or individual living unit where only one household is served through a single meter. Service to buildings appurtenant to the residence, including garages and other minor buildings for use of the residents may also be served through the residential meter. Each family dwelling place or housekeeping unit shall be considered as a separate living unit. Service to multi-family dwellings where more than one dwelling or one living unit is served through a single meter shall be considered as commercial service.	RATE
<u>RATE</u> First 500 cubic feet or less used per month. . . . . Next 1000 cubic feet used per month, per 100 cu. ft. . . . . Next 2500 cubic feet used per month, per 100 cu. ft. . . . . Additional cubic feet used per month, per 100 cu. ft. . . . .	\$1.15 .1303 .0759 .0606
<u>MINIMUM CHARGE</u> Per Meter, Per Month, Net . . . . .	\$1.15
<u>PAYMENT</u> The above rates are net. Service bills become due and payable within ten (10) days from date of bill.	
<u>RULES AND REGULATIONS</u> Service under this schedule will be in accordance with the provisions of the Service Rules and Regulations of the Department, made a part hereof.	
<u>RESERVATION</u> The Department reserves the right to limit the number of space heating installations or the size of any installation taking service under this schedule when or where it appears that such installation or installations may endanger adequate service to previously connected customers. Includes amounts for pass on of supplier's increases totaling \$.0055 per 100 cu. ft., subject to refund by FPC.	

DO NOT WRITE  
IN THIS SPACE

"D" = Decrease  
Advice Letter No. \_\_\_\_\_ Issue Date August 13, 1974  
Decision or \_\_\_\_\_ Signature of Issuing Officer  
Authority No. J. H. B. Wilson, Director, F&MS Effective Date August 14, 1974  
Title



FORM R-1

CITY OF COLORADO SPRINGS, COLORADO

Department of Public Utilities

name of utility

Sixth Revised

Cancels Fifth Revised

Colo. PUC No. 1

Sheet No. 2A

Sheet No. 2A

NATURAL GAS RATES  
(General Service Classification)

COMMERCIAL SERVICE  
(Rate Title or Number)

Company  
Rate  
Code

AVAILABILITY

Available by contract to existing service locations for present connected load and for gas volume commitments made under this schedule prior to June 28, 1973, using the Department's standard service for commercial purposes. Availability of service for additional loads will be in accordance with the provisions of the Rules and Regulations of the Department, made a part hereof. Service to existing service locations under Rate Schedules G2-I, G3-I and Special Contracts will not be allowed to transfer service to this rate schedule.

G1-C

RATE

APPLICABILITY

Applicable to commercial service which shall include any establishment engaged in the operation of a business, whether or not for profit. Such enterprises will include but not be limited to clubs, fraternities, sororities, lodges, hotels, apartment and rooming houses, tourist and cottage-camps, multi-family dwellings where one or more dwelling or living unit is served through one meter, schools, municipal, county, State and Federal buildings, churches, schools, etc.

RATE

First 500 cubic feet or less used per month . . . . .	\$2.13	"D"
Next 1000 cubic feet used per month, per 100 cu. ft. . . . .	.1334	"D"
Next 2500 cubic feet used per month, per 100 cu. ft. . . . .	.0789	"D"
Additional cubic feet used per month, per 100 cu. ft. . . . .	.0637	"D"

MINIMUM CHARGE

Per Meter, Per Month, Net . . . . .	\$2.13	"D"
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PAYMENT

The above rates are net. Service bills become due and payable within ten (10) days from date of bill.

RULES AND REGULATIONS

Service under this schedule will be in accordance with the provisions of the Service Rules and Regulations of the Department, made a part hereof.

RESERVATION

The Department reserves the right to limit the number of space-heating installations or the size of any installation taking service under this schedule when or where it appears that such installation or installations may endanger adequate service to previously-connected customers.

Includes amounts for pass on of supplier's increases totaling \$.0055 per 100 cu. ft., subject to refund by FPC.

DO NOT WRITE  
IN THIS SPACE

"D" = Decrease

Advice Letter No. \_\_\_\_\_ Issue Date August 13, 1974

Decision or \_\_\_\_\_ Signature of Issuing Officer

Authority No. J. H. B. Wilson, Director, F&MS Effective Date August 14, 1974

Title

CITY OF COLORADO SPRINGS  
DEPARTMENT OF PUBLIC UTILITIES

name of utility

Seventh Revised

Cancels Sixth Revised

Colo. PUC No. 1  
Sheet No. 3  
Sheet No. 3

NATURAL GAS RATES  
(General Service Classification)

INTERRUPTIBLE INDUSTRIAL SERVICE  
(Rate Title or Number)

Company  
Rate  
Code

AVAILABILITY

Available by contract, for not less than a period of twelve consecutive months, in Colorado Springs and adjacent areas served by high-pressure gas mains. No additional service locations or expansion of present connected load will be permitted under this schedule. Service to existing service locations under Rate Schedules G3-I and Special Contracts will not be allowed to transfer service to this rate schedule.

G2-I

RATE

APPLICABILITY

For manufacturing, processing and general industrial and institutional purposes. Service is subject to immediate cutoff. Not applicable for residential (including cottage and bungalow courts), retail business or resale use of any kind.

RATE

Measurement base 60° F. and 12.01 pounds per square inch absolute.

Part One -- Billing Demand Charge, per 1000 cubic feet

Per Month . . . . . \$1.77

Part Two -- Per 1000 cubic feet per month : . . . . .

.398

PLUS an On-Peak penalty for On-Peak use as defined in the special provisions of this schedule of \$25.00 per MCF of such On-Peak usage.

BILLING DEMAND

(a) The Billing Demand for any monthly billing period, for service furnished between November 1st and March 31st, shall be the maximum daily demand during the billing period, computed as six percent (6%) of the total units used during that period, or as determined by daily meter readings, at the option of the Department; but in any case not less than six percent (6%) of the total units used or ninety percent (90%) of the largest Billing Demand for any of the preceding eleven (11) months, whichever is larger.

(b) The Billing Demand for any monthly billing period for service furnished between April 1st and October 31st shall be computed as under (a) except the Billing Demand during these months will not exceed ninety percent (90%) of the largest Billing Demand during the preceding months of November to March inclusive, regardless of increased use during the months of April to October inclusive.

Includes amounts for pass on of supplier's increases totaling \$.048 per 1000 cu. ft., subject to refund by FPC.

DO NOT WRITE  
IN THIS SPACE

"D" = Decrease

Advice Letter No. \_\_\_\_\_ Issue Date August 13, 1974  
Decision or Authority No. \_\_\_\_\_ Signature of Issuing Officer J. H. B. Wilson, Director, F&MS Effective Date August 14, 1974  
Title \_\_\_\_\_



FORM R-1 CITY OF COLORADO SPRINGS, COLORADO  
DEPARTMENT OF PUBLIC UTILITIES

name of utility

Ninth Revised

Colo. PUC No. 1

Sheet No. 5

Cancels Eighth Revised

Sheet No. 5

NATURAL GAS RATES

(General Service Classification)

INTERRUPTIBLE INDUSTRIAL SERVICE

(Rate Title or Number)

Company  
Rate  
Code

AVAILABILITY

Available by contract for manufacturing, processing, general industrial and institutional service of not less than sixty-one million cubic feet (61,000,000cf) annually, at contract pressure base, for a period of not less than twelve (12) consecutive months "and automatically continued thereafter, but subject to cancellation on thirty (30) days written notice by either party to contract at any time after expiration of the original contract period." No additional service locations or expansion of present connected load will be permitted under this schedule. Service to existing service locations under the Special Contract Rate Schedule will not be allowed to transfer service to this rate schedule.

G3-I

RATE

RATE

Measurement base 60° F. and 12.01 pounds per square inch absolute.

First 2,000,000 cubic feet or less used per month . . . . .

\$959.81

"D"

All additional cubic feet used per month, per 1000 cu.ft. . . . .

.448

"D"

PLUS an On-Peak Penalty for on-peak usage as defined in the special provisions of this schedule of \$25.00 per Mcf of such on-peak usage.

MINIMUM

Net minimum as specified in individual application but not less than. . .

\$959.81

"D"

PAYMENT

The above rates are net. Service bills become due and payable within ten (10) days from date of bill.

RULES AND REGULATIONS

All service under this schedule shall be subject to the General Service Rules and Regulations of the Department, together with such supplements thereto and revisions thereof as are from time to time in effect.

SPECIAL PROVISIONS

Customers served under this schedule are subject to the priority in the use of gas of customers served under Residential and Commercial Service Schedules Rate Codes G1-R and G1-C, and Interruptible Industrial Service Schedule Rate Code G2-I.

Service under this schedule is limited to applications with complete standby fuel and standby fuel utilization equipment available for use when immediate cutoff for any reason is required.

On-Peak Usage shall be any gas used by the customer beginning when customer is requested by City to discontinue the use of gas, or in the event curtailed use is requested, any gas used in excess of authorized use, and continuing until the cutoff or curtailed period is terminated by notice from the City.

Includes amounts for pass on of supplier's increases totalling \$.048 per 1000 cu.ft., subject to refund by FPC.

DO NOT WRITE  
IN THIS SPACE

"D"

"D" = Decrease

Advice Letter No.

Signature of Issuing Officer

Issue Date August 13, 1974

Decision or

Authority No.

J. H. B. Wilson, Director, F&MS

Title

Effective Date August 14, 1974

FORM R-1 CITY OF COLORADO SPRINGS, COLORADO  
DEPARTMENT OF PUBLIC UTILITIES

name of utility

Seventh Revised

Colo. PUC No. 1

Sheet No. 5A

Cancels Sixth Revised

Sheet No. 5A

NATURAL GAS RATES (General Service Classification)		Company Rate Code
SPECIAL CONTRACT SERVICE (Rate Title or Number)		
<u>AVAILABILITY</u> Available to the United States of America at Fort Carson and the United States Air Force Academy, Colorado, in accordance with the terms and conditions of the special contracts between the City and its customers for the present committed load covered by the respective contracts.		SCS
<u>APPLICABILITY</u> Applicable to firm and interruptible service as set forth in contracts between the City and customers.		RATE
<u>RATE</u>  <u>FIRM SERVICE</u> Per 1000 cubic feet used per month ..... \$0.612 "D" Includes amounts for pass on of supplier's increases totaling \$.068 per 1000 cu. ft. "D"		
<u>INTERRUPTIBLE SERVICE</u> Per 1000 cubic feet used per month ..... \$0.434 "D" Includes amounts for pass on of supplier's increases totaling \$.058 per 1000 cu. ft. "D"		
<u>SPECIAL PROVISION</u> There shall be an On-Peak penalty of \$25.00 per Mcf of On-Peak Usage. This penalty will apply to interruptible service only and shall mean any gas used by customer beginning at the time customer is requested by City to discontinue the use of gas, or in the event curtailed use is requested, any gas used in excess of authorized use, and continuing until the cutoff or curtailed period is terminated by notice from the City.		
<u>RULES AND REGULATIONS</u> Service supplied under this schedule is subject to the rules and orders of The Public Utilities Commission of The State of Colorado and the conditions of the contracts for service between the City and customers not in conflict therewith.		DO NOT WRITE IN THIS SPACE
"D" = Decrease		

Advice Letter No. \_\_\_\_\_ Issue Date August 13, 1974  
 Decision or Authority No. \_\_\_\_\_ J. H. B. Wilson, Director, F&MS Effective Date August 14, 1974  
 Signature of Issuing Officer \_\_\_\_\_  
 Title \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE MATTER OF COLORADO  
MOTOR TARIFF BUREAU, INC.,  
AGENT, FILED 9TH REVISED PAGE  
NO. 3 ELIMINATING THE PARTI-  
CIPATION OF COLORADO CARTAGE  
COMPANY, INC., CERTIFICATE  
NO. 2693, IN ITS TARIFF NO.  
3, PUC NO. 2, AND THE FILING  
BY COLORADO CARTAGE COMPANY,  
INC., OF ITS INDIVIDUAL  
TARIFF NO. 9 RESULTING IN  
INCREASED RATES.

INVESTIGATION AND SUSPENSION  
DOCKET NO. 871

ORDER OF THE COMMISSION

August 6, 1974

STATEMENT

BY THE COMMISSION:

On May 29, 1974, Colorado Motor Tariff Bureau, Inc., Agent, filed 9th Revised Page No. 3 of Tariff No. 3, Colorado PUC No. 2, eliminating Colorado Cartage Company, Inc., Respondent, as a participating carrier therein and on the same date Colorado Cartage Company, Inc., filed its individual Tariff No. 9, which results in increased rates for those commodities presently included in Colorado Motor Tariff Bureau, Inc., Agent, 8th Revised Page No. 3, Tariff No. 3, Colorado PUC No. 2. Both the elimination of Colorado Cartage Company, Inc. from Tariff No. 3 and Colorado Cartage Company, Inc. Tariff No. 9 were scheduled to become effective June 28, 1974.

Data was filed in support of these tariff changes by Colorado Cartage Company, Inc.

The Commission by Decision No. 85283, dated June 25, 1974, suspended said tariff changes, assigned Investigation and Suspension Docket No. 871 to the matter and set same for hearing on August 1, 1974. By notice dated July 30, 1974 the hearing date of August 1, 1974 was vacated and reset for September 16, 1974.

On July 26, 1974, Colorado Cartage Company, Inc. filed with the Commission a letter dated July 26, 1974 which contained data in support of a 5% increase in lieu of the 11% increase proposed in Colorado Cartage Company, Inc.'s Tariff No. 9. Said letter stated, inter alia,

We withdraw our request for an 11% increase and ask that the August 1, 1974 hearing be cancelled.

We would appreciate it if you would present the above request for a 5% increase to the next Sunshine Meeting.

### FINDINGS OF FACT

1. That the suspended rates in Colorado Cartage Company, Inc. Tariff No. 9 would amount to 11%.
2. That the supporting data filed by Colorado Cartage Company, Inc. does not justify an increase of 11%.
3. That the supporting data filed by Colorado Cartage Company, Inc. does justify an increase in rates of 5%.
4. That an increase of 5% is cost based and supported by data on file.
5. That Colorado Cartage Company, Inc. has asked for authority to withdraw its suspended Tariff No. 9 proposing an increase of 11% and to file in lieu thereof a new tariff proposing an increase of 5%.
6. That notice of the 11% increase was posted as required by Rule 19-G of the Commission's Rules of Practice and Procedure on June 4, 1974 and that no protests were received.
7. That the cost increases are in effect and Colorado Cartage Company, Inc. has shown an urgent and immediate need for rate relief.
8. That the proposed new tariff increase of 5% and deletion of Colorado Cartage Company, Inc. as a Colorado Motor Tariff Bureau, Inc. participant are just and reasonable and in the public interest.

### CONCLUSIONS ON FINDINGS OF FACT

1. That the letter of Colorado Cartage Company, Inc., dated July 26, 1974 and filed with the Commission, should be deemed a Motion To Withdraw Tariff No. 9 and Substitute In Lieu Thereof a New Tariff for a 5% increase.
2. That as so deemed, said Motion should be granted as being in the public interest.
3. That the proposed new tariff providing a 5% increase is lawful and in the public interest and should be permitted to be published on less than statutory notice.

An appropriate Order will be entered.

### ORDER

1. That the letter of Colorado Cartage Company, Inc., dated July 26, 1974 and filed with the Commission be, and hereby is, deemed a Motion To Withdraw Tariff No. 9 and Substitute In Lieu Thereof a New Tariff.
2. That Colorado Cartage Company, Inc. Tariff No. 9 be, and hereby is, deemed withdrawn and any use of same is illegal.
3. That Colorado Cartage Company, Inc. be, and hereby is, directed to file tariffs which will produce an increase of 5% over Colorado Cartage Company, Inc.'s present lawful rates and charges for those commodities presently included in Colorado Motor Tariff Bureau, Inc., Agent, 8th Revised Page No. 3, of Tariff No. 3, Colorado PUC No. 2, and Colorado Cartage Company, Inc. be, and hereby is, authorized to publish same on less than statutory notice.

4. That Colorado Motor Tariff Bureau, Inc., Agent's 9th Revised Page No. 3 of Tariff No. 3, Colorado PUC No. 2, be, and hereby is, approved.

5. That Investigation and Suspension Docket No. 871 be, and hereby is, closed.

6. That the hearing date of September 16, 1974 in Investigation and Suspension Docket No. 871 be, and hereby is, vacated.

7. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 6th day of August, 1974

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo  
dissenting.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I dissent. An increase is still being allowed without a hearing.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioner



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: APPLICATION OF ROYAL )  
AMERICAN FLYERS, INC., TO )  
PUBLISH PASSENGER-CARGO )  
TARIFF NO. 1, ON LESS THAN )  
STATUTORY NOTICE. )  
-----

APPLICATION NO. 27747

-----  
August 6, 1974  
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STATEMENT

BY THE COMMISSION:

By Application filed July 31, 1974, Royal American Flyers, Inc., Post Office Box 20344, Denver, Colorado 80220, by its President, Thomas O. Markel, requests permission to place into effect its Passenger-Cargo Tariff No. 1, on less than statutory notice, to become effective on August 9, 1974.

FINDINGS OF FACT

1. On May 23, 1974, in Application No. 27592, Applicant herein applied, as transferee therein, for transfer of Certificate No. AC-39 from Cole's Aviation, Inc. to Applicant.

2. On July 16, 1974, by Decision No. 85340, the application for transfer was approved and subsequently Applicant adopted as its tariff's the tariffs of Cole's Aviation, Inc.

3. Applicant is presently unable to operate as the equipment listed in the tariff of Cole's Aviation, Inc. is unavailable and Applicant has no tariff authorizing rates for the equipment which Applicant does have available.

4. Applicant's Passenger-Cargo Tariff No. 1 proposes rates and charges for equipment which Applicant does have available, and said rates and charges are just, reasonable and non-discriminatory.

5. Unless Applicant is authorized to publish to become effective on less than statutory notice its Passenger-Cargo Tariff No. 1, Applicant will be unable to operate until September 1, 1974, the proposed effective date of said tariff, to the detriment of the public.

6. Granting Applicant's request for authorization to publish to become effective on less than statutory notice its Passenger-Cargo Tariff No. 1 is in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Good cause has been shown, and it is in the public interest to authorize Applicant to publish to become effective on less than statutory notice its Passenger-Cargo Tariff No. 1, to become effective August 9, 1974.

An appropriate Order will be entered.

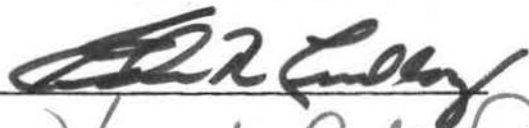

ORDER

1. Royal American Flyers, Inc. be, and hereby is, authorized to publish to become effective on August 9, 1974, its Passenger-Cargo Tariff No. 1.

This Order shall become effective forthwith.

DONE IN OPEN MEETING this 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Commissioner Henry E. Zarlengo  
dissenting.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I dissent. No justification shown for reasonableness of rates.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RESPONDENT, MOUNTAIN MOTORWAY, INC., )  
1546 MINER STREET, IDAHO SPRINGS, )  
COLORADO, UNDER CERTIFICATES OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 6557 AND PUC NO. 8045. )

CASE NO. 5566  
ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING

- - - - -  
August 6, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted the following Certificates of Public Convenience and Necessity to conduct certain operations as a Common Carrier by motor vehicle, for the following, to wit:

Certificate of Public Convenience and Necessity PUC No. 6557

"Transportation of

General Freight

Between Denver on the one hand and on the other Central City and points within a radius of ten miles of Central City, serving no intermediate points except those located on Colorado Highway No. 119."

Certificate of Public Convenience and Necessity PUC No. 8045

"Transportation - on schedule - of

(1) General commodities

Between Denver, Colorado, and a five (5) mile radius thereof; and Frisco, Colorado; over U.S. Highways No. 6 and 40 serving all intermediate points lying west of Mount Vernon Canyon, and the following designated off-route points:

- (a) Empire, Colorado;
- (b) The Public Service construction site on Cabin Creek;
- (c) Montezuma, Colorado;
- (d) Points on Colorado Highway No. 9 north of Dillon, Colorado, to and including Silverthorne, Colorado;
- (e) Points adjacent to and within one (1) mile of U.S. Highway No. 6 commencing on the east side of Loveland Pass to Dillon, Colorado; and
- (f) Breckenridge, Colorado.

(2) General commodities

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

The Staff of the Public Utilities Commission of the State of Colorado has conducted an investigation relating to the motor vehicle operations of the Respondent, Mountain Motorway, Inc. under Certificate of Public Convenience and Necessity PUC No. 6557 and PUC No. 8045. Said investigation disclosed that the Respondent has engaged in transportation practices that may be in violation of the Public Utilities Law and the rules and regulations of the Public Utilities Commission in the following respects, to-wit:

"By failure to remit each C.O.D. collection directly to the consignor promptly and at least within ten (10) days after delivery of the C.O.D. shipments to the consignee, as listed in Appendix A, which is appended hereto, contrary to Rule No. 24 (b) of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire."

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

#### ORDER

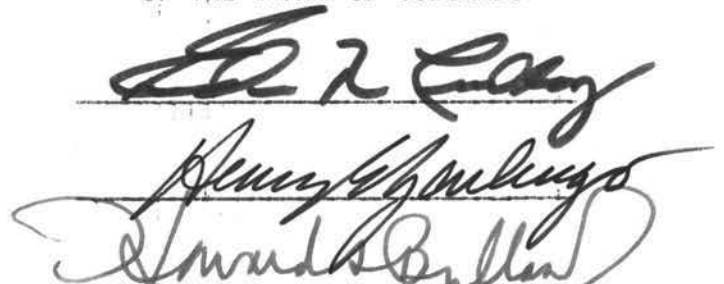
##### THE COMMISSION ORDERS:

That the Respondent, Mountain Motorway, Inc. be, and hereby is, directed to appear before the Commission on September 25, 1974, as specifically set forth below, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including, but not limited to, a cease and desist order, or the mandatory filing of a C.O.D. bond in the amount of \$25,000, or if warranted, an order cancelling and revoking Certificate of Public Convenience and Necessity PUC No. 6557 and PUC No. 8045 of the Respondent.

That this case be, and the same hereby is, set for hearing before the Commission at the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 o'clock A.M. on September 25, 1974, at which time and place such evidence as is proper may be introduced and such arguments as are material may be presented.

DONE IN OPEN MEETING the 6th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

A P P E N D I X "A"

	<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>CONSIGNOR OR PAYEE</u>	<u>AMOUNT</u>
1.	February 4, 1974	18010	Simmons Co.	\$160.00
2.	February 5, 1974	18030	Nobel, Inc.	56.81
3.	February 5, 1974	18037	V. Hagestead Volkswagon	35.19
4.	February 6, 1974	18063-A	Triumph Sports Car	330.98
5.	February 12, 1974	18135	V. Hagestead Volkswagon	131.89
6.	February 13, 1974	18136	Union Supply Co.	86.98
7.	February 15, 1974	18159-A	Dodge City	77.41
8.	February 15, 1974	18174	J.B.N. Corp.	186.56
9.	February 15, 1974	18178	Davis Bros. Co.	96.78
10.	February 15, 1974	18179	Denver-Peterbilt	60.95
11.	February 15, 1974	18176	Davis Bros. Co.	174.24
12.	February 18, 1974	18199	Best Brands	111.25
13.	February 25, 1974	18279	Luby Chevrolet	48.44
14.	February 26, 1974	18295	Reynolds Aluminum Supply	135.23
15.	February 26, 1974	18303	Lakewood Food Co.	71.54
16.	February 27, 1974	18304	Luby Chevrolet	64.98
17.	March 22, 1974	18551	Food - Beverage	240.81
18.	April 11, 1974	18798	Chemical Sales	28.80
19.	April 23, 1974	18929	Western Welding	21.78
20.	April 29, 1974	19000	Chemical Sales	10.30
21.	May 3, 1974	19060	Mile Hi Office Supply	80.58
22.	May 6, 1974	19078	Davis Bros. Co.	301.52
23.	May 8, 1974	19084	Van Waters & Rodgers	257.25
24.	May 9, 1974	19125	Mile Hi Office Supply	26.86
25.	May 13, 1974	19174	Montgomery Ward & Co.	177.15
26.	May 22, 1974	19278	Chase Metal Services	241.16
27.	June 18, 1974	19600	Davis Bros. Co.	176.72
28.	June 27, 1974	19728	Ray Jones Appliances	139.44

(Decision No. 85497)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. H. HALL, DOING BUSINESS AS "HALL )  
CONCRETE COMPANY," P. O. BOX 3020, )  
ASPEN, COLORADO FOR AUTHORITY TO )  
OPERATE AS A CLASS "B" CONTRACT CAR- )  
RIER BY MOTOR VEHICLE. )

APPLICATION NO. 27732-PP

ORDER OF THE COMMISSION

-----  
August 13, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

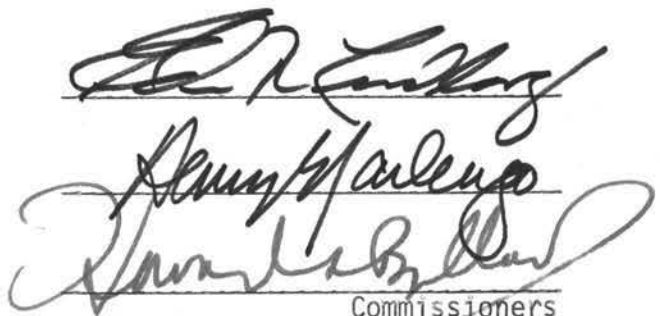
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85497  
August 13, 1974

Hall Concrete Company

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROY L. AND ILENE MOORE, DOING BUSINESS )  
AS "R & I TRUCKING," STAR ROUTE #2, )  
BOX 5, PAGOSA SPRINGS, COLORADO FOR )  
AUTHORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27730-PP

ORDER OF THE COMMISSION

-----  
August 13, 1974  
-----

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

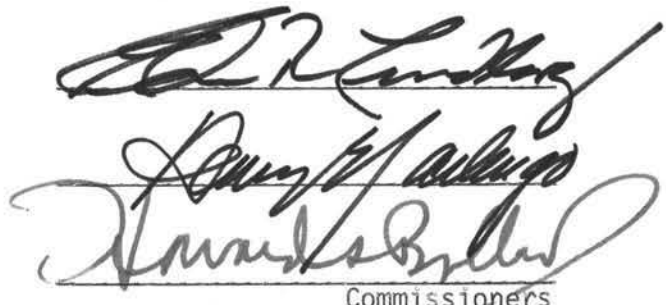
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85498  
August 13, 1974

R & I Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH S. MOORHEAD, 1108 EAST 10TH )  
STREET, PUEBLO, COLORADO FOR AUTHOR- )  
ITY TO OPERATE AS A CLASS "B" CONTRACT )  
CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27724-PP  
ORDER OF THE COMMISSION

-----  
August 13, 1974  
-----

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

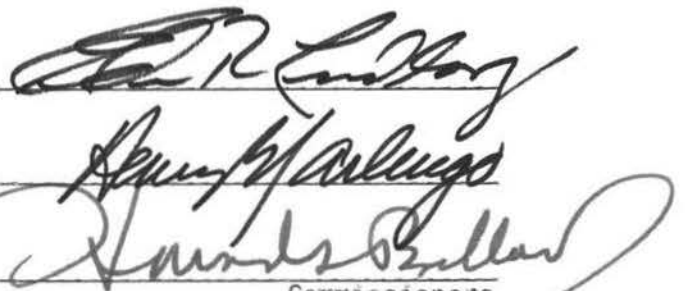
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85499  
August 13, 1974

Ralph S. Moorhead

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD ARNOLD AND CHARLES ROSS, DOING )  
BUSINESS AS "A & R LOGGING," P. O. )  
BOX 493, NUCLA, COLORADO FOR AUTHORITY )  
TO OPERATE AS A CLASS "B" CONTRACT CAR- )  
RIER BY MOTOR VEHICLE. )

APPLICATION NO. 27723-PP

ORDER OF THE COMMISSION

-----  
August 13, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

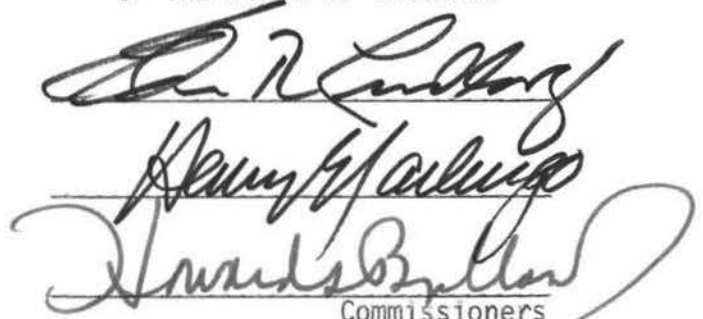
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85500  
August 13, 1974

A & R Logging

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 40 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HERBERT NASH, JR., 5320 XANADU STREET, )  
DENVER, COLORADO FOR AUTHORITY TO )  
OPERATE AS A CLASS "B" CONTRACT CAR- )  
RIER BY MOTOR VEHICLE. )

APPLICATION NO. 27720-PP

ORDER OF THE COMMISSION

- - - - -  
August 13, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

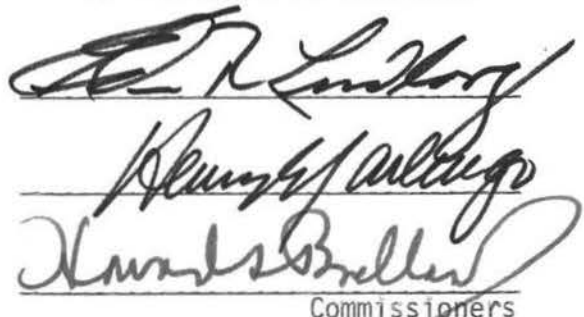
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85501  
August 13, 1974

Herbert Nash, Jr.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROBERT H. WALLACE, DOING BUSINESS AS )	
"WALLACE TRUCKING," 1923 DOWNING, )	APPLICATION NO. 27716-PP
COLORADO SPRINGS, COLORADO FOR AUTH- )	
ORITY TO OPERATE AS A CLASS "B" CON- )	ORDER OF THE COMMISSION
TRACT CARRIER BY MOTOR VEHICLE. )	

- - - - -  
August 13, 1974  
- - - - -

IT APPEARING, That by Notice of the Commission dated July 29, 1974, 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-7398," 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 Robert H. Wallace, doing business as "Wallace Trucking," 1923 Downing, Colorado Springs, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto; that the class "B" motor vehicle contract carrier operations shall be designated and assigned the number B-7398, and this Order shall be deemed to be, and be, a PERMIT therefor.



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

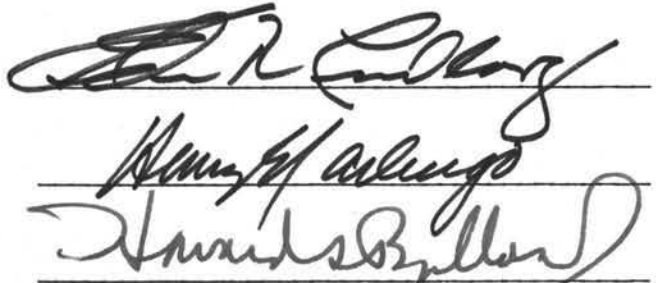
IT IS FURTHER ORDERED, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

IT IS FURTHER ORDERED, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

AND IT IS FURTHER ORDERED, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85502  
August 13, 1974

Wallace Trucking.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
TERRY GARRISON AND RICHARD SPENCER,  
DOING BUSINESS AS "G & S HAULING,"  
9480 GREEN COURT, WESTMINSTER, COLO-  
RADO FOR AUTHORITY TO OPERATE AS A  
CLASS "B" CONTRACT CARRIER BY MOTOR  
VEHICLE.

APPLICATION NO. 27714-PP

ORDER OF THE COMMISSION

-----  
August 13, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

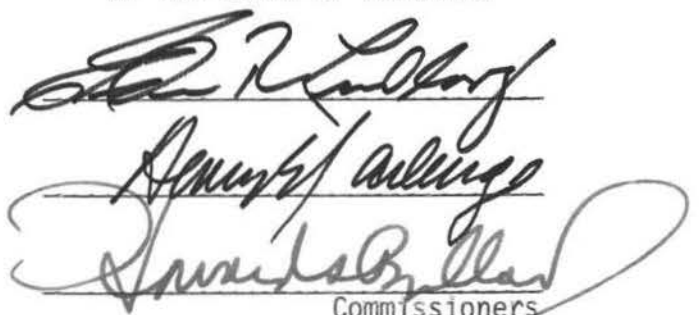
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85503  
August 13, 1974

G & S Hauling

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE THE MATTER OF MOTOR VEHICLE	)	
COMMON AND CONTRACT CARRIERS	)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT L. PYLE, EXAMINER
Respondents.	)	

- - - - -  
August 7, 1974  
- - - - -

Appearances: Frank Givigliano for James B. Givigliano,  
doing business as "Jim's Trucking  
Service," Respondent;  
George L. Baker, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on July 15, 1974. The matters were duly called for hearing pursuant to such notice on Tuesday, August 6, 1974, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing, with the exception of Frank Givigliano for Respondent James B. Givigliano, doing business as "Jim's Trucking Service."

Pursuant to the provisions of Chapter 115, Article 6, CRS 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 records and files of the Commission do not disclose that the requirements, as listed in "Appendix A" hereto and by reference incorporated hereinto, are now on file with the Commission in full compliance with the Public Utilities Law of this state and the rules and regulations of this Commission.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep on file with the Commission the requirements as listed in "Appendix A," and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

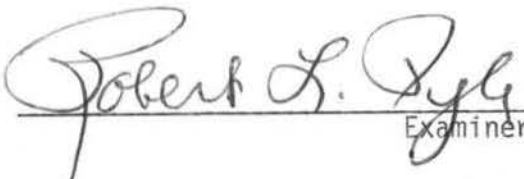
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to each respective Respondent who files the specified requirements as listed in "Appendix A" prior to the effective date of this Order.

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

  
Examiner



(Decision No. 85504)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
C. L. Cogburn Route 1, Box 118 Platteville, CO 80651	27455-PP-Tfr.	PLPD Ins. for both Transferor and Transferee, Acceptance of Transfer, Tariff	291-App.
Wallace Earl Cotton General Delivery Wetmore, CO 81253	27509-PP	Tariff, COD, PLPD Ins. Issuance fee	292-App.
James E. Black & Dennis W. Price, dba J & D Trucking Company 122 West Ida Avenue Littleton, CO 80120	27508-PP	PLPD Ins., Issuance fee	293-App.
James B. Givigliano, dba Jim's Trucking Service 242 Waverly Avenue Trinidad, CO 81082	27387-Tfr.	PLPD Ins., Cargo Ins. Tariff, COD, Acceptance of Transfer, Terminating Report, DA	294-App.
Clayton J. Miller, dba C. J. Miller Company 1307 Burnham Street Colorado Springs, CO 80906	27441-PP	PLPD Ins. Tariff	295-App.
Jack R. Shideler Vona, CO 80861	27475-PP-Ext.	Issuance fee	298-App.
Raymond & John G. Torres, dba Torres Bros. 5445 Downing Street Denver, CO 80206	27476-PP	PLPD Ins.	299-App.
Western Trash Service, Inc., dba Western Trash Service 1250 Brantner Road Greeley, CO 80631	27340-PP-Tfr.	Acceptance of Transfer, PLPD Ins., DA	300-App.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT -- PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF	)	CASE NO. 5563
FITCH VAN AND STORAGE, INC., D/B/A	)	
BOULDER MOVING AND STORAGE, INC.,	)	RECOMMENDED DECISION OF
OPERATING UNDER CERTIFICATE OF	)	ROBERT L. PYLE, EXAMINER
PUBLIC CONVENIENCE AND NECESSITY	)	
PUC NO. 352 & I.	)	DISMISSING CASE

- - - - -  
August 7, 1974  
- - - - -

Appearances: Ralph H. Knull, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of June 18, 1974, the Commission entered its Decision No. 85228, which was an ORDER TO SHOW CAUSE AND NOTICE OF HEARING directed to Respondent. Said Decision concluded that sufficient cause exists for the holding of a hearing to determine whether or not Respondent has been in violation of the Public Utility Law and the Rules and Regulations of the Commission, particularly with respect to the handling or failure to properly handle the claim of one Valerie F. Garner as it pertains to a shipment of goods by Respondent on or about July 23, 1973.

Said Decision further set the matter for hearing on July 29, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place, the matter was heard by Examiner Robert L. Pyle, to whom it was assigned.

Pursuant to the provisions of Chapter 115, Article 6, CRS 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. At the hearing, Mr. Ralph H. Knull of the Staff of the Commission ~~reported that~~ the owner and President of the Respondent company, Thomas J. Hill, ~~has~~ been absent from the state for a period of approximately six months, during which time he hired and placed in control of the Respondent business a manager who, apparently, was incompetent to operate and manage said business.
2. Upon learning of this proceeding, Mr. Thomas J. Hill returned to Boulder, learned of the mismanagement of his business, fired the manager he had left in control, and started righting the multitude of wrongs that had been done.

3. One of the results of Mr. Hill's return was a full settlement of the pending claim of the aforementioned Valerie F. Garner, and there was placed in the file at the time of hearing, which is now a part of the official file, a RELEASE executed by said Valerie F. Garner, indicating payment of a sum of money to her in settlement of the claim against Respondent.

4. The public is entitled to, and the Commission, expects, prompt and equitable handling of all claims by the utilities under the jurisdiction of the Commission. However, this particular matter has now been concluded in a satisfactory manner and it was the request of the Staff of the Commission that the proceeding be dismissed.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. This matter 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 Order.

#### O R D E R

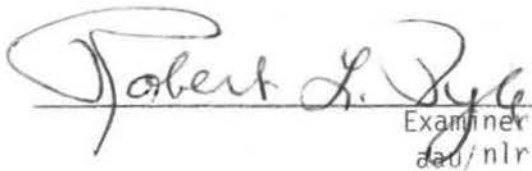
#### THE COMMISSION ORDERS THAT:

1. Case No. 5563, being a show cause proceeding against Fitch Van and Storage, Inc., doing business as "Boulder Moving and Storage, Inc.," operating under Certificate of Public Convenience and Necessity PUC No. 352 and PUC No. 352-1, 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

  
Examiner  
dad/nlr

(Decision No. 85506)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. R. CLAUNCH, BOX 638, LA JARA, )  
COLORADO FOR TEMPORARY APPROVAL TO )  
CONDUCT OPERATIONS UNDER CONTRACT )  
CARRIER PERMIT NO. B-5386, PEND- )  
ING DETERMINATION OF THE APPLICATION )  
TO ACQUIRE SAID PERMIT. )

APPLICATION NO. 27734-PP-Transfer-TA  
ORDER GRANTING TEMPORARY APPROVAL

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August 13, 1974  
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The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

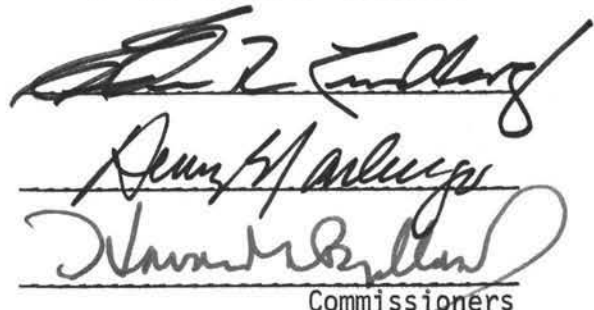
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GLENN AND MYRTLE FREELAND, DOING )	
BUSINESS AS "FREELAND CAB COMPANY," )	APPLICATION NO. 27711-Extension-TA
206 CLEVELAND, LOVELAND, COLORADO )	
FOR TEMPORARY AUTHORITY TO EXTEND )	ORDER GRANTING TEMPORARY AUTHORITY
OPERATIONS UNDER CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY )	
PUC NO. 9256. )	

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August 13, 1974  
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The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

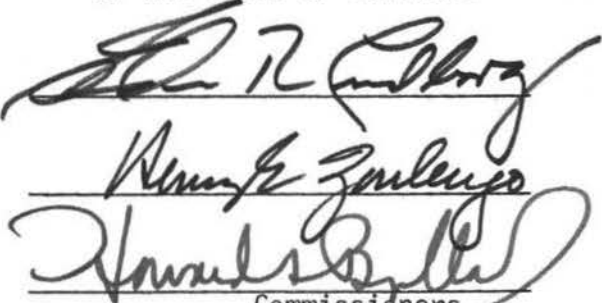
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Appendix  
Decision No. 85507  
August 13, 1974

Freeland Cab Company

- (1) Transportation -- in taxicab service -- of  
Passengers

Between all points located within Estes Park, Colorado, and between said points on the one hand, and all points located within the Counties of Larimer, Boulder, Grand, Denver, and Arapahoe, State of Colorado, on the other hand.

- (2) Transportation -- in sightseeing service -- of  
Passengers

Within an area comprised of the Counties of Larimer, Grand, Boulder, and Jackson, State of Colorado.

RESTRICTION: Item No. (2) of this temporary authority is restricted to rendering transportation service which both originate and terminate in Estes Park, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
THE STATE DEPARTMENT OF HIGHWAYS, )  
DIVISION OF HIGHWAYS - STATE OF )  
COLORADO, FOR THE AUTHORITY TO )  
INSTALL TRAIN-ACTUATED TRAFFIC )  
SIGNALS TO PROTECT THE PROPOSED )  
NEW GRADE CROSSINGS OF THE UNION )  
PACIFIC RAILROAD COMPANY'S FORT )  
COLLINS BRANCH AT MILEPOST 10.10 )  
ON STATE HIGHWAY NO. 34, NEAR )  
KELIM, LARIMER COUNTY, COLORADO. )

APPLICATION NO. 27584

-----  
August 13, 1974  
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PROCEDURE AND RECORD

BY THE COMMISSION:

On May 20, 1974, the Division of Highways of the State of Colorado, hereinafter sometimes referred to as Division, filed its application in accordance with the rules of this Commission seeking authority to install train-actuated traffic signals to protect the proposed grade crossing of the Union Pacific Railroad Company, hereinafter sometimes referred to as UP, Fort Collins branch line at railroad milepost 10.10 on State Highway No. 34, near Kelim, Larimer County, Colorado.

Explanatory material submitted with the application includes the following:

EXHIBIT A - General Location and Alignment Plan

EXHIBIT C - Traffic Signal Plan and Signal Phasing

To be submitted as a late filed exhibit is a fully executed copy of the pending Agreement between the Division and the UP pertaining to the construction, maintenance and payment therefor, of the grade crossing protection devices contemplated herein.

Notice of Filing, together with a copy of the application, was given to all interested parties herein. Said notice was dated June 3, 1974. No protests, objection, petitions to intervene or other suggestions were received by the Commission within a period of thirty (30) days as designated in said notice. Applicant did not request a public hearing.

The Commission has determined this matter forthwith upon the record and files herein without a formal oral hearing or further notice.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. Notice of the proposed installation of train actuated traffic signal crossing protection has been given by the Commission to all interested parties, and no protest in the matter has been received.



2. With reference to the instant application, State Highway No. 34 is a major east-west highway extending from the Colorado-Nebraska state line westerly through Wray, Akron, Fort Morgan, Greeley, Loveland, and Estes Park, terminating at a junction with State Highway 40 northwest of Granby. The crossing is located near Kelim, Larimer County, Colorado, just to the east of Interstate 25. The Division is reconstructing a portion of State Highway 34 beginning immediately east of Interstate 25 and extending easterly along and adjacent to the present two-lane highway, to the Weld County line. This proposed construction will provide a four-lane divided facility consisting of two 12 foot travel lanes each direction with four feet inside and 10 feet outside paved shoulders, crossing the UP Fort Collins branch line track at approximately milepost 10.10.

3. The purpose of the application is to secure Commission approval for the construction, installation, operation and maintenance of the proposed four-lane divided facility and for train actuated standard traffic signals and railroad engineer signals. The Division also proposes to install advance warning flashing yellow beacon signs along both sides and on both roadways.

4. Crossing protection at the existing two-lane roadway consists of obsolete wigwag flashing light signals. The Division proposes to eliminate the existing crossing and protection by the construction of the proposed facility.

5. The estimated average daily vehicular traffic (ADT) on State Highway No. 34 at the instant crossing is 6,300 with a maximum vehicular speed of 55 miles per hour (M.P.H.). The Division anticipates that by 1944 the ADT will increase to 11,250. The UP operates two scheduled and two switching trains daily over the crossing with a maximum train speed of 30 M.P.H.

6. The UP track crosses the highway at approximately 25° angle. Sight distances are restricted to 2,600 feet in the northeast quadrant, 2,600 feet in the northwest quadrant 1,100 feet in the southwest quadrant and 450 feet in the southeast quadrant.

7. An agreement pertaining to the work to be done and payment therefor, is pending between the Division and the UP. A copy of said agreement will be forwarded to the Commission as a late filed exhibit when fully executed. The work to be done will be paid for in accordance with the appropriate rules and regulations of the federal government and will be covered by said agreement. Said agreement provides that the UP will be reimbursed for all expenses it incurs incidental to the changes and modifications in their facility required by this construction. Preliminary estimate of total cost of railroad related materials, labor and engineering is \$26,000. Maintenance, repair, and operation of the grade crossing track actuating circuitry and railroad engineer signals shall be and remain the responsibility of the UP.

8. The proposed signal installation is similar to other existing installations in Colorado at branch line track grade crossings and was the result of efforts of the Railway-Highway Grade Crossing Diagnostic Team for Colorado organized February 1, 1968 in conjunction with the United States Department of Transportation. Signal phasing at the proposed installation will show a continuing green to vehicular traffic and a continuing red on the railroad engineer signal until the approach of a train from either direction. As the train approaches and activates the signals, a 5 second yellow clearance interval and a 3 second red clearance interval will be provided for highway traffic prior to the train entering the crossing. The highway traffic signal will remain red until the train has cleared the crossing. The railroad engineer signal will show red until the traffic signal is in the red phase.

In accordance with the standard railroad practices, operation of the train will be regulated by the track-side engineer signals. Movement over the crossing is to be made only on a green indication from the engineer signal. Should there be a power failure and circuit malfunction and no green indication appears on the engineer signal, then no train movement may be made unless under the flagging control or personal direction of a crew member.

9. The public safety, convenience and necessity requires, and will be served, by the construction of the new highway and automatic crossing protection devices as proposed herein.

#### CONCLUSIONS ON FINDINGS OF FACT

1. As provided by 115-4-6 (2)(a), CRS 1963, as amended, the Commission has jurisdiction in the instant matter.

2. Notice of the proposed construction and installation of the highway-railway grade crossing and protection has been given by the Commission pursuant to and in accordance with 115-6-8 (2), CRS 1963, as amended, and no protests, objections, petitions to intervene or other suggestions in the matter have been received.

3. As provided by 115-6-9 (5), CRS 1963, as amended, and Rule 17 of the Commission's Rules of Practice and Procedure, the Commission may determine this matter without a formal oral hearing or further notice.

4. The authority as sought in the instant application should be granted and an appropriate order will be entered.

#### ORDER

##### THE COMMISSION ORDERS THAT:

1. Authority and approval be, and hereby is, granted to the Division of Highways, State of Colorado, for construction of a new four-lane divided highway facility across the UP Fort Collins branch line track at railroad milepost 10.10 near Kelim, County of Larimer, State of Colorado, and for the installation, operation, and maintenance of train actuated standard traffic signals, advance warning flashing yellow beacons, railroad engineer signals to replace the existing two-lane highway facility and obsolete crossing protection.

2. The work to be done, and payment therefor, shall all be performed and paid by the Division and the UP as set forth in the plans, specifications, and exhibits, all as filed herein, and in the appropriate agreement, which agreement shall be submitted to the Commission as a late filed exhibit when fully executed.

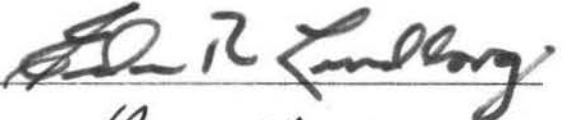
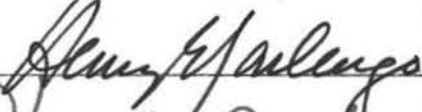

3. The maintenance and repair of the railroad signals and components at said grade crossing shall be and remain the responsibility of the UP. That the maintenance and repair of the roadway approaches to said crossing, of the advance warning signs with flashing yellow beacons and the standard traffic signal lights shall be and remain the responsibility of the Division.

4. The Commission hereby retain jurisdiction to make such further order or orders as may be required in the instant matter.

5. This Order shall become effective forthwith.

DONE IN OPEN MEETING THE 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

(Decision No. 85509)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT L. O'CONNOR AND LARRY R. )  
PETERSON, DOING BUSINESS AS "JOHN'S )  
DELIVERY," 2301 WEST CORNELL STREET, )  
ENGLEWOOD, COLORADO FOR TEMPORARY )  
APPROVAL TO CONDUCT OPERATIONS UNDER )  
CONTRACT CARRIER PERMIT NO. 8044, )  
PENDING DETERMINATION OF THE APPLI- )  
CATION TO ACQUIRE SAID PERMIT. )

APPLICATION NO. 27701-PP-Transfer-TA  
ORDER GRANTING TEMPORARY APPROVAL

- - - - -  
August 13, 1974  
- - - - -

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

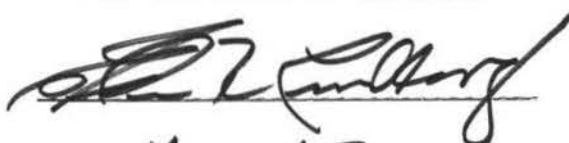

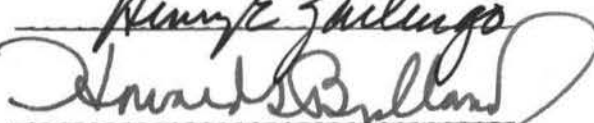
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 165 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

(Decision No. 85510)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTH PARK MOTOR LINES, INC., 1420 )  
38TH STREET, DENVER, COLORADO FOR )  
EMERGENCY TEMPORARY APPROVAL OF THE )  
OPERATION OF ROTH TRUCK LINES, INC., )  
BOX 177, JEFFERSON, COLORADO, RECORD )  
OWNER OF CONTRACT CARRIER PERMIT NO. )  
B-472, PENDING THE DETERMINATION OF )  
THE APPLICATION FOR APPROVAL OF AC- )  
QUISITION OF THE STOCK OF SAID CARRIER. )

APPLICATION NO. 27767-PP-Stock Transf  
ETA  
ORDER DENYING EMERGENCY TEMPORARY  
APPROVAL


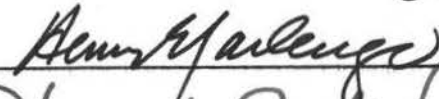

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August 13, 1974  
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The above-entitled application being under consideration, and  
IT APPEARING, That there is no immediate or urgent need for the  
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,  
denied.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners



BEFORE THE PUBLIC UTILITIES COMMISSION'  
OF THE STATE OF COLORADO

\* \* \*

IN RE THE MATTER OF MOTOR VEHICLE	)	
COMMON AND CONTRACT CARRIERS LISTED	)	
ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT L. PYLE, EXAMINER
Respondents.	)	

- - - - -  
August 9, 1974  
- - - - -

Appearances: Harold L. Lootens, Denver,  
Colorado, of the Staff of  
the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on June 17 through June 24, 1974. The matters were duly called for hearing pursuant to such notice on Wednesday, August 7, 1974, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 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 records and files of the Commission do not disclose an Annual Report filed with the Commission by each of the Respondents listed in "Appendix A" hereto, and by reference incorporated herein as required by the Public Utilities Laws of this state and the Rules and Regulations of this Commission.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to file an Annual Report with the Commission, and failure, without

good cause shown, to appear at hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:

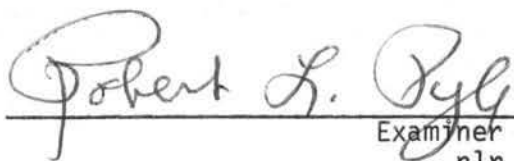
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Annual Report prior to the effective date of this Order.

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

  
Examiner  
nlr/dh



"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
L. A. GRIFFITH Box 673 Central City, CO 80427	A-792	AR-482
WATTERS TRUCK LINE P. O. Box 866 La Junta, CO 81050	B-859	AR-483
DEAN RESLER P. O. Box 309 Sterling, CO 80751	A-941 & I	AR-484
ANIMAS DEVELOPMENT CORP. Route 3, Box 176 Durango, CO 81301	B-1622	AR-488
W. G. GILCHRIST Box 82 Brush, CO 80723	B-1701 & I	AR-489
CECIL E. TOMBLESON 305 North 9th Street Lamar, CO 81052	B-2940	AR-496
EARL STULLER 904 Santa Clara Grand Junction, CO 81501	B-2983	AR-497
JOHN F. PIERCE 4221 Steele Street Denver, CO 80216	B-3578	AR-498
RALPH FLESCH & SON, INC. P. O. Box 423 Walden, CO 80480	B-4105 & I	AR-504
FRED L. BRANSTETTER 631 Highlan Boulder, CO 80302	B-4261	AR-506
WRIGHT RIG CO., INC. P. O. Box 20367 Denver, CO 80220	B-4385 & I	AR-509
H. D. TETER Box 187 Crowley, WY 82420	B-4595	AR-511
ROMER MERCANTILE & GRAIN CO. Dove Creek CO 81324	B-5119	AR-515
M. H. HIGHLAND Route 1, Box 347A Loveland, CO 80537	B-5176	AR-516
MARCUS GRAJEDA 608 Pacific Fort Lupton, CO 80621	B-5185	AR-517
DeQUASIE TRUCKING 608 Bounce Street Lafayette, CO 80026	B-5601	AR-521

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
FANTIN BROS., INC. 7143 South Platte Canyon Drive Littleton, CO 80123	B-6275	AR-526
GARNETT C. BENNETTS & SONS Route 2, Box 822 Golden, CO 80401	B-6475	AR-530
J. E. ORLANDO, ELIPIO CHACON & ADELMO CHACON P. O. Box 523 Romeo, CO 81148	B-6519	AR-532
MARVIN LEY P. O. Box 356, 301 S. 3rd Street LaSalle, CO 80645	B-6573	AR-534
J & J MEENEY Route 2 Glenwood Springs, CO 81601	B-6684	AR-535
KNOX & SON Route 1, Box 70C Fort Morgan, CO 80701	B-6705	AR-536
HENRY C. BINDER 10773 West 67th Place Denver, CO 80221	B-6940	AR-542
DOOGER DIGGING P. O. Box 1880 Aspen, CO 81611	B-7094	AR-547
BOB LARSON TRUCKING Basalt CO 81621	B-7190	AR-549
CHARLES SCHMALZ Route 2 Delta, CO 81416	A-7505	AR-557
LANDFILL, INC. East 48th at Ivy St. - Box 188 Commerce City, CO 80022	B-7702	AR-563
STOCK RITE, INC. 792 Federal Boulevard Denver, CO 80204	B-7727	AR-565
LEE HEBRLEE dba LEE HEBRLEE SALT CO. 2203 North Main Garden City, KS	B-7854	AR-567
ROBERT E. FULLER 706 West Main Sterling, CO 80751	B-7867	AR-568
FREDDIE J. GENTZ dba FREDDIE GENTZ TRUCKING P. O. Box 1289 Sterling, CO 80751	B-7930	AR-571

<u>NAME &amp; ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
LEROY O. VAN METER 2615 Gore Road Pueblo, CO 81006	B-7944	AR-572
LARRY D. NOETZELMANN Box 206 1910 - 10 Road Mack, CO 81525	B-7998	AR-574
RAYMOND E. MARCOTTE & DOUGLAS LENZ 1930 Florence Street Aurora, CO 80010	B-8044	AR-576
ERNIE LEE MOULDER Box 126A Lamar, CO 81052	B-8082	AR-578
RONALD F. & WALTER H. SEELHOFF Route 3 Burlington, CO 80807	B-8184	AR-584
BAZZEL TIPPS Box 733 Rangely, CO 81648	B-3891	AR-585
ORVILLE GEISERT 1540 S. Pierce Street Lakewood, CO 80226	B-4746	AR-586
CARL W. FROUD 517 South Nevada Colorado Springs, CO 80902	B-5543	AR-591
CURRY CONSTRUCTION CO. Box 236 Kremmling, CO 80459	B-5886	AR-596
FELIX MARQUEZ 1073 Huron, Apt. 1803 Northglenn, CO 80234	B-6212	AR-599
W. T. SMITH CONSTRUCTION Route 1 Penrose, CO 81240	B-6255	AR-600
WILLIAM R. TOLER 2415 Wheeler Colorado Springs, CO 80900	B-6508	AR-604
BUMGARNER & SONS 3109 Palmer Park Boulevard Colorado Springs, CO 80909	B-6547	AR-605
PHILIP TOLVA 11521 Downing Street Northglenn, CO 80233	B-6729	AR-607
HAROLD H. HURLEY 1179 East 7th Street Loveland, CO 80537	B-6836	AR-611

<u>NAME &amp; ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
LARRY'S DOZER SERVICE Box 387, 243 Crest Street Rangely, CO 81648	B-6926	AR-612
McELHINNY SAND & GRAVEL 23 North Circle Drive, Apt. W-36 Colorado Springs, CO 80909	B-7205	AR-621
JOE NAZARIO PADILLA 5665 East Maplewood Englewood, CO 80110	B-7258	AR-624
BAYLESS EXCAVATING CO. P. O. Box 443 Pueblo, CO 81002	B-7480	AR-630
CECIL C. SAULTERS & NICKEY SAULTERS 819 West 27th Pueblo, CO 81003	B-7519	AR-632
MATTHEW G. PAPI, JR. dba PAPI TRUCKING 3284 South Delaware Englewood, CO 80110	B-7565	AR-635
GLEN LEE SELBY 8724 West 46th Avenue Arvada, CO 80002	B-7571	AR-636
HAROLD B. CAMPBELL 759 Van Gordon Golden, CO 80401	B-7577	AR-637
A & M HAULING 259 South 3rd Avenue Brighton, CO 80601	B-7586	AR-639
P & R TRUCKING 6496 Broadway Denver, CO 80203	B-7622	AR-640
PAUL J. HARVEY 5564 Dillon Street Denver, CO 80239	B-7650	AR-642
JAMES M. YOUNG Box 515 Cortez, CO 81321	B-7678	AR-646
DANIEL VIGIL 985 Julian Denver, CO 80204	B-7681	AR-647
LEROY A. SIMONSEN 8100 West 51st Avenue Arvada, CO 80002	B-7705	AR-650
GLENN V. & GERALD D. BAKER dba BAKER BROTHERS HAULING 2281 West Center Denver, CO 80223	B-7713	AR-651

<u>NAME &amp; ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
RICHARD C. MOTE, SR. 5630 Cody Street Arvada, CO 80002	B-7767	AR-656
G & M TRUCKING 9833 West 53rd Place Arvada, CO 80002	B-7660	AR-658
ADA'S HAULING SERVICE Box 776 Dillon, CO 80433	B-7809	AR-659
LOADER SERVICE, INC. R. R. 1 Glenwood Springs, CO 81601	B-7825	AR-661
BERT W. THOMAS 9381 Ellan Court Thornton, CO 80229	B-7835	AR-663
WILLIAM E. WATERMAN 6802 Simms Arvada, CO 80002	B-7859	AR-665
RICHARD M. STEVENS dba R & S TRUCKING P. O. Box 322 Castle Rock, CO 80104	B-7861	AR-666
GIL-CON, INC. 7505 Dahlia Street Henderson, CO 80640	B-7868	AR-668
KEITH E. KELLER dba KELLER TRUCKING 3165 West Pikes Peak Avenue Colorado Springs, CO 80904	B-7899	AR-672
CARL L. FOSTER 406 Edgewood Drive Colorado Springs, CO 80907	B-7911	AR-674
STANLEY D. JOHNSON Route 1, Box 389N - Space 4 Durango, CO 81301	B-7941	AR-677
CRECENCIO PADILLA & JOE TRUJILLO dba SPEEDY CLEAN UP SERVICE 1505 South Quiet Court Denver, CO 80223	B-7953	AR-679
FRONT RANGE TRENCHING COMPANY 2335 South Inca Denver, CO 80223	B-7957	AR-683
ROBERT L. DeQUASIE dba R & L TRUCKING 1212 Bowen Circle Longmont, CO 80501	B-8000	AR-687
WILLIAM R. BINGAMAN, JR. 2692 South Pennsylvania Denver, CO 80210	B-8002	AR-688

<u>NAME &amp; ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
WILLIAM P. KIRBY Box 329 Woodland Park, CO 80863	B-8008	AR-691
A G E EXCAVATING, INC. 5480 West Arizona Place Lakewood, CO 80226	B-8031	AR-693
ROY L. JAMES dba ROY L. JAMES TRUCKING 3226 South Corona Englewood, CO 80110	B-8053	AR-696
RAYMOND W. RUNNELLS 1040 South Ames Lakewood, CO 80226	B-8054	AR-697
STUART BARRY LIPMAN dba HOBBIT TRUCK LINES 18776 West 59th Place Golden, CO 80401	B-8055	AR-698
E & W TRUCKING 102 Pike Street Golden, CO 80401	B-8056	AR-699
JAMES L. & CAROL J. PROVANCE 9044 Orleans Federal Heights, CO 80221	B-8073	AR-703
MIDWAY LANDSCAPING, INC. 197 East Industrial Boulevard Suite 102 Pueblo West, CO 81007	B-8080	AR-704
CRAIG A. SCHOMER 237 Agate Way Broomfield, CO 80020	B-8100	AR-705
WILLIAM HILL dba WILLIAM HILL DEMO & EXCAVATING 99 Landoe Lane Colorado Springs, CO	B-8105	AR-707
WILLIAM H. TATRO, JR. Box 917 214 Harris Breckenridge, CO 80424	B-8132	AR-712
DENNIS L. THOMPSON dba T - TRUCKING 5800 Albion Commerce City, CO 80022	B-8134	AR-713
CYRIL A. KREUTZER 1311 Bridge Street Brighton, CO 80601	B-8136	AR-714
JAMES C. RICHTER 1798 Ulster Street Denver, CO 80220	B-8147	AR-715
ALPINE CONTRACTORS & ENGINEER, INC. Route 2, Box 272 Conifer, CO 80433	B-8164	AR-717

<u>NAME &amp; ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
ROBERT E. & ISABEL J. KITTRELL 4296 East 69th Avenue Commerce City, CO 80022	B-8172	AR-721
WILLIAM H. SCHULTZ P. O. Box 193 Idledale, CO 80453	B-8177	AR-722
GEORGE A. RIENAU, JR. Meeker CO 81641	B-6781	AR-727
CHRISTOPHER J. LYON General Delivery - Box 252 Kremmling, CO 80459	B-7692	AR-732
J. E. WYATT, SR. & J. E. WYATT, JR. WYATT & WYATT CONTRACTING P. O. Box 238 Steamboat Springs, CO 80477	B-7844	AR-733
J. D. HALL P. O. Box 891 Delta, CO 81416	B-7965	AR-736

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE  
TRANSPORTATION DEPARTMENT, RATE SECTION, PUBLIC UTILITIES COMMISSION,  
PHONE: 892-3175



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF PEOPLES	)	DOCKET NO. 865
NATURAL GAS DIVISION OF NORTHERN	)	
NATURAL GAS COMPANY, COLORADO SPRINGS,	)	RECOMMENDED DECISION OF
COLORADO, FILED UNDER ADVICE LETTER NO.	)	ROBERT E. TEMMER,
90.	)	EXAMINER

-----  
August 12, 1974  
-----

Appearances: Thomas C. Stifler, Esq.,  
Colorado Springs, Colorado, and  
William F. Liliensiek, Esq.,  
Omaha, Nebraska, for Respondent;  
Kent A. Teall, Denver, Colorado, and  
W. Craig Merrell, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

On May 21, 1974, Peoples Natural Gas Division of Northern Natural Gas Company filed with this Commission its Advice Letter No. 90, Colorado PUC No. 1 - Gas, accompanied by four tariff sheets designated as follows:

<u>Colorado PUC Sheet Number</u>	<u>Title of Sheet</u>	<u>Cancels Colorado PUC Sheet Number</u>
Seventh Revised No. 16	General Gas Service	Sixth Revised No. 16
Third Revised No. 17	General Gas Service	Second Revised No. 17
Fifth Revised No. 18	General Gas Service	Fourth Revised No. 18
Sixth Revised No. 19	General Gas Service	Fifth Revised No. 19

The purpose of this tariff filing is to increase gas rates in the Durango service area in order to earn a 13.2% return on common equity which is within the range allowed by this Commission in Decision No. 82032, dated December 29, 1972. These tariffs were filed to become effective on thirty (30) days' notice on June 21, 1974, unless suspended by the Commission.

In compliance with the rules of the Commission, the Company gave notice of the proposed increase to affected customers. As a result of such notice, the Commission received a number of protests objecting to the proposed increase.

On June 14, 1974, the Commission entered Decision No. 85159 suspending, on its own motion, the effective date of said tariffs for a period of one hundred twenty (120) days (October 19, 1974), and setting the matter for hearing at 9 a.m. on July 17, 1974, in the Columbine Room at the Court-house in Durango, Colorado. After due and proper notice to all interested persons, firms, or corporations, the matter was heard at said time and place by Robert E. Temmer, Examiner, to whom the matter had been assigned pursuant to law.

Stanley W. Jervis, Director of Operations for the Western Region of Respondent, and Donald C. Hepperman, Director of Rates for Respondent, testified as witnesses for the Respondent. Mr. Brian K. Bogert, of Mercy Medical Center in Durango, Colorado, and Mr. Frank A. Toomey, a Durango Councilman, testified and presented helpful evidence at the hearing.

The following exhibits were identified and admitted into evidence at the hearing:

- Exhibit No. 1 - A one-page document captioned "Cost of Capital at December 31, 1973 Using Principles of PUC Decision No. 82032."
- Exhibit No. 2 - A three-page document, the first page of which is entitled "Average Rate Base For the Year Ended December 31, 1973"; and the second page of which is entitled "Average Rate Base By Rate Area For the Year Ended December 31, 1973"; and the third page of which is entitled "Average Rate Base By Rate Area For the Year Ended December 31, 1973."
- Exhibit No. 3 - A three-page document, the first page of which is entitled "Rate of Return For the Year Ended December 31, 1973," and the second page of which is entitled "Computation of Income Taxes For the Year Ended December 31, 1973," and the third page of which is entitled "Rate of Return By Rate Area For the Year Ended December 31, 1973."
- Exhibit No. 4 - A two-page document, the first page of which is entitled "Computation of Proposed Revenue Increase Adjustment," and the second page of which is entitled "Computation of Proposed Revenue Increase Adjustment By Rate Area."
- Exhibit No. 5 - A one-page document captioned "Details of Reclassification Adjustments For the Year Ending December 31, 1973."
- Exhibit No. 6 - A two-page document, both of which pages are captioned "Details of Pro Forma Adjustments For the Year Ending December 31, 1973."
- Exhibit No. 7 - A two-page document, the first page of which is entitled "Details of Normalization Adjustments For the Year Ending December 31, 1973," and the second page of which is entitled "Explanation of Normalization Adjustments."
- Exhibit No. 8 - A one-page document captioned "Computation of Rate Increase Durango Colorado."
- Exhibit No. 9 - A one-page document which is proposed rate schedule G.

- Exhibit No. 10 - A one-page document which is proposed rate schedule H.
- Exhibit No. 11 - A one-page document which is proposed rate schedule I.
- Exhibit No. 12 - A one-page document which is proposed rate schedule J.
- Exhibit No. 13 - A one-page document captioned "Items Comprising Revenue Deficiency For the Year Ended December 31, 1973."
- Exhibit No. 14 - A one-page document captioned "Details of Durango's Cost of Service Per Sales MCF."
- Exhibit No. 15 - A three-page document consisting of copies of Advice Letter No. 90.
- Exhibit No. 16 - A one-page document which is a statement of Mr. Frank A. Toomey.
- Exhibit No. 17 - A one-page document which is a statement of Mayor Edwin W. Wallace of the City of Durango.
- Exhibit No. 18 - A two-page document which is a statement of Mr. Rexer Berndt, President of Fort Lewis College.

Official notice was taken of Decision No. 82032, dated December 29, 1972, Advice Letter No. 89, filed May 21, 1974, by Respondent, and Decision No. 84260, dated December 21, 1973. The Examiner, on his own motion, hereby takes official notice of all documents in the official Commission file in Investigation and Suspension Docket No. 865. At the conclusion of the hearing, the matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing 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. Respondent, Peoples Natural Gas Division of Northern Natural Gas Company, is, inter alia, a public utility engaged in the business of purchasing, distributing, and selling natural gas within the state of Colorado and other states. The Company's intrastate operations within the state of Colorado are under the jurisdiction of this Commission, and this Commission has jurisdiction over the subject matter herein.

2. Respondent has complied with the regulatory principles set forth in Decision No. 82032, dated December 29, 1972, of this Commission, in connection with Respondent's proposed rate increase which is the subject matter herein.

3. The test year used for determination of rate base, rate of return, and revenue requirements for Respondent in these proceedings is the 12-month period ending December 31, 1973.

4. The average rate base of Respondent used and useful for Durango for the test year is \$1,428,857, properly consisting of:

- (a) Average gas plant in service including construction work in progress, materials and supplies, payments and deferred charges; minus reserve for depreciation and amortization, contributions in aid of construction, deferred income taxes and unamortized investment tax credit . . . . . \$1,396,611.
- (b) Average cash working capital after pro forma and normalization adjustments . . . . . \$ 52,218.
- (c) Deduction of average of twelve-month ad valorem tax accrual balance . . . . . \$ 19,972.

5. The total Durango net operating earnings including interest during construction for the test period, after pro forma and normalization adjustments and state and federal income taxes, is \$18,435, which results in a rate of return of 1.29% on rate base for the test year. If state and federal income taxes would not be considered, the net operating results would show a net loss for the Durango operations.

6. A return on common equity of 13.2% is at the top of the range found to be reasonable in Decision No. 82032, and would result in a cost of capital as follows:

	<u>Percent</u>	<u>Percent Annual Rate</u>	<u>Percent Cost</u>
Long-Term Debt	63.903	7.063	4.513
Preferred Stock	6.097	6.900	.421
Common Stock Equity	30.000	13.200	3.960
	<u>100.000</u>		<u>8.894</u>

Respondent has adopted the capital structure utilized in Decision No. 82032 for the purpose of determining cost of capital. Allowing Respondent a return on common equity in this proceeding of 13.2% will make it more likely that Respondent will achieve a fair rate of return on its rate base, and should result in making it less likely that Respondent will apply for a rate increase in the near future.

7. A fair rate of return for Respondent's Durango operations is 8.894%, which rate of return is the minimum rate of return needed to attract capital at reasonable costs and not to impair the credit of the utility, to service its debts, pay reasonable dividends, provide for reasonable accumulation of surplus, attract necessary new capital and maintain the financial integrity of the Company. The rate of return found to be fair and reasonable here is higher than that found to be fair and reasonable in Decision No. 82032. This is necessitated because the cost of Long-Term debt and Preferred Stock has gone up for Respondent.

8. The required net operating earnings, based upon test year conditions and after applying the fair return of 8.894 to the appropriate value of Respondent's property (rate base) devoted to providing service in Durango is \$127,083.

9. Respondent's existing rates now produce and will continue to produce less than a fair return to its utility operations in the city of Durango. The earnings deficiency based upon the test year is as follows:

Net operating earnings (Finding No. 8)	\$127,083
Test year adjusted net operating earnings (Finding No. 5)	<u>18,435</u>
Net operating earnings deficiency	\$108,648

10. In order to produce \$1 of net operating earnings, a gross revenue increase of 2.061067 is required because of additional income and franchise taxes. Accordingly, a gross revenue increase of \$223,931 is required to overcome the earnings deficiency stated in Finding No. 9.

11. The required net operating earnings requires an increase of 17.8¢ per MCF which has been applied to all rates and all blocks within each rate. This increase covers the increases in cost and decrease in revenue as set forth in the following table:

	<u>Amount</u>	<u>Cents Per MCF</u>
Total Revenue Deficiency	<u>\$223,931</u>	<u>17.8¢</u>
Items Comprising Revenue Deficiency		
Increase in gas purchase expense over revenues	50,719	4.0¢
Increase in operation and main- tenance expense	81,821	6.5
Increase in depreciation and amortization	3,055	.3
Increase in taxes other than income	14,145	1.1
Increase in income taxes	54,207	4.3
Decrease in interest during construction	1,546	.1
Increase in cost of capital	12,774	1.0
Increase in rate base	5,664	.5
TOTAL	<u>\$223,931</u>	<u>17.8¢</u>

12. Of the items accounting for the revenue deficiency, the largest single item is for an increase in operation and maintenance expense. One of the letters of protest received by the Commission to the rate increase here under consideration indicated that Respondent may have allowed expensive inefficiencies to exist in connection with its operations. No evidence supporting this contention was introduced at the hearing; however, Respondent should take all appropriate steps to make sure that it is conducting its operations in the most efficient and economical way possible.

13. Gas purchase expense increases account for a large part of the requested rate increase. These costs, in large part, are caused by demand charges that Respondent has to pay to Northwest Pipeline Corporation in association with gas purchases. Respondent has to purchase gas from Northwest because of a lack of a sufficient supply of gas from other sources to meet Peak Day requirements in Durango. Respondent has taken steps in the past and is continuing to take steps to improve other sources of supply so that these charges can be eliminated. These steps have included obtaining commitments for the drilling of new wells, some of which



are already adding to Respondent's source of supply, and some of which should add to Respondent's source of supply prior to January of 1975. Respondent should continue taking steps in this direction, not only so that costs will be decreased, but also to insure that an adequate supply of gas will be available to serve the requirements of Durango. In addition, Respondent should take steps to prevent unnecessary use of natural gas, such as gas yard lights and advertising flares.

14. A comparison between bills for typical customers of Respondent in Durango, and bills for gas service in other towns in Southwest Colorado shows that even with the increase hereunder consideration, the bills for the typical Durango customer will be lower than in other towns such as Cortez, Gunnison, and Salida.

15. The letters of protest received by the Commission, and the evidence introduced at hearing on behalf of the public, emphasize the problems that face the public when a rate increase of this magnitude is proposed. The proposed increase approximates 30 percent. Many members of the public are on fixed incomes, and institutions operate on fixed budgets. This causes hardships when the cost of an essential such as natural gas goes up. In addition, increases in natural gas costs will probably cause other prices to go up, thus adding to the inflationary spiral. This makes it imperative that any rate increase granted be for the least amount possible, and that Respondent take all possible steps to hold down costs so that rate increases will not be required.

16. Respondent's proposed rate increases hereunder consideration are totally related to increases in cost experienced by Respondent, and are at such a level that if they are allowed to go into effect, they will only produce a rate of return on Common Equity previously authorized by this Commission. The proposed rate increase hereunder consideration is just and reasonable.

#### CONCLUSIONS ON FINDINGS OF FACT

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

1. The tariff revisions under consideration herein are cost related, and are just and reasonable, and should be allowed to go into effect.
2. Applicant should prepare and file new tariff sheets in accordance with the following Order.
3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

#### ORDER

##### THE COMMISSION ORDERS THAT:

1. The tariff revisions of Respondent's gas tariff, Colorado PUC No. 1, filed May 21, 1974, under Advice Letter No. 90, be, and hereby are, established as the effective rates and charges as of the effective date of this Order.
2. Within thirty (30) days of the effective date of this Order, the Respondent shall refile with this Commission appropriate tariff sheets reflecting: (a) the rates and charges established by this Order, (b) the effective date thereof, and (c) the authority under this Decision.

This filing is required solely for housekeeping purposes and may be made without further notice -- this Order being fully self-executing in all respects.

3. Investigation and Suspension Docket No. 865 be, and is hereby, closed.

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

A handwritten signature in black ink, reading "Robert E. Benner". The signature is written in a cursive style with a large, looping initial "R".

Examiner

rw/jp



(Decision No. 85513)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GLENN AND MYRTLE FREELAND, DOING )  
BUSINESS AS "FREELAND CAB COMPANY," )  
206 CLEVELAND, LOVELAND, COLORADO )  
FOR EMERGENCY TEMPORARY AUTHORITY )  
TO EXTEND OPERATIONS UNDER CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY PUC NO. 9256. )

APPLICATION NO. 27770-Extension-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

- - - - -  
August 13, 1974  
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.



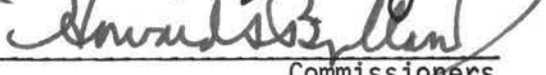
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Common Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Appendix  
Decision No. 85513  
August 13, 1974

Freeland Cab Company

Transportation - on call and demand - of

Messages and telegrams

Between all points located within the following described area:

Commencing at the intersection of U. S. Highway No. 34 and Interstate Highway No. 25, thence north four (4) miles to a point, thence west ten (10) miles to a point, thence south ten (10) miles to a point, thence east to Interstate Highway No. 25, thence north along Interstate Highway No. 25 to the point of beginning.

(Decision No. 85514)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27606
WESTERN AIR STAGES, INC., BOX 1201 )	
WALKER FIELD, GRAND JUNCTION, )	ORDER DENYING APPLICANT'S
COLORADO, TO EXTEND OPERATIONS UNDER )	MOTION TO STRIKE
ACS-71. )	

-----  
August 13, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 20, 1974, Applicant filed the within application.

On June 10, 1974, Rocky Mountain Airways, Inc. filed a protest to the within application.

On August 2, 1974, Applicant filed a Motion to Strike the protest.

The Commission states and finds that Applicant has not set forth sufficient grounds to support its Motion to Strike, that the protest filed by Rocky Mountain Airways, Inc. is timely and proper, and that, therefore, Applicant's Motion to Strike should be denied as set forth in the following Order.

O R D E R

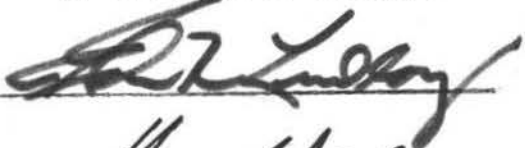


THE COMMISSION ORDERS THAT:

Applicant's Motion to Strike, filed on August 2, 1974, be and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF NICOLL INVESTMENT AND DEVELOP-	)	APPLICATION NO. 27582-PP-Reinstatement
MENTS, LTD., 422 EAST VERMIJO	)	
STREET, COLORADO SPRINGS, COLORADO,	)	ORDER GRANTING PETITION FOR
FOR THE REINSTATEMENT OF CONTRACT	)	DISPOSITION WITHOUT ORAL HEARING
CARRIER PERMIT NO. B-2355.	)	

August 13, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 16, 1974, Applicant, Nicoll Investment and Developments, Ltd., filed the within application.

On June 7, 1974, a protest was filed by Cowen Transfer & Storage Company.

On June 14, 1974, said protest was withdrawn.

On August 2, 1974, Applicant filed its Petition for Disposition Without Oral Hearing.

The Commission states and finds that although one protest has been filed herein, it has been withdrawn and there are no protests, objections, or petitions to intervene currently pending in the within matter. Pursuant to CRS 115-6-9(5) (1963, as amended), and Rule 17 of the Commission's Rules of Practice and Procedure, the Petition for Disposition Without Oral Hearing should be granted, and the hearing presently set for August 19, 1974, should be vacated.

An appropriate order will be entered.

O R D E R

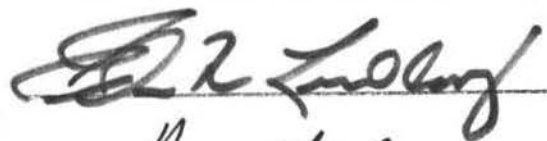
THE COMMISSION ORDERS THAT:

1. Applicant's Petition for Disposition Without Oral Hearing, filed on August 2, 1974, be, and hereby is, granted.
2. The hearing date presently set for August 19, 1974, be, and hereby is, vacated.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





Commissioners

jp

(Decision No. 85516)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
A. L. ATWOOD, ROUTE 1, BOX 30, FORT )	APPLICATION NO. 27542-PP-Transfer
MORGAN, COLORADO TO TRANSFER PERMIT )	
NO. B-821 TO ATWOOD TRUCKS, INC., )	ORDER GRANTING EXTENSION OF TIME
515 EAST COMMERCE AVENUE, FORT )	
MORGAN, COLORADO. )	

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August 13, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 2, 1974 the Commission by Decision No. 85275 authorized the transfer of Permit No. B-821 from A. L. Atwood to Atwood Trucks, Inc.

On August 8, 1974 the parties to the aforesaid transfer requested an extension of time until October 1, 1974 in which to consummate this transfer.

The Commission states and finds that the extension of time to consummate the aforesaid transfer should be granted until October 1, 1974.

An appropriate order will be entered.

O R D E R

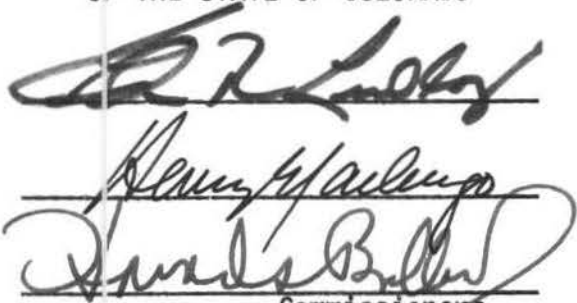
THE COMMISSION ORDERS THAT:

Applicants A. L. Atwood and Atwood Trucks, Inc., be, and hereby are, granted until October 1, 1974 in which to consummate the transfer authorized by Decision No. 85275.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ENVIRONMENTAL DISPOSAL CORPORATION, )  
DOING BUSINESS AS WOODLAND GARBAGE )  
AND TRASH SERVICE, FOR AN EXTENSION )  
OF ITS CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY, PUC NO. )  
6776 TO SERVE ADDITIONAL PORTIONS )  
OF EL PASO, TELLER, AND PARK COUNTY, )  
COLORADO. )

APPLICATION NO. 27491-Extension  
ORDER GRANTING EXTENSION OF TIME  
IN WHICH TO FILE EXCEPTIONS

-----  
August 13, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 24, 1974 Recommended Decision No. 85445 of Examiner Robert E. Temmer was entered and served upon the parties.

On August 2, 1974 Applicant Environmental Disposal Corporation, doing business as Woodland Garbage and Trash Service, by its attorneys Horn, Anderson & Johnson, filed with the Commission a motion requesting an extension of time for filing exceptions to Recommended Decision No. 85445 until twenty (20) days after the filing of the official transcript.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

An appropriate order will be entered.

ORDER

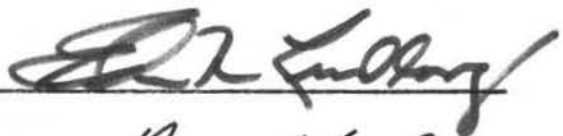
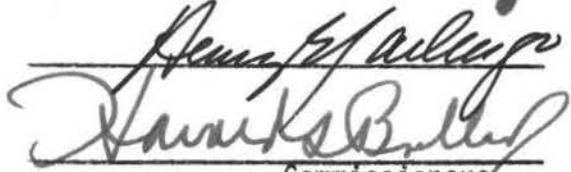
THE COMMISSION ORDERS THAT:

Applicant Environmental Disposal Corporation, doing business as Woodland Garbage and Trash Service be, and hereby is, granted an extension of time within which to file exceptions to the recommended decision of the examiner until twenty (20) days after the filing of the official transcript.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners



(Decision No. 85518)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
CACTUS HILL RANCH COMPANY, A CORPO- }  
RATION, ROUTE 4, BOX 83, FORT COLLINS, }  
COLORADO, FOR A CLASS "B" PERMIT TO }  
OPERATE AS A CONTRACT CARRIER BY }  
MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 27274-PP

ORDER GRANTING  
WITHDRAWAL OF APPLICATION

-----  
August 13, 1974  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 7, 1974 Applicant Cactus Hill Ranch Company filed with the Commission a Motion to Vacate Hearing and Dismiss Application No. 27274-PP.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

ORDER



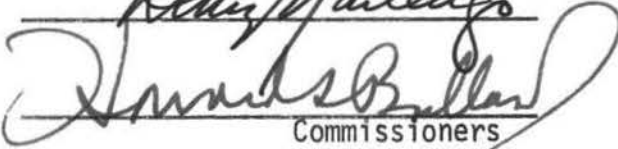
THE COMMISSION ORDERS THAT:

Cactus Hill Ranch Company be, and hereby is, granted permission to withdraw the above-captioned application and the application is dismissed without prejudice and the hearing set, be, and hereby is, vacated.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GLENN FREELAND, MYRTLE FREELAND )  
DOING BUSINESS AS FREELAND CAB )  
COMPANY, 206 CLEVELAND, LOVELAND, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 9256. )

APPLICATION NO. 27711-Extension

ORDER GRANTING  
LEAVE TO INTERVENE

August 13, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 6, 1974 Protestant San Juan Tours, Inc., by its attorney John S. Walker, Jr., filed with the Commission a Petition for an Order Granting Leave to Intervene in the above-captioned application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

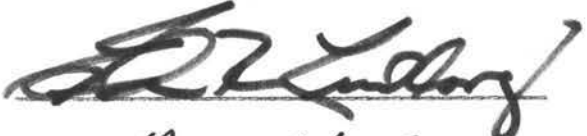
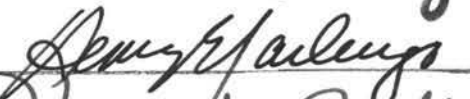
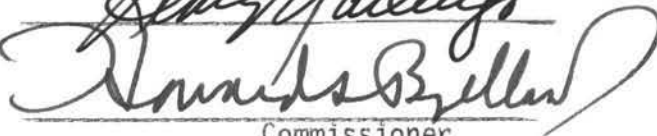
THE COMMISSION ORDERS THAT:

San Juan Tours, Inc., be, and hereby is, granted leave to intervene in the above-captioned application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION)  
OF NORTHERN NATURAL GAS COMPANY )  
FOR AN ORDER AUTHORIZING IT TO )  
PUT INTO EFFECT AN EMERGENCY GAS )  
RATE ADJUSTMENT. )

APPLICATION NO. 27746

- - - - -  
August 13, 1974  
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 6, 1974, Peoples Natural Gas Division of Northern Natural Gas Company (Applicant), a Delaware corporation and a public utility subject to the jurisdiction of this Commission, filed the above application seeking authorization of the Commission, without formal hearing and on less than thirty (30) days' notice, to file an emergency gas rate adjustment to its existing natural gas rates now on file with the Commission.

FINDINGS OF FACT

1. Applicant is an operating public utility subject to the jurisdiction of this Commission, engaged in the transmission and sale of natural gas in various areas in the State of Colorado and elsewhere.

2. Applicant obtains the majority of its gas supply for the Town of Durango, Colorado from wellhead supplies at gas wells in the Ute Field, La Plata County, Colorado. On June 21, 1974 the Federal Power Commission (FPC) issued Opinion No. 699 (R-380B) establishing a single uniform national area rate for natural gas of 42¢ per MCF (14.73 psia) for sales from all wells commenced after January 1, 1973; for sales under contracts executed on or before January 1, 1973; for gas not previously sold in interstate commerce; and for sales under contracts executed after January 1, 1973 for gas sold under certain FPC certificates.

The 42¢ per MCF rate is applicable to all wellhead gas, and subject to the following adjustments:

(1) Fixed annual escalation of 1¢ per MCF beginning January 1, 1974 and each year thereafter.

(2) BTU Adjustment (upward and downward) from a 1,000 BTU base.

(3) State or Federal production, severance or similar taxes, plus any increase in such taxes.

(4) Gathering charges in certain areas.

(5) Offshore delivery adjustment.

By automatic operation of certain clauses in all Gas Purchase Agreements in the Ute Field, the new FPC area rate is applicable to the wellhead supply from that Field. This Commission takes official notice of said Gas Purchase Agreements referred to above, having received the same in evidence in Investigation and Suspension Docket No. 764. Pursuant to said FPC order and the operation of the Contracts, Southern Union Production Company, Applicant's supplier in the Ute Field notified Applicant on July 11, 1974 that the new area rate was being put into effect.

3. Applicant previously advised this Commission that its gas purchase contracts in the Ute Field were subject to change at such times that the FPC established new area rate prices applicable to the Ute Field. Finding of Fact No. 13 of Commission Decision No. 83351 dated July 17, 1973 is quoted as follows:

"On September 20, 1971, Southern Union Production Company and Southern Union Gas Company entered into an Agreement (Exhibit K-7) which amended the previous contract which was introduced in evidence as Exhibit K-4. As amended, Section 3 was added to VII, and provided, in effect, for the price of gas to become the area rate at such time the Federal Power Commission established an area price. On April 11, 1973 in FPC Opinion No. 658, the FPC determined an area rate for pre-October 1, 1968, contracts in the Rocky Mountain area, including the Ute Field which serves Durango. The setting of this rate meant that the price which Peoples Natural Gas would be obligated to pay Southern Union Production Company is 28¢ per MCF at 15.025 psia, with adjustments for BTU content and state severance taxes. Accordingly, the favored nation clauses would have triggered the higher price throughout the Ute Field had not Peoples Natural Gas and Southern Union Production entered into the agreement dated January 1, 1973 (Exhibit K-1), as amended."

4. As is shown by exhibits A through C attached to the application, the wellhead price increase occasioned by the opinion of the FPC involves a substantial increase to Applicant. The increased FPC area rate is estimated to increase the annual cost of gas purchased from Southern Union Production Company by Applicant by approximately \$177,284 based on volumes purchased for the twelve months ended June 30, 1974.

5. Applicant's pro forma rate of return for the test year ending December 31, 1973, if this application be granted, is 8.894% which rate is Applicant's currently authorized rate of return for its Colorado operations, including the Durango rate area.

6. Applicant's pro forma rate of return for the Durango rate area for the test year ending December 31, 1973, if this application be denied, is 2.765% or 6.129% below its currently authorized rate of return.

7. Applicant filed proposed emergency gas rate adjustments to its Rates G and J, copies of which were attached to the application and marked Exhibit "B" and made a part thereof by reference, to become effective on less than statutory notice for meter readings made on and after August 12, 1974. Applicant's filing herewith will only increase its gas rates by an amount calculated to produce on an annual basis additional revenue substantially equivalent to the total of the annual increase in the cost of gas to be purchased by Applicant at the wellhead in Ute Field and the increased franchise taxes resulting from the pass-on of the increased gas costs.

8. The filing of this application was brought to the attention of Applicant's affected customers by publication of a legal notice in the Durango Herald, a newspaper of general circulation in the area affected. This notice included advice that any customer of Applicant, upon request to the Commission, may receive notice of any hearing which may be ordered by the Commission in this matter. In addition, the subject matter of this application was brought to the attention of the Citizens of the City of Durango by Applicant in the hearing held in Durango, Colorado on July 17, 1974 by this Commission as to Investigation and Suspension Docket No. 865.

#### CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 A. 1. of the Rules of Practice and Procedure before this Commission. Any delay in placing the increased rates into effect and to pass on its increased costs would do substantial harm to the Applicant. For any period of time that it is denied the pass-on of its increased cost, Applicant's rate of return would fall below its authorized reasonable rate of return. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

An appropriate Order will be entered.

#### O R D E R

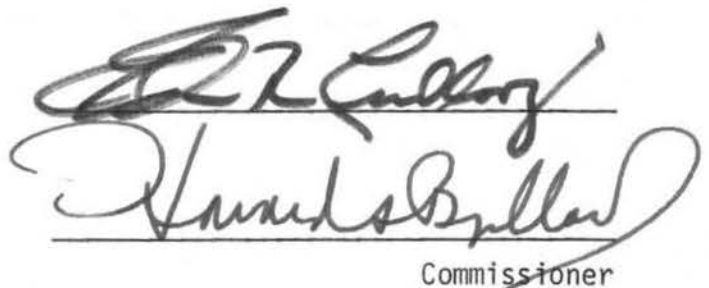
##### THE COMMISSION ORDERS THAT:

Applicant, Peoples Natural Gas Division of Northern Natural Gas Company, be, and hereby is, ordered to file on not less than one (1) day's notice, tariffs as delineated on Colo. PUC 1, Eighth Revised Sheet No. 16 and Seventh Revised Sheet No. 19, which are attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioner

COMMISSIONER HENRY E. ZARLENGO DISSENTS.



COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

A.

Chapter 115-6-8 (2), (3) and (4) provides in substance that notice of all applications shall be given to all parties who in the opinion of the Commission are interested in or would be affected by the granting or denial of such application; provides that such service may be made in three ways -- (1) upon a person similarly in accordance with the rules of civil procedure, (2) service may be made personally, and (3) service may be made by first class mail. There is no evidence in the record of compliance with these requisites.

B.

Chapter 115-6-8 (2) provides, inter alia, that:

"Except for good cause shown, any person desiring to file an objection (to an application) . . . shall file his objection . . . within thirty days after the date of such notice, or such lesser time as the commission may prescribe. . ." (Emphasis supplied.)

As the law provides that any person may file his objection within thirty days after the date of the notice of application, there can be no doubt but that the person in all cases has the right to file an objection within such period. He must, however, do so within the thirty day period unless the Commission prescribes "a lesser time" within which objections may be filed. The Commission has not prescribed "a lesser time" than 30 days after the date of notice within which any person desiring to file an objection may do so, and 30 days have not elapsed since the date of notice.

The Commission's order being entered 23 days before expiration of the 30 day period effectively deprives objectors of their right to file objections as provided by law. Without due process of law the order of the Commission is invalid.

C.

Chapter 115-6-8 (2) provides, inter alia, that:

"No final action shall be taken by the commission in any such proceeding during the time any such filing is permitted. . ." (Emphasis supplied.)

The time has not elapsed during which any person desiring to file an objection may legally do so. The Commission is expressly precluded from taking final action. This the Commission has done, contrary to the law. The order, therefore, is invalid.

D.

The Applicant is being, inter alia, "ordered to file on not less than one (1) day's notice," tariffs which provide for a substantial increase in rates (1) without hearing; (2) without good cause or special conditions justifying a shorter notice period of less than 30 days' notice as required by law for the tariff to become effective, and without a specific finding of fact or of special conditions constituting "good cause." There is no evidence before the Commission, nor is there a finding of fact in the

Commission decision that the utility cannot absorb the increase in costs for the period of notice required by the statute without material and substantial detriment to it; (3) upon a notice which, in addition to its impropriety because of its reduced period, is not a good, sufficient or reasonable notice to persons who are interested in or would be affected; (4) without good and sufficient evidence before the Commission to support the authorization of such increase. Many factors in addition to cost of gas enter into a determination of just and reasonable rates; (5) which authorization is untimely and effectively deprives persons who are interested in, or would be affected, of their right to file objections within 30 days after the date of notice; (6) final action is taken during the time such filing is permitted; -- all contrary to the law and in abuse of Commission discretion.

E.

Good and sufficient evidence is not before the Commission upon which it can be determined whether or not the Applicant can absorb the increase, or some part thereof, and still retain a fair rate of return.

F.

To approve such increase under the circumstances to offset increases in wholesale costs to Applicant destroys incentive on the part of the Applicant to resist by whatever means possible increases in wholesale costs and encourages the wholesaler to seek further increases.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner  
hbp



PEOPLES NATURAL GAS DIVISION OF  
NORTHERN NATURAL GAS COMPANY  
name of utility

Colo. PUC No. 1

Eighth Revised Sheet No. 16

Cancels Seventh Revised Sheet No. 16

Natural Gas (General Service Classification)																									
General Gas Service (Rate Title or Number)	Company Rate Code																								
<p><u>AVAILABILITY</u></p> <p>Natural gas service under this schedule is available to any individually metered customer for residential, commercial, or apartment at any point within the City of Durango, Colorado, and its environs where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.</p> <p>Gas service under this schedule is not available for resale or standby service.</p> <p><u>INTERRUPTIBLE</u></p> <p>Any commercial consumer receiving natural gas service under this schedule using in excess of 2,000 cubic feet of gas per hour is subject to interruption and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 2,000 cubic feet of gas per hour may be interrupted on immediate notice.</p> <p><u>RATES</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Rate per month:</td> <td style="width: 40%;">First 1 MCF, or less per month</td> <td style="width: 20%; text-align: right;">\$ 1.755</td> <td style="width: 20%; text-align: center;">I</td> </tr> <tr> <td></td> <td>Next 3 MCF, per MCF per month</td> <td style="text-align: right;">1.092</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>Next 11 MCF, per MCF per month</td> <td style="text-align: right;">.840</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>Next 35 MCF, per MCF per month</td> <td style="text-align: right;">.745</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>Next 450 MCF, per MCF per month</td> <td style="text-align: right;">.605</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>All Over 500 MCF, per MCF per month</td> <td style="text-align: right;">.555</td> <td style="text-align: center;">I</td> </tr> </table> <p><u>MINIMUM CHARGE</u></p> <p>Per month</p> <p style="text-align: right;">\$ 1.76 I</p> <p><u>PAYMENT</u></p> <p>The above rates are net and are due and payable within ten (10) days from presentation of bill.</p>	Rate per month:	First 1 MCF, or less per month	\$ 1.755	I		Next 3 MCF, per MCF per month	1.092	I		Next 11 MCF, per MCF per month	.840	I		Next 35 MCF, per MCF per month	.745	I		Next 450 MCF, per MCF per month	.605	I		All Over 500 MCF, per MCF per month	.555	I	<p>G</p> <p>RATE</p>
Rate per month:	First 1 MCF, or less per month	\$ 1.755	I																						
	Next 3 MCF, per MCF per month	1.092	I																						
	Next 11 MCF, per MCF per month	.840	I																						
	Next 35 MCF, per MCF per month	.745	I																						
	Next 450 MCF, per MCF per month	.605	I																						
	All Over 500 MCF, per MCF per month	.555	I																						
<p>DO NOT WRITE IN THIS SPACE</p>																									

Advice Letter No. \_\_\_\_\_ Issue Date \_\_\_\_\_  
 Decision or Authority No. \_\_\_\_\_ Signature of Issuing Officer \_\_\_\_\_  
 Vice President \_\_\_\_\_ Effective Date \_\_\_\_\_  
 Title \_\_\_\_\_

PEOPLE'S NATURAL GAS DIVISION OF  
NORTHERN NATURAL GAS COMPANY  
name of util.

Colo. PUC No. 1

Seventh Revised Sheet No. 19

Cancels Sixth Revised Sheet No. 19

Natural Gas (General Service Classification)	
General Gas Service (Rate Title or Number)	Company Rate Code
<u>AVAILABILITY</u>	J
Natural gas service under this schedule is available to the Fort Lewis College at its new location in the City of Durango, Colorado.	RATE
Gas service under this schedule is not available for resale or standby service.	
<u>RATES</u>	
Rate per month: First 500 MCF, per MCF per month	\$ .618
EXCESS MCF, per MCF per month	.568
<u>MINIMUM CHARGE</u>	
Per Month	\$25.00
<u>PAYMENT</u>	
The above rates are net and are due and payable within ten (10) days from presentation of bill.	
DO NOT WRITE IN THIS SPACE	

Advice Letter No. \_\_\_\_\_ Issue Date \_\_\_\_\_

Decision or \_\_\_\_\_ Signature of Issuing Officer \_\_\_\_\_

Authority No. \_\_\_\_\_ Vice President \_\_\_\_\_ Effective Date \_\_\_\_\_

Appendix A. Page 2 of 2

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE MATTER OF LILLY TRANSFER )  
AND MOVING CO., RESPONDENT, FILING )  
MOTOR FREIGHT TARIFF NO. 6, )  
INCREASING RATES AND CHARGES. )  
----- )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 872  
  
ORDER OF THE COMMISSION  
VACATING HEARING DATE,  
CLOSING DOCKET, AND ALLOWING  
TARIFF TO BECOME EFFECTIVE.

-----  
August 13, 1974  
-----

STATEMENT

BY THE COMMISSION:

On May 30, 1974, Lilly Transfer and Moving Co., Respondent, filed its Motor Freight Tariff No. 6, Colorado PUC No. 6, increasing rates and charges, to become effective July 1, 1974.

Review of the data submitted by the carrier in support of the tariff filing at time of filing indicated that the said filing may have been in violation of the Public Utilities Law.

The Commission by Decision No. 85287, dated June 25, 1974, ~~suspended~~ said tariff changes, assigned Investigation and Suspension Docket No. 872 to the matter and set same for hearing on August 16, 1974.

In response to letters dated June 12, 1974 and July 22, 1974, from the Commission's Staff, Respondent did supply further financial data plus certain other information relating to drivers hours, helper hours, and revenue hours worked.

FINDINGS OF FACT

1. That the supporting financial data now on file by Lilly Transfer and Moving Company does justify the increase in rates and charges as proposed in Respondent's Motor Tariff No. 6.
2. That notice of the increases was posted as required by Rule 19-G of the Commission's Rules of Practice and Procedure on May 24, 1974 and no protests were received.
3. That the cost increases are in effect and Lilly Transfer and Moving Company has shown an urgent and immediate need for rate relief.
4. That the proposed new tariff increases of Lilly Transfer and Moving Company are just and reasonable and in the public interest.
5. That it is in the public interest to permit the proposed rates to become effective forthwith, to vacate the hearing date of August 16, 1974, and to close Investigation and Suspension Docket No. 872.

CONCLUSIONS ON FINDINGS OF FACT

1. That the proposed new tariff providing for increases in rates for Lilly Transfer and Moving Company is lawful and in the public interest and should be permitted to become effective forthwith, without the necessity of any hearings thereon.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Lilly Transfer and Moving Company be, and hereby is, authorized to place into effect on August 14, 1974 its Motor Tariff No. 6, Colorado PUC No. 6.

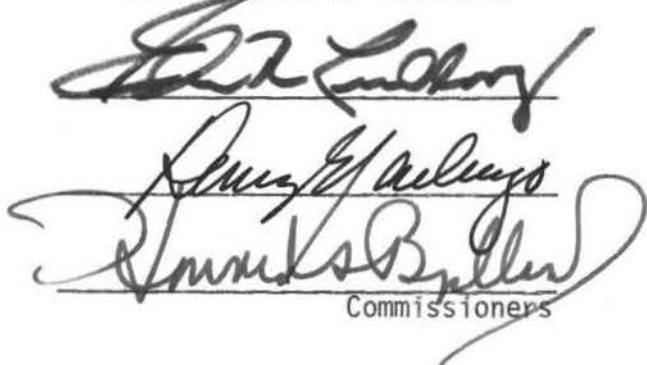
2. Investigation and Suspension Docket No. 872 be, and hereby is, closed.

3. The hearing date of August 16, 1974 in Investigation and Suspension Docket No. 872 be, and hereby is, vacated.

4. This Order shall become effective forthwith.

DONE IN OPEN MEETING this 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: THE MATTER OF MARTINEZ TRASH  
AND GARBAGE, TARIFF NO. 5,  
INCREASING RATES AND CHARGES.

INVESTIGATION AND SUSPENSION  
DOCKET NO. 877

ORDER OF THE COMMISSION  
VACATING HEARING DATE,  
CLOSING DOCKET, AND ALLOWING  
TARIFF TO BECOME EFFECTIVE.

-----  
August 13, 1974  
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STATEMENT

BY THE COMMISSION:

On June 14, 1974, Martinez Trash and Garbage, Respondent, filed its Motor Tariff No. 5, Colorado PUC No. 5, increasing rates and charges, to become effective July 20, 1974.

Review of the data submitted by the carrier in support of the tariff filing at time of filing indicated that the said filing may have been in violation of the Public Utilities Law.

The Commission by Decision No. 85402, dated July 16, 1974, suspended said tariff changes, assigned Investigation and Suspension Docket No. 877 to the matter and set same for hearing on September 20, 1974.

In response to letters dated July 5, 1974 and July 24, 1974, from the Commission's Staff, Respondent did supply further financial data plus certain other information relating to the low volume of business and the competitive situation in the Salida area.

FINDINGS OF FACT

1. That the supporting financial data now on file by Martinez Trash and Garbage does justify the increase in rates and charges as proposed in Respondent's Motor Tariff No. 5.
2. That notice of the increases was posted as required by Rule 19-G of the Commission's Rules of Practice and Procedure on June 12, 1974 and only one protest was received.
3. That the cost increases are in effect and Martinez Trash and Garbage has shown an urgent and immediate need for rate relief.
4. That the proposed new tariff increases of Martinez Trash and Garbage are just and reasonable and in the public interest.
5. That it is in the public interest to permit the proposed rates to become effective forthwith, to vacate the hearing date of September 20, 1974, and to close Investigation and Suspension Docket No. 877.

CONCLUSIONS ON FINDINGS OF FACT

1. That the proposed new tariff providing for increases in rates for Martinez Trash and Garbage is lawful and in the public interest and should be permitted to become effective forthwith, without the necessity of any hearings thereon.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Martinez Trash and Garbage be, and hereby is, authorized to place into effect on August 14, 1974 its Motor Tariff No. 5, Colorado PUC No. 5.

2. Investigation and Suspension Docket No. 877 be, and hereby is, closed.

3. The hearing date of September 20, 1974 in Investigation and Suspension Docket No. 877 be, and hereby is, vacated.

4. This Order shall become effective forthwith.

DONE IN OPEN MEETING this 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners



(Decision No. 85523)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PROPOSED )  
REVISION OF RULE 19 G OF THE )  
RULES OF PRACTICE AND PROCEDURE )  
BEFORE THE PUBLIC UTILITIES )  
COMMISSION OF THE STATE OF )  
COLORADO. )

CASE NO. 5409

SUPPLEMENTAL ORDER AND NOTICE

- - - - -  
August 13, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 29, 1974, by Decision No. 84447, the Commission entered its Order with respect to the proposed revision of Rule 19 G of the Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado. Said Decision set forth the proposed revision of Rule 19 G and set the same for hearing on March 11, 1974. Said Order further provided:

"Any person desiring to file objection, intervene in, or participate as a party in this proceeding, shall file his objection or petition for leave to intervene within fifteen (15) days after the date of this Order and Notice."

On February 26, 1974, by Decision No. 84585, the hearing set for March 11, 1974, was vacated and the matter was reset for May 22, 1974.

On May 3, 1974, the hearing set for May 22, 1974, was vacated and reset for hearing on Monday, June 3, 1974.

On May 31, 1974, the hearing set for June 3, 1974, was vacated with the said matter to be reset for hearing at a later date.

It has come to the Commission's attention that the following persons, firms or corporations may not have received a copy of the Order and Notice reopening Case No. 5409 contained in Decision No. 84447:

Atchison, Topeka and Santa Fe Railway Company  
Burlington Northern, Inc.  
Chicago, Rock Island and Pacific Railroad Company  
The Colorado & Southern Railway Company  
The Colorado & Wyoming Railway Company  
Denver & Rio Grande Western Railroad Company  
The Denver Union Terminal Railway Company  
The Great Western Railway Company  
The Manitou and Pikes Peak Railway Company  
Missouri Pacific Railroad Company  
Mt. Manitou Park and Incline Railway Company  
The Pueblo Union Depot and Railroad Company  
The Pullman Company  
The San Luis Central Railroad Company  
Southern San Luis Valley Railroad Company



Union Pacific Railroad Company  
Railway Express Agency, Incorporated  
Continental Pipe Line Company  
Fort Collins Producing Corporation  
Wyco Pipe Line Company  
Arapahoe Pipe Line Company

The Commission states and finds that the above-mentioned persons, firms or corporations may be affected by any action the Commission takes herein and should have a similar opportunity to file written objections or petitions for leave to intervene within fifteen (15) days after the date of this Order, as well as the opportunity to file suggestions, corrections and proposals with the Commission.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Secretary of the Commission is directed to send a copy of this Supplemental Order to the persons, firms or corporations listed above.

2. Any person, firm or corporation, listed above, desiring to file objection, intervene in, or participate as a party in this proceeding, shall file his objections or petition for leave to intervene within fifteen (15) days after the date of this Order and Notice.

3. The Commission will consider all suggestions, comments and proposals filed with the Commission, in writing, on or before September 13, 1974.

4. The Secretary of the Commission shall serve upon each of the persons, firms, or corporations listed above a copy of Decision No. 84447 dated January 29, 1974.

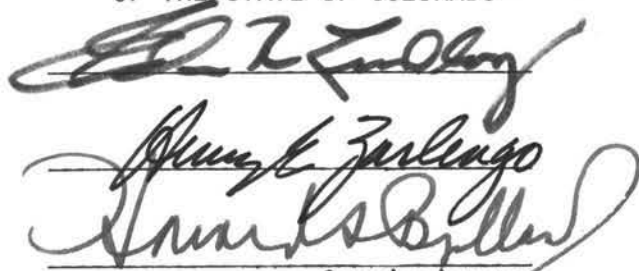
5. This Supplemental Order and Notice is issued pursuant to the authority contained in Sections 115-2-9 and 115-4-1, CRS 1963, as amended, and other pertinent provisions of the Public Utilities Law, and the Colorado Administrative Code 3-16-1 et seq., CRS 1963, as amended.

6. The hearing of the within matter shall be set at a later time.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners  
aau

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE STATE DEPARTMENT OF HIGHWAYS, )  
DIVISION OF HIGHWAYS - STATE OF )  
COLORADO, FOR THE AUTHORITY TO )  
INSTALL TRAIN-ACTUATED TRAFFIC )  
SIGNALS TO PROTECT THE PROPOSED NEW )  
GRADE CROSSINGS OF THE GREAT WESTERN )  
RAILWAY COMPANY'S TRACK APPROXIMATELY )  
1376 FEET NORTHEASTERLY FROM MILEPOST )  
24 ON STATE HIGHWAY NO. 34, NEAR )  
KELIM, WELD COUNTY, COLORADO. )

APPLICATION NO. 27585

- - - - -  
August 13, 1974  
- - - - -

PROCEDURE AND RECORD

BY THE COMMISSION:

On May 20, 1974, the Division of Highways of the State of Colorado, hereinafter sometimes referred to as Division, filed its application in accordance with the rules of this Commission seeking authority to install train-actuated traffic signals to protect the proposed grade crossing of the Great Western Railway Company, hereinafter sometimes referred to as Gt. W., near railroad milepost 24 on State Highway No. 34, near Kelim, Larimer County, Colorado.

Explanatory material submitted with the Application includes the following:

EXHIBIT A - General Location and Alignment Plan

EXHIBIT C - Traffic Signal Plan and Signal Phasing

Notice of Filing, together with a copy of the application, was given to all interested parties herein. Said notice was dated June 3, 1974. No protests, objections, petitions to intervene or other suggestions were received by the Commission within a period of thirty (30) days as designated in said notice. Application did not request a public hearing.

Received by the Commission on June 11, 1974, as a late filed exhibit is a fully executed copy of the Agreement between the Division and the Gt. W. pertaining to the construction, maintenance and payment therefor, of the grade crossing protection devices contemplated herein.

The Commission has determined this matter forthwith upon the record and files herein without a formal oral hearing or further notice.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. Notice of the proposed installation of train actuated traffic signal crossing protection has been given by the Commission to all interested parties, and no protest in the matter has been received.

2. With reference to the instant application, State Highway No. 34 is a major east-west highway extending from the Colorado-Nebraska state line westerly through Wray, Akron, Fort Morgan, Greeley, Loveland, Estes Park, terminating at a junction with State Highway 40 northwest of Granby. The crossing is located near Kelim, Larimer County, Colorado, just to the east of Interstate 25. The Division is reconstructing a portion of State Highway 34 beginning immediately east of Interstate 25 and extending easterly along and adjacent to the present two-lane highway, to the Weld County line. This proposed construction will provide a four-lane divided facility consisting of two 12 foot travel lanes each direction with four feet inside and 10 feet outside paved shoulders, crossing the Gt. W. track at approximately milepost 24.

3. The purpose of this application is to secure Commission approval for the construction, installation, operation and maintenance of the proposed four-lane divided facility and for train actuated standard traffic signals and railroad engineer signals. The Division also proposes to install advance warning flashing yellow beacon signs along both sides and on both roadways.

4. Crossing protection at the existing two-lane roadway consists of standard crossbuck signals. The Division proposes to eliminate the existing crossing and protection by the construction of the proposed facility.

5. The estimated average daily vehicular traffic (ADT) on State Highway No. 34 at the instant crossing is 6,300 with a maximum vehicular speed of 55 miles per hour (M.P.H.). The Division anticipates that by 1944 the ADT will increase to 11,250. The Gt. W. operates two scheduled trains daily over the crossing with a maximum train speed of 25 M.P.H.

6. The Gt. W. track crosses the highway at approximately 24° angle. Sight distances are restricted to 1,200 feet in the northeast quadrant, 2,600 feet in the northwest quadrant, 1,600 feet in the southwest quadrant and 1,800 feet in the southeast quadrant.

7. An agreement pertaining to the work to be done and payment therefor, between the Division and the Gt. W. has been received as a late filed exhibit herein. The work to be done will be paid for in accordance with the appropriate rules and regulations of the federal government and is covered by said agreement. Said agreement provides that the Gt. W. will be reimbursed for all expenses it incurs incidental to the changes and modifications in their facility required by this construction. Preliminary estimate of total cost of railroad related materials, labor and engineering is \$39,355.35. Maintenance, repair, and operation of the grade crossing track actuating circuitry and railroad engineer signals shall be and remain the responsibility of the Gt. W.

8. The proposed signal installation is similar to other existing installations in Colorado at grade crossings and was the result of efforts of the Railway-Highway Grade Crossing Diagnostic Team for Colorado organized February 1, 1968, in conjunction with the United States Department of Transportation. Signal phasing at the proposed installation will show a continuing green to vehicular traffic and a continuing red on the railroad engineer signal until the approach of a train from either direction. As the train approaches and activates the signals, a 5 second yellow clearance interval and a 3 second red clearance interval will be provided for highway traffic prior to the train entering the crossing. The highway traffic signals will remain red until the train has cleared the crossing. The railroad engineer signal will show red until the traffic signal is in the red phase.

In accordance with the standard railroad practices, operation of the train will be regulated by the track-side engineer signal. Movement over the crossing is to be made only on a green indication from the engineer signal. Should there be a power failure and circuit malfunction and no green indication appears on the engineer signal, then no train movement may be made unless under the flagging control or personal direction of a crew member.

9. The public safety, convenience and necessity requires, and will be served, by the construction of the new highway and automatic crossing protection devices as proposed herein.

#### CONCLUSIONS ON FINDINGS OF FACT

1. As provided by 115-4-6 (2)(a), CRS 1963, as amended, the Commission has jurisdiction in the instant matter.

2. Notice of the proposed construction and installation of the highway-railway grade crossing and protection has been given by the Commission, pursuant to and in accordance with 115-6-8 (2), CRS 1963, as amended, and no protests, objections, petitions to intervene, or other suggestions in the matter have been received.

3. As provided by 115-6-9 (5), CRS 1963, as amended, and Rule 17 of the Commission's Rules of Practice and Procedure, the Commission may determine this matter without a formal oral hearing or further notice.

4. The authority as sought in the instant application should be granted and an appropriate order will be entered.

#### ORDER

##### THE COMMISSION ORDERS THAT:

1. Authority and approval be, and hereby is, granted to the Division of Highways, State of Colorado, for construction of a new four-lane divided highway facility across the Gt. W. track near railroad milepost 24 near Kelim, County of Larimer, State of Colorado, and for the installation, operation, and maintenance of train actuated standard traffic signals, advance warning flashing yellow beacons, railroad engineer signals to replace the existing two-lane highway facility and obsolete crossing protection.

2. The work to be done, and payment therefor, shall all be performed and paid by the Division and the Gt. W. as set forth in the Agreement, plans, specifications, and exhibits, all as filed herein.

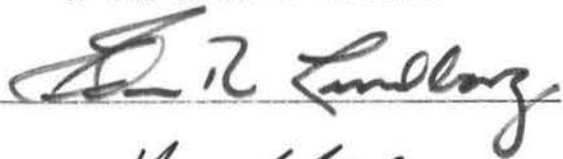

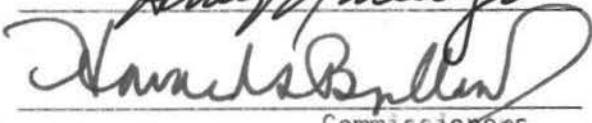
3. The maintenance and repair of the railroad signals and components at said grade crossing shall be and remain the responsibility of the Gt. W. That the maintenance and repair of the roadway approaches to said crossing, of the advance warning signs with flashing yellow beacons and the standard traffic signals lights shall be and remain the responsibility of the Division.

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.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

(Decision No. 85525)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
U.S. CARGO CORPORATION, CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO 3639, RESPONDENT. )

CASE NO. 5564

ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING

SUPPLEMENTAL ORDER

- - - - -  
August 13, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 2, 1974, the Commission entered Decision No. 85326, and on July 9, 1974, entered Decision No. 85365, all in the above-captioned matter.

In Appendix "B" to Decision No. 85326, the address of Applewood Park Townhouses is listed as "20th and York Court"; this should be corrected to read, "13029 W. 20th Avenue". In addition, the spelling of the name of the food store in Appendix "B" should be changed from "2575 Youngfield Court" to 2575 Youngfield Street".

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. In Appendix "B" to Decision No. 85326, the address of Applewood Park Townhouses be, and hereby is, corrected, nunc pro tunc, to read "13029 W. 20th Avenue".
2. In Appendix "B" to Decision No. 85326, the spelling of the food store name and address be, and hereby is, corrected nunc pro tunc, to read "U-Tote-M, 2575 Youngfield Street".

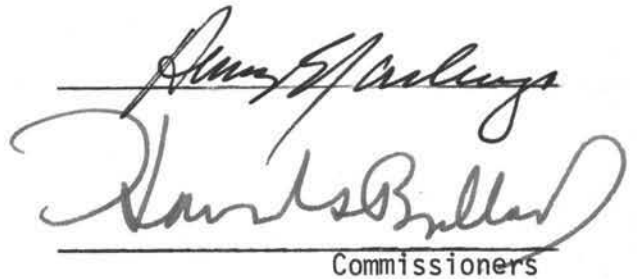



3. All other provisions of Decision No. 85326 and Decision No. 85365 shall remain in full force and effect.

This order shall become effective immediately.

DONE IN OPEN MEETING this 13th day of August, 1974

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "E. J. Conboy", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Harry F. Williams", written over a horizontal line.  
A handwritten signature in cursive script, appearing to read "Harold S. Butler", written over a horizontal line.  
Commissioners

vp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE DETERMINATION )	CASE NO. 5567
OF THE VALIDITY OF THE OPERATIONS )	
OF THE CERTIFICATE OF PUBLIC CON- )	ORDER TO SHOW CAUSE
VENIENCE AND NECESSITY OF EMPIRE )	AND
DISPATCH, INC., GREELEY, COLORADO. )	NOTICE OF HEARING

-----  
August 13, 1974  
-----

STATEMENT AND FINDINGS OF FACT  
BY THE COMMISSION:

On May 2, 1974, Recommended Decision No. 84964 of Hearing Examiner Robert L. Pyle was entered in Docket No. 27257-Transfer, denying the application for transfer of a Certificate of Public Convenience and Necessity owned and operated by Empire Dispatch, Inc., Transferor, to Contact-Denver, Inc., Transferee, pending a show cause proceeding for the purpose of determining the validity of the operations under the Certificate of Public Convenience and Necessity to clarify said Certificate particularly with regard to its area of service and to determine such other matters as might be deemed advisable. Said Certificate, issued pursuant to Commission Decision No. 61665 dated October 31, 1963, and No. 75032 dated June 2, 1970, authorized Transferor to furnish two-way domestic public land mobile radio service and one-way paging service within certain specified counties within Colorado.

On July 29, 1974, Empire Dispatch, Inc., Transferor, and Contact-Denver, Inc., Transferee, jointly filed exceptions to Recommended Decision No. 84964.

On August 6, 1974, by its Decision No. 85491, this Commission overruled and denied the said exceptions, adopted the Findings of Fact and Conclusions of Hearing Examiner Robert L. Pyle, and entered his Recommended Order in Recommended Decision No. 84964 as the Order of the Commission without any change or modification.

The Commission finds that substantial questions exist with respect to the validity of operations and, additionally, the lawfulness of service under the aforesaid Certificate of Public Convenience and Necessity owned and operated by Empire Dispatch, Inc., hereinafter also referred to as Respondent. Accordingly, the Commission concludes that sufficient cause exists to hold a hearing to determine the facts of the matter, to hear such arguments as may be material, and to order the Respondent to show cause why said Certificate of Public Convenience and Necessity owned and operated by it should not be clarified or amended.

An appropriate Order will be entered.

O R D E R  
THE COMMISSION ORDERS THAT:

1. The matter be, and hereby is, set for hearing as follows:



DATE: Thursday, September 26, 1974

TIME: 10:00 o'clock A.M.

PLACE: Hearing Room  
500 Columbine Building  
1845 Sherman Street  
Denver, Colorado

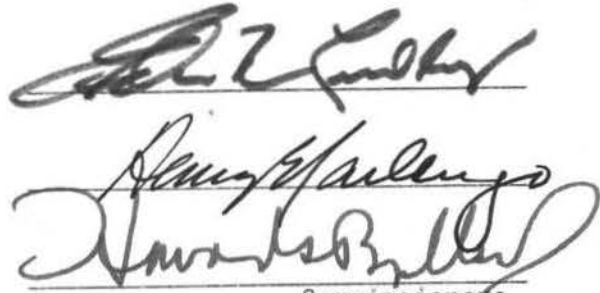
at which time and place Respondent, Empire Dispatch, Inc., shall appear to show cause why the Certificate of Public Convenience and Necessity owned and operated by it, issued pursuant to this Commission's Decision No. 61665 dated October 31, 1963, and No. 75032 dated June 2, 1970, should not be clarified or amended.

2. Any person who may be interested in or affected by these proceedings and desires to become a party hereto shall file a protest, a petition to intervene, or other appropriate pleading, not less than ten (10) days prior to the date of the hearing hereinabove set.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

hw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27454-Extension
BILL'S RUBBISH REMOVAL, INC., 6530 )	
BRENTWOOD STREET, ARVADA, COLORADO, )	ORDER OF ROBERT E. TEMMER,
FOR AUTHORITY TO EXTEND OPERATIONS )	EXAMINER, CONTINUING HEARING
UNDER PUC 4808. )	AND SETTING ADDITIONAL HEARING
	DATES

- - - - -  
August 14, 1974  
- - - - -

Appearances: George M. Graber, Esq.,  
Arvada, Colorado, and  
George Moore Graber, Esq.,  
Arvada, Colorado, for  
Applicant;  
William Andrew Wilson, Esq.,  
Denver, Colorado, and  
Robert G. Shepherd, Jr., Esq.,  
Denver, Colorado, for  
Protestants Disposal Systems  
Corporation and United States  
Disposal Systems, Inc.;  
Susan E. Ayer, Esq., Denver,  
Colorado, for Protestant  
Arvada Rubbish Removal Company.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

The hearing on the above-entitled application was commenced, pursuant to notice, on August 9, 1974. There was not enough time on August 9, 1974, to conclude the hearing on the above-captioned matter, and all of the parties, by their attorneys, requested that additional hearing dates be set. All parties, by their attorneys, agreed that the dates of September 24 and 25, 1974, would be convenient dates for concluding the hearing on the above-captioned matter.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 27454-Extension be, and hereby is, set for further hearing in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, September 24, 1974, commencing at 9 a.m., and the additional day of Wednesday, September

25, 1974, commencing at 9 a.m., will be reserved on the Commission's calendar for additional hearing if the matter cannot be concluded on September 24, 1974.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27504-PP
HENRY LINDEMANN AND DOROTHY C.	)	
LINDEMANN, DOING BUSINESS AS "H & L	)	RECOMMENDED DECISION OF
RUBBISH REMOVAL," 4320 SOUTH HURON,	)	THOMAS M. McCAFFREY,
ENGLEWOOD, COLORADO, FOR A CLASS B	)	EXAMINER
PERMIT TO OPERATE AS A CONTRACT	)	
CARRIER BY MOTOR VEHICLE FOR HIRE.	)	DENYING APPLICATION

- - - - -  
August 14, 1974  
- - - - -

Appearances: Eric Pierson, Esq.,  
Denver, Colorado,  
for Applicant;  
Robert G. Shepherd, Jr., Esq.,  
of William Andrew Wilson,  
P.C., Denver, Colorado, for  
A-Aurora Removal Service,  
Inc.; Aurora Trash, Inc.;  
and Colorado Disposal, Inc.,  
Protestants.

PROCEDURE AND RECORD

On April 4, 1974, Applicant filed the above-titled 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 Docket No. 27504-PP to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

The protests of A-Aurora Removal Service, Inc.; Aurora Trash, Inc.; and Colorado Disposal, Inc., were filed on April 26, 1974.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, June 11, 1974, at 10 a.m. This hearing was subsequently vacated and reset at the aforesaid place on Thursday, July 11, 1974, which hearing was also subsequently vacated and the matter reset at the said place on Tuesday, August 6, 1974, at 10 a.m. The hearing was held at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

As a preliminary matter, Protestant Colorado Disposal, Inc., moved to continue the hearing because of the unavailability of its operating witness due to a fatal vehicle-pedestrian accident involving one of its trucks the preceding day. Said Motion to Continue was denied, and the parties stipulated as to the testimony that would have been offered by Colorado Disposal's operating witness.

Exhibits 1 and 3 through 11, inclusive, were offered and admitted into evidence. Exhibit 2 was so marked but not offered.

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

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey 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 Henry and Dorothy C. Lindemann are individuals doing business as "H & L Rubbish Removal," 4320 South Huron Street, Englewood, Colorado.

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 the Applicants, Protestants, and subject matter of this proceeding.

3. Applicants presently hold common carrier authority from this Commission under Certificate of Public Convenience and Necessity PUC No. 3742, of which authority the Examiner on his own motion hereby takes official notice and which provides as follows:

"Transportation of

Ash, trash, and other refuse

- (1) From points located within the City and County of Denver, as the boundaries of said City and County were constituted and existed on April 15, 1957;
- (2) From points located within that portion of the City and County of Denver, as the boundaries of said City and County were constituted and existed on November 21, 1973, in an area bounded on the east by Dayton Street, as extended; on the south by Quincy Avenue; on the west by Colorado Boulevard; and on the north by Evans Avenue.

To such locations where the same may be lawfully delivered or disposed of."

4. Protestants A-Aurora Removal Service, Inc.; and Aurora Trash, Inc., hold the following respective authorities from this Commission: Certificate of Public Convenience and Necessity PUC No. 1996 and PUC No. 2271, both of which Certificates authorize service to the customer Applicant proposes to serve in this application.

Protestant Colorado Disposal, Inc., holds several common carrier authorities from this Commission, which include the authorization to serve the proposed customer in this contract carrier application.

5. By this application, Applicants seek a Class "B" Permit so as to authorize the following:

"Transportation of

Ash, trash, and refuse

From 10700 East Dartmouth Avenue, Fairways Apartment Complex

to such locations where the same may be lawfully delivered or disposed of.

RESTRICTED:

To rendering service for one customer, Cooper Investments, only."

The requested authority does not overlap or duplicate the authority presently held by Applicants.

6. Applicants are presently rendering service under their common carrier authority to locations owned and operated by Cooper Investments in the 3600 block of South Tamarac in Denver. Applicants operate their existing common carrier authority on a part-time basis, since Mr. Henry Lindemann is employed fulltime by General Iron Works. Applicants have rendered service to the proposed customer in this application for approximately one year, and such service has obviously been prompt and efficient. Because of the high quality of Applicants' service, Cooper Investments, by and through Bradford Bennett, Vice President of Property Management and Finance, requested Applicants' services at the recently completed apartment complex at 10700 East Dartmouth, which location Applicants are not authorized to serve under their present common carrier authority.

7. Blue Barrel Disposal, which is not a party to this proceeding, is presently rendering trash removal services at the location Applicants propose to serve. There is no evidence in this proceeding to indicate that the present carrier's services are inadequate, nor is there any evidence to indicate that the proposed customer has ever requested service from any other carrier, except Protestant Colorado Disposal, Inc., for the Dartmouth location. The Cooper Investments firm has utilized the services of Protestant Colorado Disposal, Inc., at its Tamarac Street facilities, as well as for removal of construction debris at the Dartmouth location, and has found this carrier's services unsatisfactory. As indicated above, Applicants have unquestionably rendered very satisfactory service to Cooper Investments, and it is because of this customer's familiarity with Applicants' services that it supports the instant application. Cooper Investments would receive no special benefit from Applicants' services, and there is no evidence to indicate that this proposed customer has any present or future special need for trash removal that cannot be met by existing common carriers, including Protestants A-Aurora Removal Service, Inc., and Aurora Trash, Inc. Certainly there is no evidence to show that the presently authorized common carriers cannot render prompt, efficient service to Cooper Investments at this firm's East Dartmouth location. No coordination between trash removal at Cooper Investments' Tamarac and East Dartmouth locations is



necessary, and there would be no special benefit to the proposed customer or to the Applicants in the billing procedures. Possible convenience to a single customer in perhaps having more personalized service, when there are existing common carriers capable of rendering adequate service, is insufficient to authorize the granting of a contract carrier permit.

It is thus hereby found as fact that Applicants have failed to show that the existing common carrier service is inadequate, that the service they propose to render is, in fact, true contract carriage, or that a present or future private or personal need exists for the proposed service. The granting of this application would thus not be in the public interest, and this application should be denied.

8. If this application were granted, Applicants have sufficient equipment, experience, and net worth for the operation of the proposed authority, and Applicants are sufficiently familiar with and would abide by the rules and regulations of this Commission.

#### CONCLUSIONS ON FINDINGS OF FACT

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


1. Application No. 27504-PP should be denied.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. Application No. 27504-PP, being the application of Henry Lindemann and Dorothy C. Lindemann, doing business as "H & L Rubbish Removal," 4320 South Huron Street, Englewood, Colorado, 80110, for a Class "B" permit to operate as a contract carrier by motor vehicle, be, and hereby is, denied.
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

  
Examiner  
rw/jp



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF PLATTE RIVER POWER AUTHORITY,	)	
3030 SOUTH COLLEGE AVENUE, FORT	)	APPLICATION NO. 27557
COLLINS, COLORADO 80521, FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	RECOMMENDED DECISION OF
AND NECESSITY TO SUPPLY THE WHOLE-	)	ROBERT L. PYLE, EXAMINER
SALE ELECTRIC POWER AND ENERGY	)	
REQUIREMENTS OF THE COLORADO MUNI-	)	GRANTING APPLICATION
CIPALITIES OF FORT COLLINS,	)	
LOVELAND, LONGMONT AND ESTES PARK.	)	

-----  
August 14, 1974  
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Appearances: Raphael J. Moses, Esq.,  
Boulder, Colorado, and  
John Wittemyer, Esq.,  
Boulder, Colorado,  
for Applicant;  
Oscar Goldberg, Esq., Denver,  
Colorado, for the Commission.

PROCEDURE AND RECORD

On May 10, 1974, Platte River Power Authority (hereinafter called Platte River), filed with the Commission the above-entitled application for an order authorizing Platte River to supply the whole-sale power and energy requirements of the Colorado municipalities of Fort Collins, Loveland, Longmont, and Estes Park (hereinafter sometimes referred to as the "Municipalities").

On May 22, 1974, Platte River filed a motion requesting that the 30-day statutory requirement regarding security applications be waived as to Application No. 27558-Securities for the reason that this matter should be heard and determined in conjunction with Platte River's Application Nos. 27557 and 27559, which are related matters. The motion of Platte River was granted by the Commission by Order entered June 4, 1974.

Applications Nos. 27557, 27558-Securities, and 27559 were consolidated for hearing and the matter was set for hearing after due and proper notice on July 15, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and, at such time and place, was heard by Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

No protests were filed with regard to the application.

In support of the application, the following witnesses testified on behalf of Platte River:

Albert J. Hamilton, General Manager  
Don R. Storeim, Director of Finance  
William J. Slimak, Director of Engineering

All of said witnesses testified in support of the granting of the application. Jim Ohi, who is a Senior Planner with the Planning Section of the Division of Local Affairs of the State of Colorado, testified as an individual not representing an official position of the Division of Local Affairs. He urged the postponement of a decision with respect to Application No. 27559 until completion and finalization of the environmental impact analysis and statement for an Ault, Colorado, to Fort Collins, Colorado, transmission line being proposed by Tri-State Generation and Transmission Association, Inc.

Platte River offered 19 Exhibits, all of which were admitted into evidence as Exhibits A through S, inclusive, as follows:

- Exhibit No. A - Restated Articles of Incorporation of Platte River
- Exhibit No. B - Letter from United States Bureau of Reclamation
- Exhibit No. C - Power Supply Contract between Platte River and the United States Bureau of Reclamation
- Exhibit No. D - Contract For Electric Service between Platte River and the City of Fort Collins
- Exhibit No. E - Contract For Electric Service between Platte River and the City of Longmont
- Exhibit No. F - Contract For Electric Service between Platte River and the City of Loveland
- Exhibit No. G - Contract For Electric Service between Platte River and the Town of Estes Park
- Exhibit No. H - Agreement for Purchase of Electric Capacity and Energy and Transmission Service and Related Matters between Platte River and Tri-State Generation and Transmission Association, Inc.
- Exhibit No. I - Study of Revenue Requirements
- Exhibit No. J - Platte River Financial Statements as of 12/31/73
- Exhibit No. K - Platte River Financial Statements as of 6/30/74
- Exhibit No. L - Platte River \$4,000,000 Loan Agreement
- Exhibit No. M - Statement of Bond Counsel
- Exhibit No. N - Loads and Resources Charts
- Exhibit No. O - Transmission Facilities One Line Diagram
- Exhibit No. P - Transmission Line Purchase and Use Agreement between Platte River and the City of Fort Collins
- Exhibit No. Q - Transmission Facilities Power Flow Diagrams
- Exhibit No. R - Decision No. 85132 of the Commission
- Exhibit No. S - Tariff Filing (Colo. PUC No. 1) of Platte River

Pursuant to the provisions of 115-6-9(2), CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a 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, Platte River Power Authority, is a non-profit corporation organized and existing under and by virtue of the laws of the State of Colorado. It is a public utility as defined in 115-1-3, CRS 1963, as amended, and it is subject to the jurisdiction of this Commission. It is engaged in the purchase of electric power and energy from the United States Bureau of Reclamation, and the transmission of that power and energy for sale at wholesale to four municipalities for resale within the State of Colorado, as follows:

City of Fort Collins;  
City of Loveland;  
City of Longmont;  
Town of Estes Park.

Certified copies of its Restated Articles of Incorporation and all amendments thereto are on file with this Commission.

2. The Commission has jurisdiction over Platte River, and also over the subject matter of this application.

3. Platte River was created by the four Municipalities listed above, as their agency and instrumentality, to construct, reconstruct, improve and rehabilitate, repair, operate, and maintain generating plants and transmission systems for the purpose of delivering electrical power and energy generated thereby to said municipalities.

4. The United States Bureau of Reclamation (the "Bureau") has historically supplied the wholesale electric power and energy requirements of the Municipalities but will be unable to supply additional electric power and energy to meet load increases after 1977 (Exhibit B). The electric power and energy available to the Municipalities from the Bureau is sold to Platte River by the Bureau (Exhibit C) and resold by Platte River to the Municipalities (Exhibits D, E, F, and G).

5. To meet the increasing power and energy requirements of the Municipalities, Platte River is participating in the Yampa Project which comprises the construction, operation, and maintenance of an electric generating station to be located near Craig, Colorado, together with related transmission and transformation facilities. The Yampa Project and Platte River's participation in that project has been heretofore certificated by this Commission by Decision No. 85132 (Exhibit R).

6. Applicant seeks only the right to supply the wholesale requirements of the Municipalities and does not seek a territory or service area, except to the extent the territory or service area of the Municipalities shall be deemed by the Commission to be the territory or service area of Applicant. The Municipalities served by Applicant and the general service area of each are as follows:

<u>NAME</u>	<u>GENERAL AREA OF SERVICE</u>
Fort Collins, Colorado	Areas included within the city limits of Fort Collins and adjacent areas, if any, served by the municipal electric utility, all in Larimer County, Colorado.

<u>NAME</u>	<u>GENERAL AREA OF SERVICE</u>
Loveland, Colorado	Areas included within the city limits of Loveland and adjacent areas, if any, served by the municipal electric utility, all in Larimer County, Colorado.
Longmont, Colorado	Areas included within the city limits of Longmont and adjacent areas, if any, served by the municipal electric utility, all in Boulder County, Colorado.
Estes Park, Colorado	Areas included within the town limits of Estes Park and adjacent areas, if any, served by the municipal electric utility, all in Larimer and Boulder Counties, Colorado.

7. Platte River, as an agency and instrumentality of the Municipalities, has contracted to sell to them for resale electric power and energy which it purchases or generates and transmits to the Municipalities on a non-profit basis. The Municipalities do not have available to them a more economical source of power and energy to meet their long-term power and energy requirements.

8. Other wholesale suppliers of electric power and energy which might supply the increasing requirements of the Municipalities do not have sufficient existing capacity to do so; consequently, no duplication of facilities will result from certification of Platte River to supply the wholesale requirements of the Municipalities. Public Service Company of Colorado and Tri-State Generation and Transmission Association, Inc., did not oppose this application of Platte River.

9. There is a need for Platte River to provide the wholesale electric power and energy requirements of the Municipalities; the evidence clearly shows that the customers of the Municipalities need additional electric power and energy. The evidence also shows that Platte River affords the Municipalities the best available alternative for obtaining their electric power and energy requirements. On these bases, and on the basis of the other findings of fact contained herein, it is found that the public convenience and necessity require and will require the certification of Platte River to supply the wholesale power requirements of the Municipalities for resale.

10. The terms and conditions of the contract between the Bureau and Platte River (Exhibit C), the Contracts for Electric Service between Platte River and the Municipalities (Exhibits D, E, F, and G), and the Contract between Platte River and Tri-State Generation and Transmission Association, Inc., are just and reasonable and in accordance with the public interest.

11. Platte River, by virtue of the revenues it receives from the sale of power and energy to the Municipalities for resale, is and will be financially and otherwise able to construct, operate, and maintain the facilities needed to supply the Municipalities and to meet its obligations to the Bureau and for the Yampa Project.

### CONCLUSIONS ON FINDINGS OF FACT

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

1. Public convenience and necessity require that Platte River be authorized to supply the wholesale electric power and energy requirements of the Municipalities and that the application for a certificate of public convenience and necessity be granted as set out herein.

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

### O R D E R

#### THE COMMISSION ORDERS THAT:

1. The Contracts between Applicant and the Municipalities of Fort Collins, Loveland, Longmont, and Estes Park, Exhibits D, E, F, and G herein, be, and the same hereby are, approved.

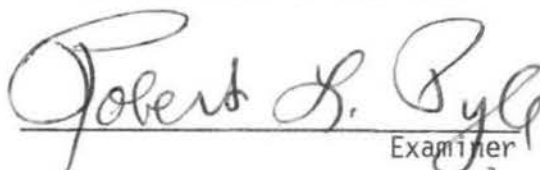
2. Applicant be, and it is hereby, authorized to supply the wholesale power requirements of the City of Fort Collins, the City of Loveland, the City of Longmont, and the Town of Estes Park.

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

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



Examiner  
nlr

jp



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF PLATTE RIVER POWER AUTHORITY, )	
3030 SOUTH COLLEGE AVENUE, FORT )	APPLICATION NO. 27558-Securities
COLLINS, COLORADO 80521, FOR AN )	
ORDER APPROVING, AUTHORIZING, )	RECOMMENDED DECISION OF
RATIFYING AND CONFIRMING THE )	ROBERT L. PYLE, EXAMINER
EXECUTION AND DELIVERY OF A LOAN )	
AGREEMENT DATED JULY 25, 1973, )	GRANTING APPLICATION
BETWEEN PLATTE RIVER POWER )	
AUTHORITY AND THE FIRST NATIONAL )	
BANK IN FORT COLLINS, COLORADO. )	

- - - - -  
August 14, 1974  
- - - - -

Appearances: Raphael J. Moses, Esq., Boulder,  
Colorado, and  
John Wittemyer, Esq., Boulder,  
Colorado, for Applicant;  
Oscar Goldberg, Esq., Denver,  
Colorado, for the Commission.

PROCEDURE AND RECORD

On May 10, 1974, Platte River Power Authority (hereinafter called Platte River), filed with the Commission the above-entitled application for an order authorizing, approving, and confirming the execution and continuance of a loan agreement dated July 25, 1973, between Platte River and the First National Bank in Fort Collins, Colorado.

On May 22, 1974, Platte River filed a motion requesting that the 30-day statutory requirement regarding security applications be waived as to Application No. 27558-Securities for the reason that this matter should be heard and determined in conjunction with Platte River's Application Nos. 27557 and 27559, which are related matters. The motion of Platte River was granted by the Commission by order entered June 4, 1974.

Application Nos. 27557, 27558-Securities, and 27559 were consolidated for hearing and the matter was set for hearing after due and proper notice on July 15, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and, at such time and place, was heard by Examiner Robert L. Pyle, to whom the matter had been assigned pursuant to law.

No protests were filed with regard to the application.

In support of the application the following witnesses testified on behalf of Platte River:

Albert J. Hamilton, General Manager  
Don R. Storeim, Director of Finance  
William J. Slimak, Director of Engineering

All of said witnesses testified in support of the granting of the application. Jim Ohi, who is a Senior Planner with the Planning Section of the Division of Local Affairs of the State of Colorado, testified as an individual not representing an official position of the Division of Local Affairs. He urged the postponement of a decision with respect to Application No. 27559 until completion and finalization of the environmental impact analysis and statement for an Ault, Colorado, to Fort Collins, Colorado, transmission line being proposed by Tri-State Generation and Transmission Association, Inc.

Platte River offered 19 Exhibits, all of which were admitted into evidence as Exhibits A through S, inclusive, as follows:

- Exhibit No. A - Restated Articles of Incorporation of Platte River
- Exhibit No. B - Letter from United States Bureau of Reclamation
- Exhibit No. C - Power Supply Contract between Platte River and the United States Bureau of Reclamation
- Exhibit No. D - Contract For Electric Service between Platte River and the City of Fort Collins
- Exhibit No. E - Contract For Electric Service between Platte River and the City of Longmont
- Exhibit No. F - Contract For Electric Service between Platte River and the City of Loveland
- Exhibit No. G - Contract For Electric Service between Platte River and the Town of Estes Park
- Exhibit No. H - Agreement for Purchase of Electric Capacity and Energy and Transmission Service and Related Matters between Platte River and Tri-State Generation and Transmission Association, Inc.
- Exhibit No. I - Study of Revenue Requirements
- Exhibit No. J - Platte River Financial Statements as of 12/31/73
- Exhibit No. K - Platte River Financial Statements as of 6/30/74
- Exhibit No. L - Platte River \$4,000,000 Loan Agreement
- Exhibit No. M - Statement of Bond Counsel
- Exhibit No. N - Loads and Resources Charts
- Exhibit No. O - Transmission Facilities One Line Diagram
- Exhibit No. P - Transmission Line Purchase and Use Agreement between Platte River and the City of Fort Collins
- Exhibit No. Q - Transmission Facilities Power Flow Diagrams
- Exhibit No. R - Decision No. 85132 of the Commission
- Exhibit No. S - Tariff Filing (Colo. P.U.C. No. 1) of Platte River

Pursuant to the provisions of Chapter 115, Article 6, CRS 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, Platte River Power Authority, is a non-profit corporation organized and existing under and by virtue of the laws of the State of Colorado. It is a public utility as defined in 115-1-3, CRS 1963, as amended, and it is subject to the jurisdiction of this



Commission. It is engaged in the purchase of electric power and energy from the United States Bureau of Reclamation, and the transmission of that power and energy for sale at wholesale to four entities for resale within the state of Colorado, as follows:

City of Fort Collins;  
City of Loveland;  
City of Longmont;  
Town of Estes Park.

Certified copies of its Restated Articles of Incorporation and all amendments thereto are on file with this Commission.

2. The Commission has jurisdiction over Platte River, and also over the subject matter of this application.

3. The Board of Directors of Platte River and the First National Bank in Fort Collins executed and entered into a Loan Agreement for \$4,000,000 on July 25, 1973, which Loan Agreement allows Platte River to borrow up to \$4,000,000 until September 1, 1975, with a right of prepayment without penalty, at 6 percent interest per annum unless such interest is determined to be subject to federal income tax, in which event the interest rate will be 10 percent per annum.

4. Platte River needs the loan funds sought to be approved in this application for the improvement of its electrical system, for the construction, completion, extension and improvement of its generating and transmitting properties, for the improvement and maintenance of its service and for other lawful purposes.

5. The financial position of Platte River and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

7. The July 25, 1973, Loan Agreement between Platte River and the First National Bank in Fort Collins, Colorado, (Exhibit L), and the promissory note issued pursuant thereto, should be authorized, approved, and confirmed.

8. Platte River waived the requirements of 115-1-4, CRS 1963, as amended, which requires that security applications be disposed of within thirty (30) days, to permit consolidation for hearing but requested that this application be disposed of as expeditiously as practicable and therefore the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the Recommended Decision of the Hearing Examiner be omitted and that this Decision should be the initial decision of the Commission.

#### CONCLUSION

It is the conclusion of the Commission that the authority sought in the instant application is in the public interest and should be granted.

An appropriate order will be entered.

#### ORDER

#### THE COMMISSION ORDERS THAT:

1. The execution of the Loan Agreement dated July 25, 1973, between Platte River Power Authority and the First National Bank in Fort Collins, Colorado (Exhibit L) be, and the same hereby is, authorized, approved, and confirmed.

2. The issuance by Platte River Power Authority of the Promissory Note to the First National Bank in Fort Collins, Colorado, in the amount of \$4,000,000, as provided for in said Loan Agreement (Exhibit L) be, and the same hereby is, authorized, approved, and confirmed.

3. Within one hundred twenty (120) days from the date of this Decision, Platte River shall file with the Commission one (1) conformed copy of the Promissory Note issued in connection with said Loan Agreement.

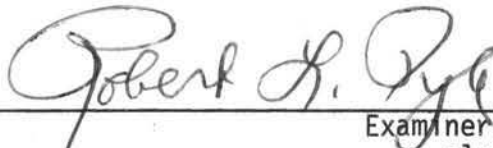
4. Nothing herein contained shall be construed to imply any recommendation or guarantee of or any obligation with regard to said securities on the part of the State of Colorado.

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

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  
nlr

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PLATTE RIVER POWER AUTHORITY, 3030	)	
SOUTH COLLEGE AVENUE, FORT COLLINS,	)	APPLICATION NO. 27559
COLORADO 80521, FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	RECOMMENDED DECISION OF
ACQUIRE, CONSTRUCT, OPERATE, AND	)	ROBERT L. PYLE, EXAMINER
MAINTAIN AN ELECTRIC TRANSMISSION	)	
LINE FROM AULT, COLORADO, TO LONGMONT,	)	GRANTING APPLICATION
COLORADO.	)	

- - - - -  
August 14, 1974  
- - - - -

Appearances: Raphael J. Moses, Esq., Boulder,  
Colorado, and  
John Wittemyer, Esq., Boulder,  
Colorado, for Applicant;  
Oscar Goldberg, Esq., Denver,  
Colorado, for the Commission;  
Jim Ohi, Denver, Colorado, for  
the Staff of the Division of  
Planning, Department of Local  
Government of the State of  
Colorado.

PROCEDURE AND RECORD

On May 10, 1974, Platte River Power Authority (hereinafter called Platte River), filed with the Commission the above-entitled application for an order authorizing Platte River to supply the wholesale power and energy requirements of the Colorado municipalities of Fort Collins, Loveland, Longmont, and Estes Park (hereinafter sometimes referred to as the "Municipalities").

On May 22, 1974, Platte River filed a motion requesting that the 30-day statutory requirement regarding security applications be waived as to Application No. 27558-Securities for the reason that this matter should be heard and determined in conjunction with Platte River's Application Nos. 27557 and 27559, which are related matters. The motion of Platte River was granted by the Commission by order entered June 4, 1974.

Application Nos. 27557, 27558-Securities, and 27559 were consolidated for hearing and the matter was set for hearing after due and proper notice on July 15, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and, at such time and place, was heard by Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

No protests were filed with regard to the application.

In support of the application the following witnesses testified on behalf of Platte River:

Albert J. Hamilton, General Manager  
Don R. Storeim, Director of Finance  
William J. Slimak, Director of Engineering

All of said witnesses testified in support of the granting of the application. Jim Ohi, who is a Senior Planner with the Planning Section of the Division of Local Affairs of the State of Colorado, testified as an individual not representing an official position of the Division of Local Affairs. He urged the postponement of a decision with respect to Application No. 27559 until completion and finalization of the environmental impact analysis and statement for an Ault, Colorado, to Fort Collins, Colorado, transmission line being proposed by Tri-State Generation and Transmission Association, Inc.

Platte River offered 19 Exhibits, all of which were admitted into evidence as Exhibits A through S, inclusive, as follows:

- Exhibit No. A - Restated Articles of Incorporation of Platte River
- Exhibit No. B - Letter from United States Bureau of Reclamation
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- Exhibit No. D - Contract For Electric Service between Platte River and the City of Fort Collins
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- Exhibit No. G - Contract For Electric Service between Platte River and the Town of Estes Park
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- Exhibit No. I - Study of Revenue Requirements
- Exhibit No. J - Platte River Financial Statements as of 12/31/73
- Exhibit No. K - Platte River Financial Statements as of 6/30/74
- Exhibit No. L - Platte River \$4,000,000 Loan Agreement
- Exhibit No. M - Statement of Bond Counsel
- Exhibit No. N - Loads and Resources Charts
- Exhibit No. O - Transmission Facilities One Line Diagram
- Exhibit No. P - Transmission Line Purchase and Use Agreement between Platte River and the City of Fort Collins
- Exhibit No. Q - Transmission Facilities Power Flow Diagrams
- Exhibit No. R - Decision No. 85132 of the Commission
- Exhibit No. S - Tariff Filing (Colo. P.U.C. No. 1) of Platte River

Pursuant to the provisions of Chapter 115, Article 6, CRS 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, Platte River Power Authority, is a non-profit corporation organized and existing under and by virtue of the laws of the State of Colorado. It is a public utility as defined in 115-1-3, CRS 1963, as amended, and it is subject to the jurisdiction of this Commission. It is engaged in the purchase of electric power and energy from the United States Bureau of Reclamation, and the transmission of that power and energy for sale at wholesale to four Municipalities for resale within the state of Colorado, as follows:

City of Fort Collins;  
City of Loveland;  
City of Longmont;  
Town of Estes Park.

Certified copies of its Restated Articles of Incorporation and all amendments thereto are on file with this Commission.

2. The Commission has jurisdiction over Platte River, and also over the subject matter of this application.

3. Platte River was created by the four Municipalities listed above, as their agency and instrumentality, to construct, reconstruct, improve and rehabilitate, repair, operate, and maintain generating plants and transmission systems for the purpose of delivering electrical power and energy generated thereby to said Municipalities.

4. The United States Bureau of Reclamation (the "Bureau") has historically supplied the wholesale electric power and energy requirements of the Municipalities but will be unable to supply additional electric power and energy to meet load increases after 1977 (Exhibit B). The electric power and energy available to the Municipalities from the Bureau is sold to Platte River by the Bureau (Exhibit C) and resold by Platte River to the Municipalities (Exhibits D, E, F, and G).

5. To meet the increasing power and energy requirements of the Municipalities, Platte River is participating in the Yampa Project which comprises the construction, operation, and maintenance of an electric generating station to be located near Craig, Colorado, together with related transmission and transformation facilities. The Yampa Project and Platte River's participation in that project has been heretofore certificated by this Commission by Decision No. 85132 (Exhibit R).

6. Applicant will receive electric power and energy to which it is entitled by virtue of its participation in the Yampa Project at the Ault, Colorado, terminus of the 345 Kv transmission line to be constructed, owned and operated by the United States Department of the Interior Bureau of Reclamation. It is anticipated that the first unit of the Yampa Project will be ready for test in November, 1977, and that Applicant will begin to receive deliveries of electric power and energy at Ault, Colorado, at that time.

7. Applicant proposes to construct a 230 Kv transmission line to connect the Ault, Colorado, delivery point with Longmont, Colorado, and with interconnections to Fort Collins, Colorado, and Loveland, Colorado, together with related transformation facilities, associated facilities and structures.



Applicant proposes to design and construct certain segments of the Ault-Longmont Transmission Line so as to permit joint use of those segments of that line by certain of its Municipal customers and other utilities, thereby minimizing environmental impact and achieving the economics of joint use.

8. A small joint use segment of the Ault-Longmont Transmission Line (about 0.8 miles) was heretofore constructed by the City of Fort Collins, Colorado, which needed transmission capability along that segment prior to the date of construction proposed by Applicant. Applicant subsequently purchased this joint use segment from Fort Collins on the terms and conditions contained in Exhibit H.

9. Applicant proposes to construct and own all remaining segments of the Ault-Longmont Transmission Line and to make the segments suitable to joint use available to its applicable municipal customers on similar terms and conditions to those relating to joint use by the City of Fort Collins and contained in Exhibit H, and also to make capacity in the line available to other utilities pursuant to transmission and exchange agreements to be negotiated and to be filed with the Commission when executed.

10. It is anticipated that construction of the Ault-Longmont Transmission Line will begin in 1974, and that the line will be completed and placed in service in 1978, so as to timely meet the in-service dates of the Yampa Project.

11. The Ault-Longmont Transmission Line is required to meet the increasing electric power and energy demands of the Municipalities, Applicant's customers.

12. Applicant has the ability to carry out the construction, operation, and maintenance of the facilities and equipment described herein. Applicant proposes to finance the facilities and equipment described herein through the issuance of revenue bonds and other debt financing for said purpose. Applicant will apply to the Commission for approval of the issuance of any securities which may be involved herein and which have a maturity date of more than 12 months after the date thereof.

13. Applicant has given extensive consideration to environmental factors in connection with the location and design of the Fort Collins-Longmont segment of the proposed Ault-Longmont Transmission Line, transformation facilities and related equipment. Specifically, while not required by law, numerous studies were undertaken and public hearings held which were the basis for an environmental analysis which was prepared for Applicant. On the basis of the foregoing, the proposed Ault-Longmont Transmission Line will meet all present federal and state environmental standards, and that the location, design, construction, and operation of said facility will comply with all applicable Federal and State laws and regulations.

14. The need for the aforesaid Ault-Longmont Transmission Line is based on long-range studies made for the purpose of determining the service requirements of the Municipalities served by Applicant, which studies show the load growth and the anticipated demands for increased delivery of power and energy to the Municipalities. The construction, operation, and maintenance of the aforesaid facility as proposed herein is in the public interest and required by the public convenience and necessity. The construction of these facilities will strengthen the transmission grid in the area and will enable Applicant to make a part of the capacity therein available to other utilities pursuant to agreements to be negotiated and to be filed with the Commission when executed. Negotiations are under way between Applicant and Public Service Company with reference to a Longmont-Fort St. Vrain tie.

### CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. Public convenience and necessity require that Platte River be authorized to construct the 230 Kv Ault-Longmont transmission lines for the purpose of supplying the wholesale electric power and energy requirements of the Municipalities and that the application for a certificate of public convenience and necessity be granted as set out herein.

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

### O R D E R

#### THE COMMISSION ORDERS THAT:

1. The public convenience and necessity require and will require the construction of a 230 Kv transmission line to connect the Ault, Colorado, delivery point with Longmont, Colorado, and with interconnections to Fort Collins, Colorado, and Loveland, Colorado, together with related transformation facilities, associated facilities, and structures and the same is hereby authorized.


2. The public convenience and necessity requires approval of the acquisition, operation, and maintenance by Applicant from the City of Fort Collins of the double-circuit transmission line from Station 300 to Drake Road, Fort Collins, including the foundations, towers, and 230 Kv facilities of such line, and the contract for the acquisition of such facilities by Applicant from the City of Fort Collins is hereby approved.

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

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

  
Examiner  
nlr  
jp



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT R. WEIR, LA VETA, COLORADO )  
FOR AUTHORITY TO TRANSFER ALL RIGHT, )  
TITLE, AND INTEREST IN AND TO CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY PUC NO. 1640 and 1640-I TO )  
ROBERT R. AND ELLIS R. WEIR, DOING )  
BUSINESS AS "WEIR TRUCKING SERVICE," )  
BOX 146, LA VETA, COLORADO. )

APPLICATION NO. 27671-Transfer

ORDER OF THE COMMISSION

- - - - -  
August 20, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1640 and 1640-I, as granted by Commission Decision No. 24885, dated August 28, 1945, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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 or them, kept and performed.

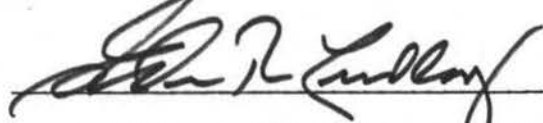
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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 filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

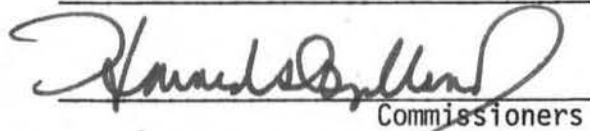
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "Harold S. Miller", written over a horizontal line.

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27602
BIJOU TELEPHONE CO-OP ASSOCIATION	)	
FOR THE ISSUANCE OF A CERTIFICATE	)	RECOMMENDED DECISION OF
OF PUBLIC CONVENIENCE AND NECESSITY.	)	THOMAS M. McCaffrey,
	)	EXAMINER
	)	
	)	GRANTING APPLICATION

- - - - -  
August 14, 1974  
- - - - -

Appearances: George L. Vamos, Esq., Denver,  
Colorado, for Applicant;  
Douglas Nutt, Esq., Overton,  
Dittemore & Nutt, Englewood,  
Colorado, for Deer Trail  
Telephone Co., Intervenor;  
L. K. Christolear, Denver,  
Colorado, of the Staff of the  
Commission.

PROCEDURE AND PRECORD

On May 28, 1974, Bijou Telephone Co-op Association, hereinafter referred to as Bijou or Applicant, filed its application with this Commission requesting the issuance of a certificate of public convenience and necessity granting to it authority to cover territory as specifically described in said application.

On July 19, 1974, Deer Trail Telephone Co. filed its Petition for Leave to Intervene, and the Commission, in Decision No. 85418, issued July 23, 1974, granted said Petition.

The Commission, having assigned Docket No. 27602 to the application, after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Friday, July 26, 1974, at 10 a.m. The hearing was held at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

As a preliminary matter, Applicant moved to amend Paragraphs 1 and 4 of the original application. The requested amendment, since it clearly restricted and diminished the area originally requested in the application, was granted by the Examiner.

Exhibits A through E were offered and admitted into evidence, and Applicant was ordered to file as late-filed Exhibit F a financial statement for the first six months ending June 30, 1974. Late-filed Exhibit F was duly received.

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

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey 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 Bijou Telephone Co-op Association is an incorporated Colorado cooperative association with principal offices located in Byers, Arapahoe County, Colorado. Applicant is a public utility subject to the jurisdiction of this Commission, and is engaged in the business of a telephone utility. A certified copy of Applicant's Articles of Incorporation is on file with the Commission.

2. Intervenor Deer Trail Telephone Co. is a Colorado corporation engaged in the business of a telephone utility serving a portion of the area Applicant seeks to certificate in this proceeding.

3. By this application, as amended, Applicant Bijou requests a Certificate of Public Convenience and Necessity to render telephone service in the area described in Exhibit "A," attached hereto and by reference, incorporated into this Recommended Decision.

4. Applicant is presently serving 434 customers located within the area described in Appendix "A". While Mountain Bell does provide toll service and has foreign exchange lines within the area, Applicant is the only one rendering phone service in this area. Intervenor Deer Trail Telephone Co. and Wiggins Telephone Association also have telephone lines within the described area at locations bordering the areas adjoining the respective service areas of these firms. Deer Trail Telephone Company is presently rendering service in the area east of the described area, Mountain Bell in the area southwest, Strasburg Telephone Co. to the west, and Wiggins Telephone Association to the north of the area for which Applicant seeks certification.

5. If this application is granted, Bijou will continue to render service to three customers located outside the requested area. These three customers are Kenneth Harpring, Emmett Linnebur, and Richard Price, designated as Nos. 130, 131, and 197, respectively, on Exhibit C herein. These subscribers are located within the area served by Deer Trail Telephone Co. and will continue to receive service both from Bijou and Deer Trail if this application is granted.

6. Applicant has been rendering service within the requested area for approximately 35 to 40 years. All service is dial service, and Bijou is presently changing to varied plant and one-party service, which changes are expected to be completed by December, 1974. Bijou has obtained a loan from R.E.A. in the amount of \$739,000 at an interest rate of 2 percent to make the necessary plant and service changes, which, at the time of hearing, were approximately 90 percent complete. Applicant does not anticipate that a rate increase will be necessary due to the upgrading in plant and service.

7. Bijou has sufficient net worth and equipment to render efficient service to customers and firms within the requested area, and it is hereby found as fact that the present and future public convenience and necessity requires, and will require, the granting of this application authorizing Bijou to render telephone service within the area described in Appendix "A," attached hereto.

8. Intervenor Deer Trail Telephone Co. has no objection to the granting of the requested authority, as amended, and no other person or firm appeared at the hearing or otherwise notified the Commission of any protest to the granting of this application.

9. The granting of this application 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 in this application, as amended, should be granted.

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

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. A Certificate of Public Convenience and Necessity be, and hereby is, granted to Bijou Telephone Co-op Association, to render telephone service within the area described in Appendix "A," attached to this Order, and by reference, incorporated into and made a part hereof, and this Order shall constitute and be the CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Bijou Telephone Co-op Association shall install, operate, and maintain its telephone system within the area described in Appendix "A" in accordance with its schedules of rates, classifications, and rules and regulations now on file with this Commission, or as the same may be changed, according to law and the rules and regulations of this Commission.

3. Applicant 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 Telephone Utilities as required by this 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

Thomas M. McElroy  
Examiner  
rw/hbp



Commencing at the Southeast corner of Section 33, Township 5 South, Range 60 West of the 6th P. M. , thence Northerly a distance of 8 miles more or less to the Southeast corner of Section 21, Township 4 South, Range 60 West of the 6th P. M. , thence Easterly a distance of 2 miles more or less to the Southwest corner of Section 24, Township 4 South, Range 60 West of the 6th P. M. , thence Northerly a distance of 1 mile more or less to the Northwest corner of Section 24, Township 4 South, Range 60 West of the 6th P. M. , thence Easterly a distance of 1 mile more or less to the Northeast corner of Section 24, Township 4 South, Range 60 West of the 6th P. M. , thence Northerly a distance of 2-1/2 miles more or less to the Northwest corner of the Southwest quarter of Section 6, Township 4 South, Range 59 West of the 6th P. M. , thence Easterly a distance of 1 mile more or less to the Southeast corner of the Northeast quarter of Section 6, Township 4 South, Range 59 West of the 6th P. M. , thence Northerly a distance of 2-1/2 miles more or less to the Northwest corner of Section 29, Township 3 South, Range 59 West of the 6th P. M. , thence Easterly a distance of 1 mile more or less to the Northeast corner of Section 29, Township 3 South Range 59 West of the 6th P. M. , thence Northerly a distance of 3-3/4 miles more or less to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 4, Township 3 South, Range 59 West of the 6th P. M. , thence Easterly a distance of 1/4 mile more or less to the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 4, thence Northerly a distance of 1/4 mile more or less to the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 4, thence Westerly a distance of 1/4 mile more or less to the Northwest corner of the Northwest quarter of the Northwest quarter of said Section 4, thence Northerly a distance of 4 miles more or less to the Southeast corner of Section 8, Township 2 South, Range 59 West of the 6th P. M. , thence Easterly a distance of 3 miles more or less to the Southeast corner of Section 11, Township 2 South, Range 59 West of the 6th P. M. , thence Northerly a distance of 3-1/2 miles more or less to the Southwest corner of the Northwest quarter of Section 25, Township 1 South, Range 59 West of the 6th P. M. , thence Easterly a distance of 1/2 mile more or less to the Southeast corner of the Northwest quarter of said Section 25, thence Northerly a distance of 1/2 mile more or less to the Northeast corner of the Northwest quarter of said Section 25, thence Westerly a distance of 1/2 mile more or less to the Northwest corner of the Northwest quarter of said Section 25, thence Northerly a distance of 3 miles more or less to the Northeast corner of Section 11, Township 1 South, Range 59 West of the 6th P. M. , thence Westerly a distance of 2 miles more or less to the Northwest corner of Section 10, Township 1 South, Range 59 West of the 6th P. M. , thence Southerly a distance of 2 miles more or less to the Southeast corner of Section 16, Township 1 South, Range 59 West of the 6th P. M. , thence Westerly a distance of 5 miles more or less to the Northwest corner of Section 23, Township 1 South, Range 60 West of the 6th P. M. , thence Southerly a distance of 1-1/2 miles more or less to the Southwest corner of the Northwest quarter of Section 26, Township 1 South, Range 60 West of the 6th P. M. , thence Westerly a distance of 6 miles



more or less to the Northwest corner of the Southwest quarter of Section 26, Township 1 South, Range 61 West of the 6th P. M. , thence Southerly a distance of 5-1/2 miles more or less to the Southeast corner of Section 22, Township 2 South, Range 61 West of the 6th P. M. , thence Westerly a distance of 4 miles more or less to the Northwest corner of Section 30, Township 2 South, Range 61 West of the 6th P. M. , thence Southerly a distance of 10 miles more or less to the Southwest corner of Section 7, Township 4 South, Range 61 West of the 6th P. M. , thence Westerly a distance of 1 mile more or less to the Southeast corner of Section 11, Township 4 South, Range 62 West of the 6th P. M. , thence Southerly a distance of 8-1/2 miles more or less to the Northwest corner of the Southwest quarter of Section 25, Township 5 South, Range 62 West of the 6th P. M. , thence Easterly a distance of 1/2 mile more or less to the Northeast corner of the Southwest quarter of said Section 25, thence Southerly a distance of 1/2 mile more or less to the Southeast corner of the Southwest quarter of said Section 25, thence Westerly a distance of 1/2 mile more or less to the Southwest corner of the Southwest quarter of said Section 25, thence Southerly a distance of 5 miles more or less to the Southeast corner of Section 23, Township 6 South, Range 62 West of the 6th P. M. , thence Easterly a distance of 4 miles more or less to the Southeast corner of Section 21, Township 6 South, Range 61 West of the 6th P. M. , thence Northerly a distance of 4 miles more or less to the Northeast corner of Section 4, Township 6 South, Range 61 West of the 6th P. M. , thence Easterly a distance of 6 miles more or less to the point of beginning.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
NICOLL INVESTMENT AND DEVELOPMENTS, )	APPLICATION NO. 27582-PP
LTD., 422 EAST VERMIJO, COLORADO )	
SPRINGS, COLORADO FOR AUTHORITY TO )	ORDER OF THE COMMISSION
OPERATE AS A CLASS "B" CONTRACT )	
CARRIER BY MOTOR VEHICLE. )	

- - - - -  
August 20, 1974  
- - - - -

Appearances: Kenneth R. Hoffman, Esq., Denver, Colorado  
Attorney for Applicant

IT APPEARING, That by Notice of the Commission dated June 3, 1974, 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-2355," 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 Nicoll Investment and Developments, Ltd., 422 East Vermijo, Colorado Springs, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto; that the class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-2355," and this Order shall be deemed to be, and be, a PERMIT therefor.

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

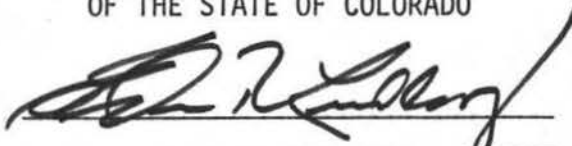
IT IS FURTHER ORDERED, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

IT IS FURTHER ORDERED, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

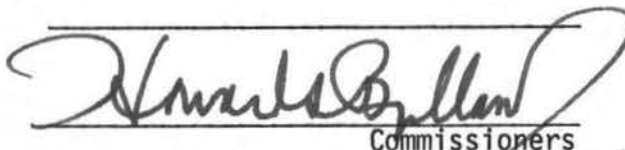
AND IT IS FURTHER ORDERED, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

Appendix  
Decision No. 85534  
August 20, 1974

Nicoll Investment and Developments, Ltd.

Transportation of

- (1) Packages, not exceeding fifty pounds in weight

From points within Colorado Springs, Colorado to Broadmoor, Manitou and other points within a radius of five miles of Colorado Springs;

- (2) Also the delivery of parcels or other goods sold at retail, without regard to weight

From point to point within the City of Colorado Springs, Colorado, and a radius of twenty-five (25) miles thereof.

RESTRICTION: Item (2) of this Permit is restricted to rendering transportation service for only the Colorado Springs stores of Hibbard & Company and Sears Roebuck & Company.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES S. MYK, DOING BUSINESS AS )  
"MYK RUBBISH REMOVAL," RFD #3, BOX )  
277 B, BRIGHTON, COLORADO FOR TEM- )  
PORARY AUTHORITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27707-TA

ORDER GRANTING TEMPORARY AUTHORITY

- - - - -  
August 20, 1974  
- - - - -

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

IT APPEARING, That on September 19, 1972, the Commission entered Decision No. 81315 which revoked Applicant's authority under Certificate of Public Convenience and Necessity PUC No. 3259 for failure to file a tariff as required by law and the rules and regulations of this Commission. Applicant herein advises the Commission that said failure to file required tariff was due to a misunderstanding and oversight, and that he had not received a copy of this Commission's Order revoking Certificate of Public Convenience and Necessity PUC No. 3259, as mail had been removed from his mailbox by persons unknown. He has continued to operate in good faith.

AND IT FURTHER 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.

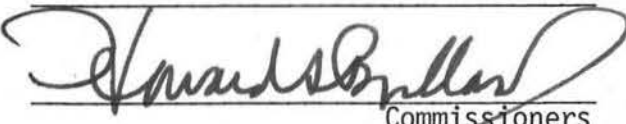
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85535  
August 20, 1974

Myk Rubbish Removal

Transportation of

Ash, trash, and other refuse

From all points located within the City and County of Denver, as the boundaries appeared on January 16, 1956, to such locations where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
B. L. KLUTTS, DOING BUSINESS AS )  
"KLUTTS CONSTRUCTION," 1474 NORTH )  
YAMPA, #55, CRAIG, COLORADO FOR )  
AUTHORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27686-PP  
ORDER OF THE COMMISSION

-----  
August 20, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

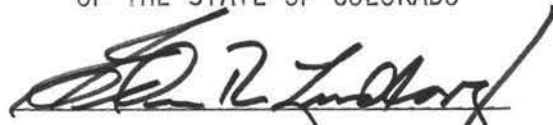
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners



Appendix  
Decision No. 85536  
August 20, 1974

Klutts Construction

Transportation of

Coal

Between points in the County of Moffat, State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for one customer only, Empire Energy Corporation.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN C. MILLER, DOING BUSINESS AS )  
"MILLER TRUCK LINE," ROUTE 2, BOX )  
155-D, BRIGHTON, COLORADO FOR AUTH- )  
ORITY TO TRANSFER A PORTION OF )  
CONTRACT CARRIER PERMIT NO. B-7864 )  
TO VAN AND FRITZ WERNER, DOING )  
BUSINESS AS "WERNER TRUCK LINE," )  
ROUTE 2, BOX 156-H, BRIGHTON, )  
COLORADO. )

APPLICATION NO. 27696-PP-Transfer Portion

ORDER OF THE COMMISSION

- - - - -  
August 20, 1974  
- - - - -

IT APPEARING, That by Notice of the Commission dated July 15, 1974, 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;

IT FURTHER APPEARING, That the herein matter is an application to transfer that portion of Contract Carrier Permit No. B-7864 which provides for the

Transportation of

Newspapers

Between Denver, Colorado, and Boulder, Colorado.

The splitting of authority is against Commission policy unless a proper showing is made that public interest would best be served by such transfer of a portion to another carrier.

AND IT IS FURTHER ORDERED, That the evidence thus submitted in the instant matter established that the public concerned with the need for transportation service in the area covered by the scope of operations to be transferred would be better served if the transfer were granted;

Wherefore, and good cause appearing therefor:

WE FIND, That the financial standing of the Transferee has been satisfactorily established and 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 John C. Miller, doing business as "Miller Truck Line," Route 2, Box 155-D, Brighton, Colorado, be, and hereby is, authorized to transfer that portion of Contract Carrier Permit No. B-7864 which provides for the following:

Transportation of

Newspapers

Between Denver, Colorado, and Boulder, Colorado

to Van and Fritz Werner, doing business as "Werner Truck Line," Route 2, Box 156-H, Brighton, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That henceforth the full and complete authority as herein transferred shall read and be as follows, to-wit:

Transportation of

Newspapers

Between Denver, Colorado, and Boulder, Colorado.

IT IS FURTHER ORDERED, That henceforth the full and completed authority remaining under Contract Carrier Permit No. B-7864 shall read and be as follows, to-wit:

Transportation of

(1) Newspapers

Between Denver and Ault and intermediate points on U. S. Highway No. 85.

(2) Bakery goods

From Denver to Greeley, provided, however, that under this section the schedule leaving Denver, shall not be later than 2 a.m.

IT IS FURTHER ORDERED, 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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.

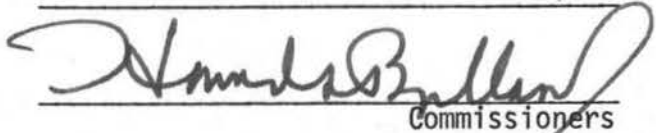
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CRS CONSTRUCTION, INC., 335 JUANITA )  
STREET, COLORADO SPRINGS, COLORADO )  
FOR AUTHORITY TO OPERATE AS A CLASS )  
"B" CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27691-PP  
ORDER OF THE COMMISSION

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August 20, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

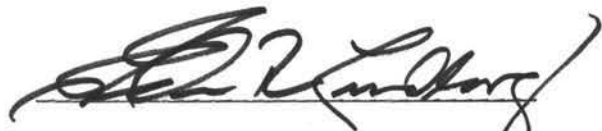
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

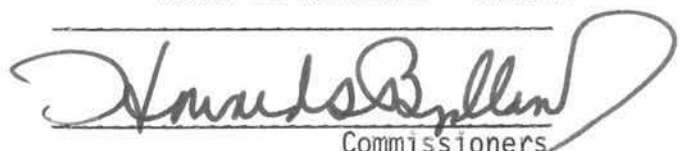
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85538  
August 20, 1974

CRS Construction, Inc.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and  
(b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

- (5) Refuse

From building construction sites, to such locations where same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. KENTON PAGE, DOING BUSINESS AS )  
"PAGE DELIVERY & INSTALLATION," 605 )  
SOUTH OAKLAND, AURORA, COLORADO FOR )  
AUTHORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27699-PP

ORDER OF THE COMMISSION

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August 20, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

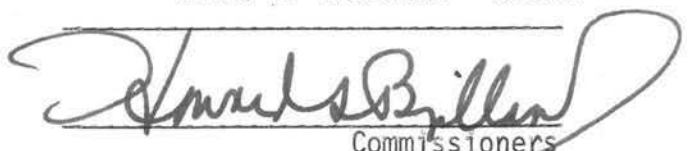
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners



Appendix  
Decision No. 85539  
August 20, 1974

Page Delivery & Installation

Transportation of

Merchandise

Between points located in the County of Mesa, State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for one customer only, Montgomery Ward and Company, Grand Junction, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAYMOND E. MARCOTTE AND DOUGLAS LENZ, )  
1930 FLORENCE STREET, AURORA, COLO- )  
RADO FOR AUTHORITY TO TRANSFER ALL )  
RIGHT, TITLE, AND INTEREST IN AND TO )  
CONTRACT CARRIER PERMIT NO. B-8044 TO )  
ROBERT L. O'CONNOR AND LARRY R. )  
PETERSON, DOING BUSINESS AS "JOHN'S )  
DELIVERY," 2301 WEST CORNELL STREET, )  
ENGLEWOOD, COLORADO. )

APPLICATION NO. 27701-PP-Transfer  
ORDER OF THE COMMISSION

-----  
August 20, 1974  
-----

Appearances: Eric Pierson, Esq., Denver, Colorado  
Attorney for Transferee

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-8044, as granted by Commission Decision No. 83869, dated October 13, 1973 subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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 filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

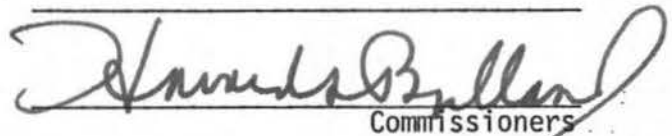
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ESTATE OF HENRY P. WILLIAMS, JR., )  
DOING BUSINESS AS "ROCK-N-PINES )  
STABLES," R. R. 2, BOX 274, GLENWOOD )  
SPRINGS, COLORADO FOR AUTHORITY TO )  
OPERATE AS A CLASS "B" CONTRACT CAR- )  
RIER BY MOTOR VEHICLE. )

APPLICATION NO. 27702-PP

ORDER OF THE COMMISSION

-----  
August 20, 1974  
-----

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

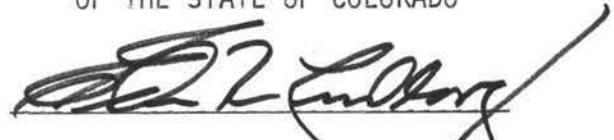
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85541  
August 20, 1974

Rock-N-Pines Stables

Transportation of

Horses

Between Rock-N-Pines Stables, Glenwood Springs, Colorado on the one hand, and points located within the State of Colorado, on the other hand.

RESTRICTION: This Permit is restricted to transporting only those horses being boarded at Rock-N-Pines Stables, Glenwood Springs, Colorado.

(Decision No. 85542)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARVIN S. AND WANDA S. BENTON, 587- )  
35 ROAD, CLIFTON, COLORADO FOR AUTH- )  
ORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27704-PP  
ORDER OF THE COMMISSION

- - - - -  
August 20, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

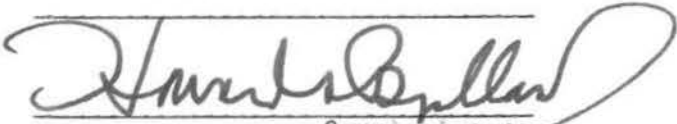
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85542  
August 20, 1974

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

- (5) Refuse

From building construction sites, to such locations where same may be lawfully delivered or disposed of.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

PUBLIC SERVICE COMPANY OF COLORADO,  
a Colorado corporation,

Complainant,

vs.

TRI-STATE GENERATION AND TRANSMISSION  
ASSOCIATION, INC., a corporation,

Respondent.

CASE NO. 5557

COMMISSION ORDER GRANTING APPLI-  
CATIONS FOR REHEARING, RECONSIDERATION  
OR REARGUMENT OF COMMISSION DECISION  
No. 85435.

August 13, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1974, Hearing Examiner Robert L. Pyle entered his Recommended Decision No. 85238 in the above-captioned matter.

On August 9, 1974, Tri-State Generation and Transmission Association, Inc., Respondent herein, filed with the Commission an Application for Rehearing, Reconsideration or Reargument of Decision No. 85435 dated July 23, 1974, denying Exceptions filed by Respondent on July 15, 1974, to said Recommended Decision No. 85238 dated June 24, 1974. On August 12, 1974, Intervenor, K. C. Electric Association filed with the Commission an Application for Rehearing, Reconsideration or Reargument of Decision No. 85435 dated July 23, 1974, denying its Exceptions filed July 15, 1974, to said Recommended Decision No. 85238 dated June 24, 1974.

The Commission states and finds that the Applications for Rehearing, Reconsideration, or Reargument of Commission Decision No. 85435 dated July 23, 1974, filed August 9, 1974, by Respondent, Tri-State Generation and Transmission Association, Inc., and August 12, 1974, by Intervenor, K. C. Electric Association, sets forth sufficient grounds for the granting thereof and that the Order following should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Application for Rehearing, Reconsideration, or Reargument of Commission Decision No. 85435 dated July 23, 1974, filed August 9, 1974, by Respondent, Tri-State Generation and Transmission Association, Inc., be, and hereby is, granted.

2. The Application for Rehearing, Reconsideration, or Reargument of Commission Decision No. 85435 dated July 23, 1974, filed August 12, 1974, by Intervenor, K. C. Electric Association, be, and hereby is, granted.

3. The within matter be, and the same hereby is, set for Rehearing, Reconsideration, and Reargument as follows:

TIME: 10:00 A.M.


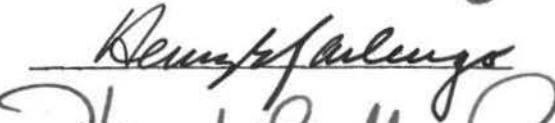

DATE: September 16, 1974

PLACE: Hearing Room  
Columbine Building  
1845 Sherman Street  
Denver, Colorado

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RESPONDENTS, OTHO WYKERT, MARVIN R. )  
WEBER, RAY G. WADLINGTON AND ROBERT )  
C. QUAM, DOING BUSINESS AS "Y-R BAR )  
TRUCKING," ROUTE 1, BOX 29, AULT, )  
COLORADO, UNDER CONTRACT CARRIER )  
PERMIT NO. B-8152. )

CASE NO. 5556

SUPPLEMENTAL ORDER

- - - - -  
August 20, 1974  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 27, 1974, Hearing Examiner Robert L. Pyle entered recommended Decision No. 85286 in the above entitled Case as provided by Section 115-6-9 (2); CRS 1963, as amended, which provided, inter alia:

"3. Respondent's authority with this Commission; namely, Contract Carrier Permit No. B-8152, be, and the same hereby is, revoked and canceled as of July 19, 1974; providing, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of \$7,526.66 to the Treasurer of the State of Colorado for the credit of the Public Utilities Commission Cash Account No. 11456 on or before July 19, 1974, and upon proof of same, the provision of this Order directing that Contract Carrier Permit No. B-8152 be revoked and canceled, shall be null and void and of no effect."

On July 17, 1974, Respondent herein by its attorney, filed with the Commission Exceptions to Recommended Decision of Robert L. Pyle, Examiner, being Decision No. 85286.

On July 23, 1974, upon reconsideration, the Commission entered Decision No. 85422, which provided as follows:

"1. The exceptions filed by Respondent as to the amount of the penalty are granted, and Decision No. 85286 be, and hereby is, adopted by the Commission as its decision as if the same were set forth herein in full with the sole exception that ordering paragraph 3 thereof be deleted and replaced by the following:

"3. Respondent's authority with this Commission, namely, Contract Carrier Permit No. B-8152, be, and the same hereby is revoked and canceled as of August 14, 1974; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of \$1,500.00 to the Treasurer of the State of Colorado for the credit of the Public Utilities Commission Cash Account No. 11456 on or before August 14, 1974, and upon proof of same, the provision of this Order directing that Contract Carrier Permit No. B-8152 be revoked and canceled shall be null and void and of no effect."

On August 13, 1974, the Respondent, Y-R Bar Trucking, by check, paid the Public Utilities Commission of the State of Colorado the sum of One Thousand Five Hundred Dollars (\$1,500) in accordance with the terms of the Alternative Penalty Provision of said Decision No. 85422.

The Commission states and finds that, inasmuch as the Respondent herein has elected and has paid the sum of One Thousand Five Hundred Dollars (\$1,500) on or before August 14, 1974, Contract Carrier Permit No. B-8152 should not be revoked and should remain in force and effect.

O R D E R

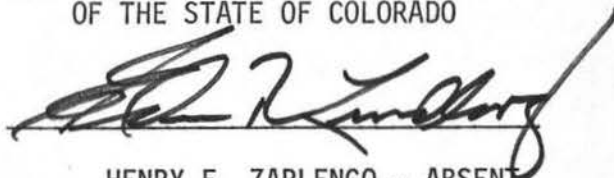
THE COMMISSION ORDERS:

That that portion of Decision No. 85286 dated June 27, 1974 and Decision No. 85422 dated July 23, 1974, providing for the revocation of Contract Carrier Permit No. B-8152 of the Respondent, Y-R Bar Trucking, be, and the same hereby are, set aside and held for naught, and that said operating rights should remain in full force and effect and be fully operative.

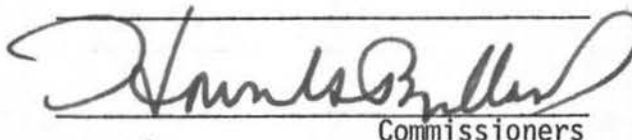
That, except as herein provided, said Decision No. 85286 and Decision No. 85422 shall remain in full force and effect.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLYDE O. AND JOHN C. WIEDERKEHR, )  
DOING BUSINESS AS "WIEDERKEHR AND )  
SON," DEL NORTE, COLORADO FOR AUTH- )  
ORITY TO TRANSFER ALL RIGHT, TITLE, )  
AND INTEREST IN AND TO CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 1451 AND 1451-I TO ABEYTA )  
TRUCKING COMPANY, SAGUACHE, COLORADO. )

APPLICATION NO. 27680-Transfer

ORDER OF THE COMMISSION

- - - - -  
August 20, 1974  
- - - - -

Appearances: Elizabeth A. Conour, Esq., Del Norte, Colorado  
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1451 and 1451-I, as granted by Commission Decision No. 80944, dated July 28, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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 filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

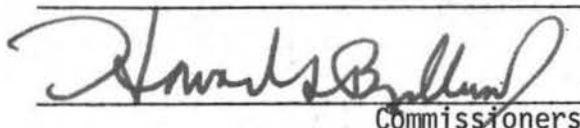
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF THE GUNNISON COUNTY ELECTRIC	)	
ASSOCIATION, INC., A COLORADO	)	APPLICATION NO. 27712
NON PROFIT CORPORATION, CRESTED	)	Securities
BUTTE, COLORADO, FOR AN ORDER	)	
AUTHORIZING THE ISSUANCE OF	)	ORDER OF THE COMMISSION
SECURITIES AND CREATING LIENS ON	)	GRANTING APPLICATION
ITS PROPERTIES, AND THE APPLICA-	)	
TION OF THE PROCEEDS THEREFROM	)	
FOR CERTAIN LAWFUL PURPOSES.	)	

-----  
August 20, 1974  
-----

Appearances: P. C. Klingsmith, Esq.,  
Gunnison, Colorado,  
for Applicant;  
James D. Grundy and  
Glenn L. Pierre,  
Denver, Colorado,  
of the Staff of the Commission

PROCEDURE AND RECORD

On July 22, 1974, The Gunnison County Electric Association, Inc., (hereinafter referred to as Gunnison County or Applicant), filed with the Commission the above entitled application for authority: (1) to execute an Amendment to Amending Loan Contract, dated April 19, 1974, amending the Loan Contract between Gunnison County and the United States of America, dated April 2, 1953; (2) to execute a Mortgage Note for \$325,000 to the United States of America bearing interest at the rate of five percent (5%) per annum and payable within thirty-five (35) years after the date thereof; (3) to execute a Loan Agreement covering advances of \$139,000, dated April 19, 1974, between Gunnison County and the National Rural Utilities Cooperative Finance Corporation; and (4) to execute a Secured Promissory Note made by Gunnison County to the National Rural Utilities Cooperative Finance Corporation in the amount of \$139,000 bearing interest at the rate of seven percent (7%) per annum and payable within thirty-five (35) years after the date thereof.

The matter was set for hearing, after due and proper notice to all interested parties, on August 6, 1974, at 9 a.m. in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and -- at such time and place -- was heard by Hearing Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

One protest was filed with regard to the application; no one appeared at the hearing in opposition to the granting of the authority sought therein.



Applicant's manager and office manager testified in support of the application.

As preliminary matters, Applicant's counsel requested and was granted permission by the Hearing Examiner to withdraw Exhibit "7" as originally filed and replace it with Replacement Exhibit "7" and to redesignate exhibit, "Summary of Long Term Debt REA" originally filed as Exhibit 12a to Exhibit 13a.

The affidavit of P. C. Klingsmith as to the publication of Notice of Hearing, pursuant to Rule 18 of the Commission, was admitted as Exhibit "14", and attached thereto was the affidavit of the publisher of The Gunnison Courier containing the Notice of the Hearing published in the edition of July 29, 1974. Additionally, Exhibits 1,2,3,4,5,6,7,8,9a,9b, 10a,10b,10c,10d,11a,11b,11c,12a,12b,13a,13b, and 13c were admitted into evidence.

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

#### FINDINGS OF FACT

Based on the evidence of record, it is found as fact that:

1. The Applicant is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963, as amended. It is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its consumers on its lines in the counties of Gunnison, Hinsdale, and Saguache, all in the State of Colorado.
2. The Applicant is a non profit corporation organized under the laws of the State of Colorado and its articles of incorporation and all amendments thereto, properly certified, are on file with this Commission.
3. The Commission has jurisdiction over the Applicant and the subject matter of this application.
4. The Applicant needs the loans sought to be approved in this application for the improvement of its electrical system; for the construction, completion, extension, and improvement of its properties; for improvement and maintenance of its service; and for other lawful purposes.
5. The Board of Directors of the Applicant, the Rural Electrification Administration, and the National Rural Utilities Cooperative Finance Corporation all have approved the herein two (2) loan applications totaling \$464,000, subject to the approval of this Commission.
6. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.
7. The Commission is fully advised in the premises.
8. The Amendment, dated April 19, 1974, to the Amending Loan Contract between Gunnison County and the United States of America dated as of April 2, 1953, as amended, should be authorized and approved.

9. The Applicant's Mortgage Note payable to the United States of America, in the amount of \$325,000 is not inconsistent with public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963, as amended, and, therefore, should be authorized and approved.

10. The Loan Agreement dated April 19, 1974, between Gunnison County and the National Rural Utilities Cooperative Finance Corporation providing for the advancement of loan funds in the amount of \$139,000 should be authorized and approved.

11. The Applicant's Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$139,000 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, as amended, and therefore, should be authorized and approved.

12. Since Chapter 115-1-4, Colorado Revised Statutes, 1963, as amended, requires that securities 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 Examiner be omitted and that this decision should be the initial decision of the Commission.

#### CONCLUSION

It is the conclusion of the Commission that the authority sought in the instant application is in the public interest and should be granted.

An appropriate order will be entered.

#### O R D E R

#### THE COMMISSION ORDERS:

1. That the execution of the Amendment, dated April 19, 1974, to Amending Loan Contract between Gunnison County and the United States of America, dated April 2, 1953, as amended (Exhibit "2"), be, and the same hereby is, authorized and approved.

2. That the issuance of the Mortgage Note to the United States of America, in the amount of \$325,000 (Exhibit 3), be, and the same hereby is, authorized and approved.

3. That the execution of the Loan Agreement between Gunnison County and the National Rural Utilities Cooperative Finance Corporation covering loan advances of \$139,000 (Exhibit "4"), be, and the same hereby is, authorized and approved.

4. That the issuance of the Secured Promissory Note, payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$139,000 (Exhibit 5), be, and the same hereby is, authorized and approved.

5. That within one hundred twenty (120) days of the execution of the four (4) loan instruments authorized herein, Gunnison County shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

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

7. 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 proper or desirable.

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

9. 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), Colorado Revised Statutes, 1963, as amended.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 85547)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM A. McNEILL, 698 ½ 7TH STREET, )  
BURLINGTON, COLORADO FOR EMERGENCY )  
TEMPORARY AUTHORITY TO OPERATE AS A )  
CLASS "B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )

APPLICATION NO. 27777-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

- - - - -  
August 20, 1974  
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85547  
August 20, 1974

William A. McNeill

Transportation of

(1) Processed livestock feed

Between the Ralston Purina Mill, Henderson, Colorado, and the Plains Grain Company at Burlington, Colorado.

(2) Processed livestock feed

Between Consolidated Blenders, Inc. Mill, located near Sterling, Colorado, and the Plains Grain Company located at Burlington, Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only, Plains Grain Company, Burlington, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

August 20, 1974

Donald Bellan  
Commissioner

(Decision No. 85549)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HIGH PLAINS TRUCKING, INC., 119 )  
SOUTH MAIN, YUMA, COLORADO FOR )  
EMERGENCY TEMPORARY APPROVAL TO )  
CONDUCT OPERATIONS UNDER CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY PUC NO. 776, PENDING )  
DETERMINATION OF THE APPLICATION TO )  
ACQUIRE SAID CERTIFICATE. )

APPLICATION NO. 27778-Transfer-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
APPROVAL

- - - - -  
August 20, 1974  
- - - - -

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

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and that failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

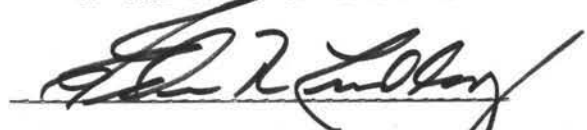
IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners



(Decision No. 85550)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HIGH PLAINS TRUCKING, INC., 119 SOUTH  
MAIN, YUMA, COLORADO FOR EMERGENCY  
TEMPORARY APPROVAL TO CONDUCT OPERA-  
TIONS UNDER CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY PUC NO.  
1461 AND 1461-I, PENDING DETERMINATION  
OF THE APPLICATION TO ACQUIRE SAID  
CERTIFICATE. )

APPLICATION NO. 27779-Transfer-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
APPROVAL

-----  
August 20, 1974  
-----

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

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and that failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

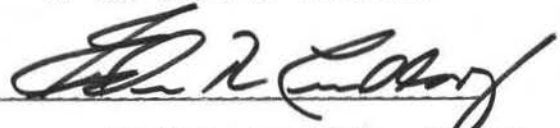
IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

(Decision No. 85551)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
COLORADO TRAIN LEASE, INC., DOING )  
BUSINESS AS "STEAMBOAT STAGE COM- )  
PANY," P. O. BOX 59, STEAMBOAT )  
SPRINGS, COLORADO FOR EMERGENCY )  
TEMPORARY AUTHORITY TO OPERATE AS )  
A COMMON CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27780-ETA

ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

- - - - -  
August 20, 1974  
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Common Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

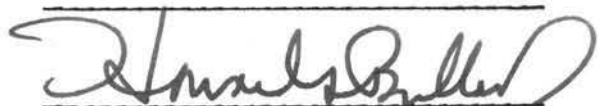
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85551  
August 20, 1974

Steamboat Stage Company

Transportation - in charter bus service - of  
Passengers and their baggage

Between the Yampa Valley Airport, County of Routt, State of Colorado and Craig,  
Colorado.

RESTRICTION: This emergency temporary authority is restricted as follows:

- (1) to one round trip;
- (2) to the use of three (3) buses only; and
- (3) to September 20, 1974, only.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
THE COTTAGE CORPORATION, 2900 FIRST	)	
NATIONAL BANK BUILDING, DALLAS, TEXAS	)	
FOR AUTHORITY TO LEASE ALL RIGHT, TITLE,	)	APPLICATION NO. 27676-Lease
AND INTEREST IN AND TO CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY PUC NO.	)	ORDER OF THE COMMISSION
166 TO TOMMIE LAROE DONAHOO AND EDWARD	)	
J. SMITH, 4735 SCENIC CIRCLE, COLORADO	)	
SPRINGS, COLORADO.	)	

- - - - -  
August 27, 1974  
- - - - -

Appearances: Elwood M. Haynie, Esq., Colorado Springs, Colorado  
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence thus submitted amply warrants approval of the lease as hereinafter ordered;

WE FIND, That the financial standing of the Lessee has been satisfactorily established and that the lease is compatible with the public interest;

AND WE FURTHER FIND, That Lessee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be leased 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 Maynard T. and Arvonne J. Binkerd, doing business as R & P Scenic Tours, 746 East Platte Avenue, Colorado Springs, Colorado, as lessors, be, and are hereby authorized to assign their interest in and to the lease agreement dated February 2, 1970, as entered into between The Cottage Corporation, 2900 First National Bank Building, Dallas, Texas, as approved by this Commission by Decision No. 75887 to Tommie LaRoy Donahoo and Edward J. Smith, 4735 Scenic Circle, Colorado Springs, Colorado.


IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Lessor shall upon proper adoption notice, become and remain those of Lessee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Lessee 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 Lessor of delinquent reports, if any, covering operations under said Certificate up to the time of lease of said Certificate.

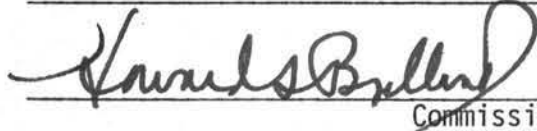
AND IT IS FURTHER ORDERED, That this Order shall be effective  
forthwith.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "Charles B. Bell", written over a horizontal line.

Commissioners

(Decision No. 85553)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF RATES AND CHARGES )	PETITION FOR LEAVE TO INTERVENE
CONTAINED IN TARIFF REVISIONS FILED )	IN INVESTIGATION AND SUSPENSION
BY PUBLIC SERVICE COMPANY OF COLORADO )	DOCKET NO. 868
UNDER ADVICE LETTER NO. 190 - GAS )	
AND UNDER ADVICE LETTER NO. 643 - )	ORDER DENYING PETITION FOR LEAVE
ELECTRIC. )	TO INTERVENE

August 20, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 14, 1974, the Home Builders Association of Metropolitan Denver (Home Builders) by and through their attorneys, filed a Petition for Leave to Intervene in Investigation and Suspension Docket No. 868.

Pursuant to the Order contained in Commission Decision No. 85241 any person, firm or corporation desiring to intervene in the within proceedings was required to file an appropriate pleading therefor with the Commission on or before 10:00 A.M. on July 10, 1974. This the present petition is filed approximately one month late.

It is also noted that Home Builders has filed an amended complaint against the Public Service Company of Colorado objecting to certain of its rules and regulations pertaining to a temporary gas attachment scheduling policy. This matter has been docketed under Case No. 5554 and a hearing before the Commission has been set for October 2, 1974. It is noted that this matter has been set for hearing earlier this year but the previous hearing dates have been vacated by request of the parties.

We believe that the resolution of the issue involving the temporary gas attachment scheduling policy should be developed in Case No. 5554 and not in Docket No. 868 inasmuch as the latter docket is a rate case whereas Case No. 5554 is not. We further believe that the parties concerned would be better able to develop the record pertaining to temporary gas attachments in the separate docket already established rather than weaving this issue into the pending rate case in Investigation and Suspension Docket No. 868, hearings in which have already commenced and in which Public Service Company has presented its direct case in chief.

An appropriate order will be entered.

O R D E R

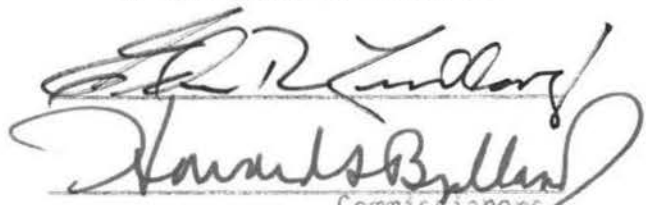
THE COMMISSION ORDERS THAT:

1. Petition for Leave to Intervene in Investigation and Suspension Docket No. 868, filed on August 14, 1974 by Home Builders Association of Metropolitan Denver be, and the same hereby is, denied.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp



(Decision No. 85554)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PROPOSED  
REVISION OF RULE 19 G OF THE  
RULES OF PRACTICE AND PROCEDURE  
BEFORE THE PUBLIC UTILITIES  
COMMISSION OF THE STATE OF  
COLORADO.

CASE NO. 5409

ORDER GRANTING PETITION  
FOR LEAVE TO INTERVENE

August 20, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 16, 1974 The Denver and Rio Grande Western Railroad Company, Rio Grande Motor Way, Inc., San Juan Tours, Inc. and Yellow Cab of Colorado Springs, by their attorney, John S. Walker, Jr. filed with the Commission a Petition to Intervene and Protest in the above case.

The Commission states and finds that petitioners for intervention are persons 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.

An appropriate order will be entered.

O R D E R

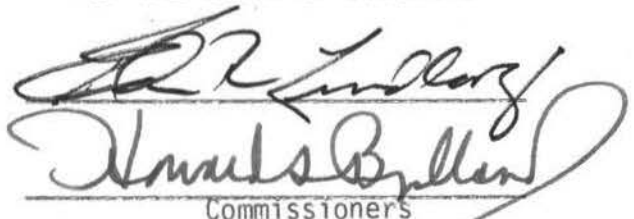
THE COMMISSION ORDERS THAT:

The Denver and Rio Grande Western Railroad Company, Rio Grande Motor Way, Inc., San Juan Tours, Inc. and Yellow Cab of Colorado Springs, be, and hereby are, granted leave to intervene in the above-entitled case.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 85555)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LA PLATA ELECTRIC ASSOCIATION, INC., )  
A COLORADO CORPORATION, DURANGO, )  
COLORADO, FOR AN ORDER APPROVING )  
THE ISSUANCE OF SECURITIES AND FOR )  
AN ORDER AUTHORIZING THE ISSUANCE )  
OF SECURITIES AND THE APPLICATION )  
OF THE PROCEEDS THEREFROM FOR CER- )  
TAIN LAWFUL PURPOSES. )

APPLICATION NO. 27742-Securities

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August 20, 1974  
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Appearances: Frank E. Maynes, Esq.,  
Durango, Colorado, for  
Applicant;  
James D. Grundy and  
Glenn L. Pierre,  
Denver, Colorado, of the  
Staff of the Commission.

PROCEDURE AND RECORD

BY THE COMMISSION:

On August 1, 1974, La Plata Electric Association, Inc., (hereinafter referred to as La Plate Electric or Applicant), filed with the Commission the above-entitled application for authority (1) to execute an Amendment to the Amending Loan Contract, dated May 9, 1974, amending the Loan Contract dated December 15, 1952 as amended; (2) to execute a Loan Agreement covering advances of \$255,000.00 dated May 9, 1974, between La Plata Electric and the National Rural Utilities Cooperative Finance Corporation; (3) to execute a Mortgage Note between Applicant and the United States of America in the principal sum of \$595,000.00 bearing interest at the rate of 5% per annum and payable within 35 years after the date thereof; (4) to execute a Secured Promissory Note made by La Plata Electric Association to the National Rural Utilities Cooperative Finance Corporation in the amount of \$255,000.00 bearing interest at the rate of 7% per annum and payable within 35 years after the date thereof.

The matter was set for hearing after due notice to all interested parties on August 16, 1974 at 9:00 A.M., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. The Applicant submitted a proof of publication of Notice of the hearing in the Durango Herald. At the time and place aforesaid the matter was heard by Hearing Examiner, Robert L. Pyle, to whom the matter was assigned pursuant to law.

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

Applicant's General Manager testified in support of the application.

Exhibits A through D, E(1) through E(10) inclusive and F and G were admitted into evidence.

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

#### FINDINGS OF FACT

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

1. Applicant, La Plata Electric, is a public utility as defined in Chapter 115-1-3, CRS 1963, as amended, and is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its members and non member consumers on its lines in the Counties of La Plata, Archuleta, Hinsdale, and Mineral in the State of Colorado.

By Application No. 19763, La Plata Electric applied for a Certificate of Public Convenience and Necessity of its service territory and was granted the same by this Commission under Decision No. 60823, dated June 5, 1963.

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

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical systems, for the construction, completion, extension, and improvement of its properties; for the improvement and maintenance of its service; and for other lawful purposes.

4. The Board of Directors of Applicant, the Rural Electrification Administration, and the National Rural Utilities Cooperative Finance Corporation all have approved the herein two (2) loan applications totaling \$850,000.00 subject to the approval of this Commission.

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

6. The Commission is fully advised in the premises.

7. Since Chapter 115-1-4 CRS 1963, as amended, requires that securities 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 Examiner be omitted.

### CONCLUSIONS ON FINDINGS OF FACT

1. The Amendment, dated May 9, 1974, to the Amending Loan Contract between La Plata Electric Association and the United States of America, dated December 15, 1952, as amended (Exhibit "A") 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 CRS 1963, and therefore should be authorized and approved.
2. The Loan Agreement, dated May 9, 1974, between La Plata Electric and the National Rural Utilities Cooperative Finance Corporation (Exhibit "B") providing for the advancement of loan funds in the amount of \$255,000.00 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 CRS 1963, and therefore should be authorized and approved.
3. The Mortgage Note payable to The United States of America in the amount of \$595,000.00 (Exhibit "C") 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 CRS 1963, and therefore should be authorized and approved.
4. The Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$255,000.00 (Exhibit "D") 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 CRS 1963, and therefore should be authorized and approved.
5. Pursuant to 115-6-9(6), Colorado Revised Statutes, 1963, as amended, this Decision should be the initial decision of the Commission.

An appropriate order will be entered.

### O R D E R

#### THE COMMISSION ORDERS:

1. That the execution of the Amendment dated May 9, 1974, to Amending Loan Contract between La Plata Electric Association, Inc., and the United States of America dated December 15, 1952, as amended (Exhibit "A") be, and the same hereby is, authorized and approved.
2. That the execution of the Loan Agreement between La Plata Electric Association, Inc., and the National Rural Utilities Cooperative Finance Corporation covering loan advances of \$255,000.00 (Exhibit "B") be, and the same hereby is, authorized and approved.
3. That the issuance of the Mortgage Note payable to The United States of America in the amount of \$595,000.00 (Exhibit "C") be, and the same hereby is, authorized and approved.
4. That the issuance of the Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$255,000.00 (Exhibit "D") be, and the same hereby is, authorized and approved.

5. That within one hundred twenty (120) days of the execution of the four (4) loan instruments authorized herein, La Plata Electric Association, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

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


7. 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.

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

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

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DELTA-MONTROSE RURAL POWER LINES )	
ASSOCIATION, DELTA, COLORADO, FOR )	
AUTHORITY TO ISSUE SECURITIES IN THE )	APPLICATION NO. 27713-Securities
PRINCIPAL AMOUNT OF \$493,000 AND THE )	
APPLICATION OF THE PROCEEDS THERE- )	
FROM FOR CERTAIN SPECIFIED PURPOSES. )	

- - - - -  
August 20, 1974  
- - - - -

Appearances: Roderick N. Stewart, Esq.,  
Delta, Colorado, for  
Applicant;  
James D. Grundy and  
Glenn L. Pierre, Denver,  
Colorado, of the Staff  
of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On July 22, 1974, Delta-Montrose Rural Power Lines Association (hereinafter referred to as Delta or Applicant) filed with the Commission the above-entitled application for authority (1) to issue a Mortgage Note for \$493,000 payable to the United States of America bearing interest at the rate of five percent per annum and payable within thirty-five (35) years after the date thereof; (2) to approve an Amendment to the Amending Loan Contract, dated January 28, 1974, amending the Loan Contract between Delta-Montrose Rural Power Lines Association and The United States of America, dated June 20, 1955, as amended.

The matter was set for hearing after due and proper notice to all interested parties on August 8, 1974, at 9:00 A.M., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at the aforesaid time and place was heard by Hearing Examiner Robert E. Temmer, to whom the matter was assigned pursuant to law.

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

The Manager of the Applicant testified in support of the application.

Exhibits 1 through 12, inclusive, were admitted into evidence. Exhibit 6 is to be amended, showing amounts of capital credits refunded, if any, and is to be filed as Late-filed Exhibit 6. Additionally, the July 31, 1974, Balance Sheet is to be late filed as Exhibit 13.

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



### FINDINGS OF FACT

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

1. Applicant, Delta-Montrose Rural Power Lines Association, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963, as amended. It is engaged in the business of purchasing, acquiring, transmitting distributing, furnishing and selling electricity to its consumers on its lines in the counties of Delta, Montrose, Gunnison and Ouray, all in the state of Colorado.

The Applicant herein is a corporation organized under the laws of the State of Colorado and its Articles of Incorporation, and all Amendments thereto properly certified are on file with this Commission, and Applicant is not affiliated with any other Company.

By Application No. 18619, Delta-Montrose Rural Power Lines applied for a certificate of public convenience and necessity of its service territory and was granted the same by this Commission under Decision No. 77063, dated March 5, 1971.

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

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical system and for the construction, completion, extension and improvement of its properties, for the improvement and maintenance of its service, and for other lawful purposes.

4. The Board of Directors of the Applicant and the Rural Electrification Administration have approved the \$493,000 loan application subject to the approval of this Commission.

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

6. The Commission is fully advised in the premises.

7. Since 115-1-4, Colorado Revised Statutes 1963, as amended, requires that 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 Examiner be omitted.

### CONCLUSIONS ON FINDINGS OF FACT

1. The Mortgage Note payable to The United States of America in the amount of \$493,000 (Applicant's Exhibit "1") 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, as amended, and, therefore, should be authorized and approved.

2. The amendment, dated January 28, 1974, to the Amending Loan Contract between Delta-Montrose Rural Power Lines Association and The United States of America, dated as of June 20, 1955, as amended (Applicant's Exhibit "2"), should be authorized and approved.

3. Pursuant to 115-6-9(6), Colorado Revised Statutes 1963, as amended, this Decision should be the initial Decision of the Commission.

An appropriate Order will be entered.



O R D E R

THE COMMISSION ORDERS:

1. That within 20 days, Applicant file as Late-filed Exhibits, Exhibit 6 showing amounts of capital credits refunded, if any, and Exhibit 13, Applicant's Balance Sheet as of July 31, 1974.

2. That the issuance of the Mortgage Note to The United States of America in the amount of \$493,000 (Exhibit "1"), be, and the same hereby is, authorized and approved.

3. That the execution of the Amendment, dated January 28, 1974, to the Amending Loan Contract between Delta-Montrose Rural Power Lines Association and The United States of America, dated June 20, 1955, as amended (Exhibit "2"), be, and the same hereby is, authorized and approved.

4. That within the next one hundred twenty (120) days of the execution of the two (2) loan instruments authorized herein, Delta-Montrose Rural Power Lines Association shall file with this Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

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

6. 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.

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

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

DONE IN OPEN MEETING this 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners  
aaU

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. H. HALL, DOING BUSINESS AS "H. H. )  
HALL COMPANY," BOX 3020, ASPEN, COLO- )  
RADO FOR AUTHORITY TO TRANSFER ALL )  
RIGHT, TITLE, AND INTEREST IN AND TO )  
CONTRACT CARRIER PERMIT NO. B-6855 )  
TO EVEREADY FREIGHT SERVICE, INC., )  
BUENA VISTA, COLORADO. )

APPLICATION NO. 27677-PP-Transfer

ORDER OF THE COMMISSION

- - - - -  
August 27, 1974  
- - - - -

Appearances: John H. Lewis, Esq., Denver, Colorado  
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-6855, as granted by Commission Decision No. 77810 dated June 8, 1971 subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

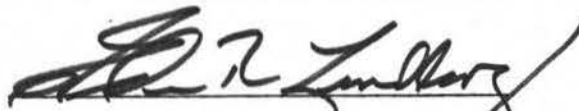
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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 filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

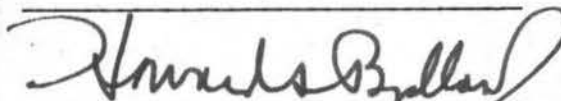
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

(Decision No. 85558)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PAUL D. DOERPHOLZ, DOING BUSINESS )  
AS "SAINT'S HAULING SERVICE," 3255 )  
SOUTH NUCLA STREET, AURORA, COLORADO.)

APPLICATION NO. 27661

ORDER GRANTING  
WITHDRAWAL OF APPLICATION

August 20, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 13, 1974, Applicant Paul D. Doerpholz, doing business as "Saint's Hauling Service," filed with the Commission a request for withdrawal of application for permanent and temporary authority in above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Paul D. Doerpholz, doing business as "Saint's Hauling Service," be, and hereby is, granted permission to withdraw the above-captioned application and the application is dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 85559)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROCKY MOUNTAIN MOBILE HOME TOWING )	APPLICATION NO. 27612-Transfer
SERVICE, INC. AURORA, COLORADO, FOR )	
AUTHORITY TO TRANSFER PUC NO. 3016 )	ORDER DENYING
TO BARRET MOBILE HOME TRANSPORT, INC.)	MOTION TO CONTINUE

August 20, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 7, 1974, Protestant, Chandler Trailer Convoy, Inc., filed a letter with the Commission requesting that all pending Commission matters pertaining to the transfer of PUC No. 3016 be continued indefinitely pending the outcome of court litigation.

The Commission states and finds that protestant's request is not reasonable and that the request to continue Commission matters in the above-captioned transfer application should be denied.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That the request of Chandler Trailer Convoy, Inc. to continue the hearing set for August 30, 1974, be, and hereby is, denied.
2. This order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLNGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT J. STEMWEDEL, JR., AND LOWELL )  
C. OLIVER, DOING BUSINESS AS "VAIL ) APPLICATION NO. 27493  
EXPEDITIONS COMPANY," 1330 FILLMORE )  
STREET, DENVER, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

IN THE MATTER OF THE APPLICATION OF )  
VAIL MOUNTAIN TRANSPORTATION COMPANY, )  
VAIL EAST LODGE #36, GENERAL DE- ) APPLICATION NO. 27579  
LIVERY, VAIL, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

ORDER GRANTING WITHDRAWAL OF APPLICATIONS

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August 20, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 16, 1974 Applicants Vail Expeditions Company and Vail Mountain Transportation Company filed with the Commission a request to withdraw Application No. 27493 and Application No. 27579.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

ORDER

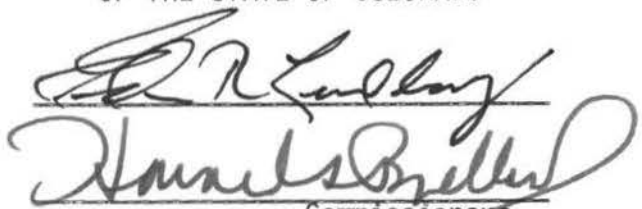
THE COMMISSION ORDERS THAT:

Vail Expeditions Company and Vail Mountain Transportation Company be, and hereby are, granted permission to withdraw the above-captioned applications, and the applications are dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT  
jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF  
GOOSENECK HAULERS, INC., FOR A CERTI-  
FICATE OF PUBLIC CONVENIENCE AND  
NECESSITY AUTHORIZING OPERATION AS  
A COMMON CARRIER BY MOTOR VEHICLE  
FOR HIRE FOR THE TRANSPORTATION OF  
ASHES, TRASH, WASTE, RUBBISH AND  
GARBAGE FROM ANY AND ALL POINTS IN  
EAGLE COUNTY, COLORADO, TO A DISPOSAL  
SITE LOCATED APPROXIMATELY TWO (2)  
MILES NORTH OF THE TOWN OF WOLCOTT,  
EAGLE COUNTY, COLORADO.

APPLICATION NO. 27355  
  
COMMISSION ORDER DENYING  
APPLICATION FOR REHEARING,  
REARGUMENT AND RECONSIDERATION

-----  
August 20, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 12, 1974, Applicant, Gooseneck Haulers, Inc., filed with the Commission an Application for Rehearing, Reargument and Reconsideration of Decision No. 85434 dated July 23, 1974, denying the Exception filed July 8, 1974, by Gooseneck Haulers, Inc., to Recommended Decision No. 85236 dated June 20, 1974.

The Commission states and finds that Applicant's Application for Rehearing, Reargument and Reconsideration does not set forth sufficient grounds for any change or modification and that said Application should therefore be denied as set forth in the Order following.

O R D E R

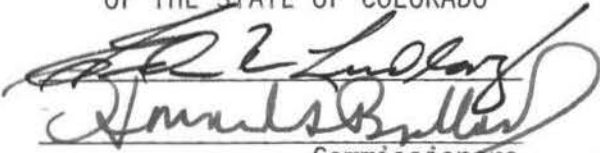
THE COMMISSION ORDERS THAT:

The Application for Rehearing, Reargument and Reconsideration of Decision No. 85434 dated July 23, 1974, filed on August 12, 1974, by Applicant, Gooseneck Haulers, Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners  
aau

COMMISSIONER HENRY E. ZARLENGO ABSENT



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PLATTE RIVER POWER AUTHORITY, 3030 )  
SOUTH COLLEGE AVENUE, FORT COLLINS, )  
COLORADO 80521, FOR A CERTIFICATE OF ) APPLICATION NO. 27557  
PUBLIC CONVENIENCE AND NECESSITY TO )  
SUPPLY THE WHOLESALE ELECTRIC POWER )  
AND ENERGY REQUIREMENTS OF THE COLOR- )  
ADO MUNICIPALITIES OF FORT COLLINS, )  
LOVELAND, LONGMONT AND ESTES PARK. )

IN THE MATTER OF THE APPLICATION OF )  
PLATTE RIVER POWER AUTHORITY, 3030 )  
SOUTH COLLEGE AVENUE, FORT COLLINS, )  
COLORADO 80521, FOR AN ORDER APPROVING, ) APPLICATION NO. 27558-Securities  
AUTHORIZING, RATIFYING AND CONFIRMING )  
THE EXECUTION AND DELIVERY OF A LOAN )  
AGREEMENT DATED JULY 25, 1973, BETWEEN )  
PLATTE RIVER POWER AUTHORITY AND THE )  
FIRST NATIONAL BANK IN FORT COLLINS, )  
COLORADO. )

IN THE MATTER OF THE APPLICATION OF )  
PLATTE RIVER POWER AUTHORITY, 3030 )  
SOUTH COLLEGE AVENUE, FORT COLLINS, )  
COLORADO 80521, FOR A CERTIFICATE OF ) APPLICATION NO. 27559  
PUBLIC CONVENIENCE AND NECESSITY TO )  
ACQUIRE, CONSTRUCT, OPERATE, AND ) ORDER GRANTING EXCEPTIONS  
MAINTAIN AN ELECTRIC TRANSMISSION )  
LINE FROM AULT, COLORADO TO LONGMONT, )  
COLORADO. )

- - - - -  
September 3, 1974  
- - - - -

STATEMENT

On August 14, 1974, Robert L. Pyle, Hearing Examiner, entered his Recommended Decisions (85529, 85530, 85531), respectively, in the above three captioned proceedings.

On August 26, 1974, the Applicant in each of the above applications, to-wit: Platte River Power Authority, filed a letter dated August 22, 1974, requesting certain changes in said recommended decisions.

The requested changes are as follows:

1. Application No. 27557 - Add to paragraph 2 of the Order on page 5 the words "and this Order shall be taken to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor."
2. Application No. 27558 - Strike the remainder of paragraph 8 of the Findings of Fact on page 3 after the word "hearing" in the fourth line of the paragraph.

3. Application No. 27559 - Add to paragraphs 1 and 2 of the Order on page 5 the words "and this Order shall be taken to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor."

4. Application No. 27559 - Insert the words "by Applicant" at the end of line 2 of paragraph 1 of the Order on page 5. (Applicant telephonically advised the Commission that the words "by Applicant" should be inserted after the word "construction" in line 2 of paragraph 1 of the order on page 5, rather than at the end of the line.)

The Commission will construe such letter as exceptions to the foregoing recommended decisions of the Hearing Examiner and as such will grant the same, proper grounds existing therefor.

An appropriate Order will be entered.

#### ORDER

##### THE COMMISSION ORDERS THAT:

1. The exceptions filed herein by Applicant be, and the same hereby are, granted.

2. Paragraph 2 of the Order contained in Decision No. 85529, with respect to Application No. 27557, is amended to read as follows:

"2. Applicant be, and it is hereby, authorized to supply the wholesale power requirements of the City of Fort Collins, the City of Loveland, the City of Longmont, and the Town of Estes Park, and this Order shall be taken to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor."

3. Paragraph 8 of the Findings of Fact in Decision No. 85530, with respect to Application No. 27558, is amended to read as follows:

"8. Platte River waived the requirements of 115-1-4, CRS 1963, as amended, which requires that security applications be disposed of within thirty (30) days, to permit consolidation for hearing."

4. Paragraph 1 of the Order in Decision No. 85331, with respect to Application No. 27559, is amended to read as follows:

"1. The public convenience and necessity require and will require the construction by Applicant of a 230 Kv transmission line to connect the Ault, Colorado, delivery point with Longmont, Colorado, and with inter-connections to Fort Collins, Colorado, and Loveland, Colorado, together with related transformation facilities, associated facilities, and structures and the same is hereby authorized, and this Order shall be taken to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor."

5. Paragraph 2 of the Order in Decision No. 85531, with respect to Application No. 27559, is amended to read as follows:

"2. The public convenience and necessity requires approval of the acquisition, operation, and maintenance by Applicant from the City of Fort Collins of the double-circuit transmission line from Station 300 to Drake Road, Fort Collins, including the foundations,

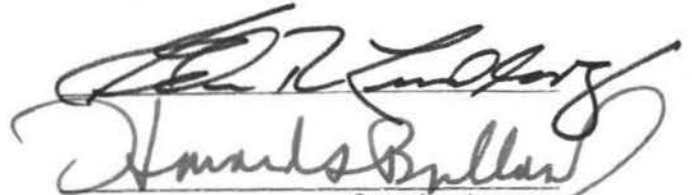
towers, and 230 Kv facilities of such line, and the contract for the acquisition of such facilities by Applicant from the City of Fort Collins is hereby approved, and this Order shall be taken to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor."

6. The said Recommended Decisions No. 85529, No. 85530, and No. 85531 of the Examiner be, and hereby are, modified in accordance herewith, and, as are modified, are adopted as the Decisions of the Commission the same as if they had been set forth herein in full.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 3rd day of September, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners  
agu/nlr

COMMISSIONER HENRY E. ZARLENGO  
ABSENT.

(Decision No. 85563)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INVESTIGATION AND SUSPENSION )	
OF PROPOSED CHANGES IN TARIFF -- )	INVESTIGATION AND SUSPENSION
COLORADO PUC NO. 5 - TELEPHONE, )	DOCKET NO. 881
MOUNTAIN STATES TELEPHONE AND )	
TELEGRAPH COMPANY, UNDER ADVICE )	
LETTER NO. 1010. )	

-----  
August 20, 1974  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 31, 1974, Mountain States Telephone and Telegraph Company (hereinafter referred to as "Mountain Bell" or "Respondent") filed Advice Letter No. 1010 accompanied by certain tariff material which establishes rates for its new Com Key 718 Multiline Telephone System which it intends to introduce into its general exchange tariff as a service offering. Mountain Bell states that this new service will be known as "Fixed Multiline Telephone Service"; the existing multiline service has been designated as "Flexible Multiline Telephone Service." It is stated that in addition to the differences in equipment designs between the two offerings, the new service offering provides a new lease basis rate structure.

Mountain Bell states that since this is a new service offering, there will be no effect on existing customers or revenues. There will be a revenue contribution ranging from approximately 13% to 16%, resulting from the introduction of the various items of Com Key equipment.

Advice Letter No. 1010 sets forth in detail the revisions and additions to Colorado PUC No. 5 - Telephone.

Mountain Bell requests that the filing become effective on August 30, 1974.

Pursuant to the provisions of 115-6-11 CRS 1963, as amended, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs, for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until March 28, 1975. If no new rates are established by the Commission by the aforesaid date in this docket, the tariffs filed by Respondent will become effective by operation of law.

Because of the important impact on the public which may be using the proposed service offering of the Respondent, and because important issues of public policy will be involved, the Commission, on its own motion, states and finds that it should set the herein proposed tariffs for hearing in a manner and form as set forth in the Order below.

On August 14, 1974, the Attorney General of the State of Colorado filed a "Petition to Enter an Appearance as Amicus Curiae" with respect to Advice Letter No. 1010. Said Petition additionally requests this Commission to suspend the proposed tariff and hold public hearings thereon and to make inquiry into all relevant factual matters bearing upon the criteria which the Commission is required to consider under the mandate of Chapter 115, and also upon the criteria and public policy enunciated in the antitrust and antimonopoly statutes of the State of Colorado contained in Articles 2 and 4 of Chapter 55 of Colorado Revised Statutes.

On August 14, 1974, when the Attorney General filed his Petition to Enter an Appearance as Amicus Curiae, there was no docket to which said Petition could be addressed. However, inasmuch as the Commission today has determined to hold hearings on the subject matter of the tariffs contained in Mountain Bell's Advice Letter No. 1010, the Commission will construe the Attorney General's pleading as a Petition to Enter an Appearance as Amicus Curiae in the docket which is established herein. The Attorney General has set forth good and sufficient grounds for his Petition and the same should be granted.

On August 9, 1974, Sturgeon Electric Company filed a "Protest and Petition for Investigation and Suspension" which requests that Sturgeon be designated as a party to this proceeding. The Protest and Petition for Investigation and Suspension shall be construed as a petition for leave to intervene and the same shall be granted.

On August 20, 1974, Executone of Colorado, Inc., filed a letter with the Commission requesting that the Commission suspend Advice Letter No. 1010 and that it be allowed to appear before the Commission to present its position in the matter. We shall construe the request as a petition for leave to intervene and the same shall be granted.

The following Order shall be entered.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. The herein matters with respect to the tariffs filed on July 31, 1974, by the Mountain States Telephone and Telegraph Company pursuant to its Advice Letter No. 1010, as more specifically delineated therein, be, and the same hereby are, set for hearing as follows:

DATE: October 3, 1974

TIME: 10:00 A. M.

PLACE: Hearing Room  
507 Columbine Building  
1845 Sherman Street  
Denver, Colorado

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before September 26, 1974.

3. The effective date of the tariff sheets filed by Mountain States Telephone and Telegraph Company, Respondent herein, on July 31, 1974, under Advice Letter No. 1010, be, and hereby is, suspended until December 28, 1974, or until further order of the Commission.

4. The "Petition to Enter an Appearance as Amicus Curiae" filed by the Attorney General of the State of Colorado, be, and hereby is, granted.

5. Sturgeon Electric Company be, and hereby is, granted leave to intervene in the within proceeding.

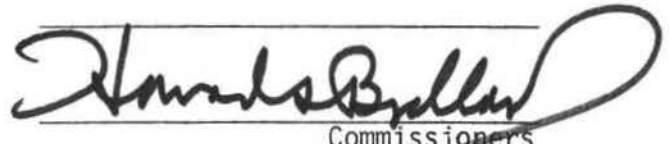
6. Executon of Colorado, Inc., be, and hereby is, granted leave to intervene in the within proceeding.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th Day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESTERN PAVING CONSTRUCTION CO., A )  
COLORADO CORPORATION, FOR A VARIANCE )  
FROM CLEARANCE REGULATIONS TO PERMIT )  
CONSTRUCTION OF WAYSIDE ELECTRIC CON- )  
TROL RAIL ALONG UNLOADING TRESSEL. )

APPLICATION NO. 27628

- - - - -  
August 20, 1974  
- - - - -

PROCEDURE AND RECORD

BY THE COMMISSION:

On June 10, 1974, Western Paving Construction Co., a Colorado Corporation, hereinafter sometimes referred to as Applicant, filed its application seeking approval for a variance of the Commission's Regulations Governing Clearances on Railroads with Reference to Side and Overhead Structures, Parallel Tracks, Crossing of Public Highways and Streets, effective June 1, 1952.

Explanatory material submitted with the instant application included Exhibit "A", a plan and profile section drawing of the proposed unloading tressel.

Notice of Filing, together with a copy of the application, was given to all interested parties herein. Said notice was dated June 20, 1974.

On July 8, 1974, the United Transportation Union, hereinafter sometimes referred to as Protestant, filed a protest to the granting of the application as requested unless certain safety measures were included in the proposal.

On July 15, 1974, the Applicant filed a Response to the Protest Against the Application herein, agreeing to inclusion of the safety measures requested by the Protestant.

On August 9, 1974, Protestant filed a Petition for Leave to Withdraw the Protest.

No other protests, objection, petitions to intervene or other suggestions were received by the Commission within a period of thirty (30) days as designated in said Notice. Applicant did not request a public hearing.

The Commission has determined this matter forthwith upon the record and files herein without a formal oral hearing or further notice.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. Notice of the proposed clearance has been given by the Commission to all interested parties.



2. One (1) protest in the matter was filed and said Protestant has subsequently requested leave to withdraw its protest.

3. Applicant has satisfied the request of the Protestant, and the grounds previously existing for the protest are now moot.

4. The Applicant is engaged in the business of paving, including the mining, transportation, crushing, screening and rail shipment of sand, gravel, crushed stone and the like for use in its paving operations.

5. The Applicant owns property in Adams County, Colorado, lying south of West 64th Avenue, east of the Colorado & Southern Railway Company's main line track, west of Pecos Street, and north of Clear Creek, in Adams County, Colorado. Upon this property there is being constructed a spur track from the Colorado and Southern Railway Company's Main Line which will be used exclusively in connection with the unloading for Applicant of sand, gravel, crushed stone and the like carried in hopper cars. The spur track will cross an unloading tressel approximately 261'5" long with the ground there lying approximately 30 feet below the top of rail.

6. Applicant proposes to install on the north side of the spur track, along the portion thereof crossing the tressel, a wayside electrical control rail positioned approximately 2'10" above the top of rail with its southern edge 5'6-1/2" from the centerline of the spur track. The intended position of the electrical control rail in respect to the spur track running rails is shown in the sectional drawing in Exhibit A. The electrical control rail will consist of several mutually insulated segments each of which may be individually charged to 24 volts with respect to the grounded rails. When so positioned, the electrical control rail will make contact this conductive plates ("shoes") which are mounted on specially equipped hopper cars as these hopper cars stand upon or pass along the tressel. By selection of positive or negative polarities for the voltages applied to the various insulated segments of the electrical control rail, the opening and closing of hopper doors on up to six hopper cars at a time may be controlled remotely with the hopper cars either moving or stationary.

7. The Applicant has purchased thirty-two (32) specially designed hopper cars with electrically controlled, air operated hopper doors. These cars will be used exclusively by the Applicant in unit train operation from loading facilities to the proposed remote controlled unloading tressel. These cars are equipped by the manufacturers with conductive plates ("shoes") mounted on the sides of the cars within the American Association of Railroads (AAR) standards clearance line of the car body. The electrical control rail must be positioned precisely in respect to the shoes which are uniformly positioned on the sides of these hopper cars. The required position for the electrical control rail is 5'4 1/2" from centerline of track and 2'10" above the top of the rail.

8. Greater safety, efficiency and economy in unloading operations should result by virtue of the system's remote control feature which does not require the presence of personnel in the vicinity of the hopper cars during unloading.

9. Applicant will provide walkways along both sides of the unloading tressel with handrail and/or guardrails on both sides of each walkway. The walkway on the north side of the tressel will be to the north (outside) of the proposed reduced clearance electrical control rail.

10. Applicant will construct the approach grade at each end of the unloading tressel of sufficient width and length to provide a safe place for train crew members to get on and off of railroad cars. The approach grade at both ends of the unloading tressels will join the walkway at the same elevation as said walkways.

11. Applicant will install and maintain an electrical light signal system to insure adequate control of train movement in accordance with railroad operating procedures.

12. Applicant will provide radio communications between the train crew members and between the Applicant's control panel operator and the train crew members whenever movements over the unloading tressel are to be made.

13. Applicant will install, maintain and operate the electrical control rail and related devices in accordance with industry standards and pursuant to adequate safety procedures so as to minimize any electrical hazard associated with such devices.

14. Applicant will erect such signs and safety warnings as require by railroad operating procedures.

15. The variance as requested herein is compatible with public safety, convenience and necessity.

#### CONCLUSIONS ON FINDINGS OF FACT

1. As provided by Chapter 115-4-6 (1), CRS 1963, as amended, the Commission has jurisdiction in the instant matter.

2. Notice of the application has been given by the Commission pursuant to and in accordance with 115-6-8 (2), CRS 1963, as amended.

3. It is in the public interest to grant the petition of United Transportation Union for leave to withdraw their previously filed protest. No protests, objections, petitions to intervene or other suggestions are currently pending in this matter.

4. As provided by 115-6-9 (5), CRS 1963, as amended, and Rule 17 of the Commission's Rules of Practice and Procedure, the Commission may determine this matter without a formal oral hearing or further notice.

5. The variance as south in the instant application should be granted and an appropriate order will be entered.

#### ORDER

##### THE COMMISSION ORDERS THAT:

1. The petition of United Transportation Union, filed August 9, 1974 for leave to withdraw its protest to the application herein filed July 8, 1974, be, and is hereby, granted and said protest be and is hereby, withdrawn.

2. Authority and approval, be, and is hereby, granted to the Western Paving Construction Company for a variance to the Commission's Regulations Governing Clearance on Railroads to Side and overhead Structures, Parallel Tracks, Crossing of Public Roads, Highways and Streets, effective June 1, 1952, Section III, Item 3.9 to permit installation of an electrical control rail 5'4½" from centerline of the track and 2'10" above the top of the rail at Applicant's new unloading tressel in Adams County, Colorado, located on property lying south of West 64th Avenue, east of the Colorado and Southern Railway Company's main line track, west of Pecos Street, and north of Clear Creek in Adams County, Colorado.

3. Installation of said unloading tressel shall be in accordance with Exhibit A as attached to the application and the following:

a) Walkways shall be provided along both sides of the unloading tressel with handrail and/or guardrail along both sides of each walkway.

b) The approach grade at each end of the unloading tressel shall be of sufficient width and length to provide a safe place for train crew members to get on and off of railroad cars; and the approach grades will join the walkway at the same elevation.

c) An electrical light signal system shall be installed and maintained to provide adequate control of train movement in accordance with railroad operating procedures.

d) Radio communications shall be provided between the train crew members and between the remote control panel operator and the train crew members whenever movements over the unloading tressels are to be made.

e) The electrical control rail and related devices shall be installed, maintained, and operated in accordance with industry standards and pursuant to adequate safety procedures so as to minimize any electrical hazard associated with such devices.

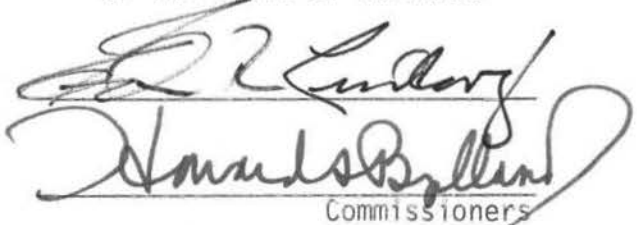
f) Suitable signs and safety warning shall be erected and maintained as required by railroad operating procedures.

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.

DONE IN OPEN MEETING the 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: THE MATTER OF SAN JUAN TOURS, )  
INC., APPLICATION TO FILE FIRST )  
REVISED PAGE NO. A-1 TO ITS TARIFF )  
PUC NO. 2 DN, TO CORRECT ERRORS IN )  
CHARGES AND TO PUBLISH ROUND TRIP )  
FARES, TO BECOME EFFECTIVE ON LESS )  
THAN STATUTORY NOTICE. )  
-----

APPLICATION NO. 27782

-----  
August 20, 1974  
-----

STATEMENT

BY THE COMMISSION:

By application filed August 12, 1974, San Juan Tours, Inc., Applicant, by its President, R. Knox Bradford, requests permission to publish First Revised Page No. A-1 to its Passenger Tariff No. 2 DN to correct the charges applicable on the South St. Vrain Canyon Route which were based on the shorter North St. Vrain Canyon Route. Further, the Applicant desires to publish round trip local bus fares for both the South St. Vrain Canyon Route and the North St. Vrain Canyon Route, which were inadvertently omitted from the original publication. Additionally, the new publication will cancel Local Passenger Tariff No. 2 since the rates therein will be included on First Revised Page No. A-1.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The corrected one-way fares over the South St. Vrain Canyon Route will be increases in fares while the round trip fares will result in a reduction of charges.
2. The publishing of First Revised Page No. A-1 will remove the conflict of rates that now exists with Colorado PUC No. 2 and Original Page No. A-1 of Tariff No. 2 DN.
3. The reduced round trip fares will benefit the public.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that authorization to make the tariff changes specified in the Statement, above, on less than statutory notice, will be in the public interest and should be allowed.

An appropriate Order will be entered.

O R D E R


THE COMMISSION ORDERS THAT:

1. Applicant, San Juan Tours, Inc., be, and hereby is, authorized to publish First Revised Page No. A-1 to its Local Passenger Tariff No. 2 DN, as set forth in the Statement above, on less than statutory notice, to become effective on August 23, 1974.

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO  
ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE: THE MATTER OF ROCKY )  
MOUNTAIN AIRWAYS, INC., AIR )  
FREIGHT SMALL PACKAGE TARIFF )  
NO. SP-7. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 880

ORDER SUSPENDING EFFECTIVE DATE  
OF TARIFF AND NOTICE OF HEARING

-----  
August 20, 1974  
-----

STATEMENT

BY THE COMMISSION:

On July 22, 1974, Rocky Mountain Airways, Inc., Respondent, filed Air Freight Small Package Tariff No. SP-7, a local general and specific commodity tariff which applies on shipments tendered to carrier for transportation on the next scheduled flight between certain points within Colorado. Said tariff offers a new type of service, that is, shipments under 50 pounds are guaranteed space on a specified flight. Said tariff is scheduled to become effective on August 22, 1974.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The tariff filing of Rocky Mountain Airways, Inc., Respondent, of its Air Freight Small Package Tariff No. SP-7, if permitted to become effective, would result in an increase in rates and charges.
2. The Commission is unable to determine whether the proposed tariff is just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carrier in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.
2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days, unless otherwise ordered by the Commission.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of said tariff filing of increased rates and charges published in Rocky Mountain Airways, Inc., Air Freight Small Package Tariff No. SP-7.



2. 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 tariffs under the Public Utilities Law.

3. That neither the tariffs 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.

4. 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 Mr. Dennis R. Heap, Director, Air Cargo, Rocky Mountain Airways, Inc., Hangar #6, Stapleton, Denver, CO 80207. The necessary suspension supplement to Tariff No. SP-7 shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen 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, and a list of its witnesses, together with a summary of its direct testimony.

6. That this Investigation and Suspension Docket No. 880 be, and the same is hereby, set for hearing before the Commission on:

Date: October 4, 1974

Time: 10:00 a.m.

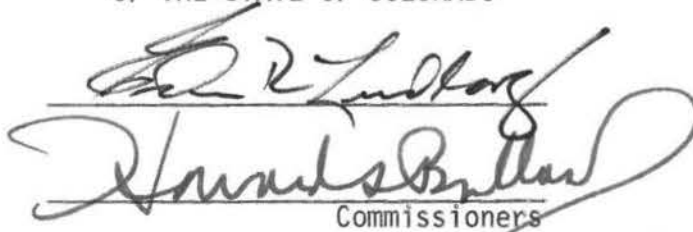
Place: Hearing Room, 500 Columbine Building,  
1845 Sherman Street, Denver, CO 80203

7. That the resulting increased rates and charges published in Rocky Mountain Airways, Inc., Air Freight Small Package Tariff No. SP-7 be, and the same hereby are, suspended for a period of 120 days to and including December 20, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO  
ABSENT



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE MATTER OF SUPPLEMENT	)	INVESTIGATION AND SUSPENSION
K-7 TO TARIFF OF SURCHARGES	)	DOCKET NO. 873
ACCOUNT INCREASES IN FUEL COSTS	)	
X-301-D INCREASING RATES AND	)	ORDER OF THE COMMISSION
CHARGES ON COLORADO INTRASTATE	)	VACATING HEARING DATE, CLOSING
RAIL TRAFFIC.	)	DOCKET, AND ALLOWING TARIFF TO
- - - - -	)	BECOME EFFECTIVE.

-----  
August 20, 1974  
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STATEMENT

BY THE COMMISSION:

On June 3, 1974, Railroads (Respondents) transporting freight intra-state within Colorado by their publishing agents filed Supplement K-7 to Tariff of Surcharges Account Increases in Fuel Costs X-301-D, increasing rates and charges on Colorado intrastate traffic, proposed to become effective on July 5, 1974.

Review of the data submitted by the carrier in support of the tariff filing at time of filing indicated that the said filing may have been in violation of the Public Utilities Law.

The Commission by Decision No. 85323, dated July 2, 1974, suspended said tariff changes, assigned Investigation and Suspension Docket No. 873 to the matter and set same for hearing on August 26, 1974.

In response requests from the Commission's Staff, Respondents did supply further data to justify the increase sought.

FINDINGS OF FACT

1. That the supporting data now on file by Respondents does justify the increase in rates and charges as proposed in Respondents Supplement K-7 to Tariff of Surcharges Account Increases in Fuel Costs X-301-D.
2. That notice of the increases were posted as required by Rule 19-G of the Commission's Rules of Practice and Procedure and no protests were received.
3. That the fuel cost increases are in effect and Respondents have shown an urgent and immediate need for rate relief.
4. That the proposed new tariff increases of Respondents are just and reasonable and in the public interest.
5. That it is in the public interest to permit the proposed rates to become effective forthwith, to vacate the hearing date of August 26, 1974, and to close Investigation and Suspension Docket No. 873.

CONCLUSIONS ON FINDINGS OF FACT

1. That the proposed new tariff providing for increases in rates for Respondents is lawful and in the public interest and should be permitted to become effective forthwith, without the necessity of any hearings thereon.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondents be, and hereby are, authorized to place into effect on August 21, 1974, their Supplement K-7 to Tariff of Surcharges Account Increases in Fuel Costs X-301-D.

2. Investigation and Suspension Docket No. 873 be, and hereby is, closed.

3. The hearing date of August 26, 1974, in Investigation and Suspension Docket No. 873 be, and hereby is, vacated.

4. This Order shall become effective forthwith.

DONE IN OPEN MEETING this 20th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO  
ABSENT

(Decision No. 85568)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LAEL E. HUGHES, DOING BUSINESS AS )  
"LAEL HUGHES CONSTRUCTION COMPANY," )  
3844 COUNTY ROAD 100, CARBONDALE, )  
COLORADO FOR TEMPORARY AUTHORITY TO )  
EXTEND OPERATIONS UNDER CONTRACT )  
CARRIER PERMIT NO. B-8398. )

APPLICATION NO. 27768-PP-Extension-TA  
ORDER GRANTING TEMPORARY AUTHORITY

-----  
August 27, 1974  
-----

The above-entitled application under CRS 1963, 115-6-20, 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.

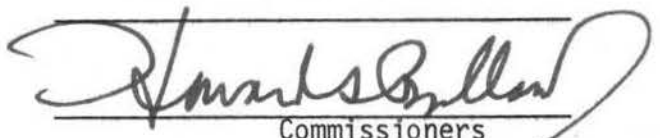
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85568  
August 27, 1974

Lael Hughes Construction Company

Transportation of

Limestone

Between Marblehead Quarry, Glenwood Springs, Colorado, to Mid-Continent Limestone Plant, Carbondale, Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for one customer only, Mid-Continent Limestone Plant, Carbondale, Colorado.

(Decision No.85569)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTH PARK MOTOR LINES, INC., 1420 )  
38TH STREET, DENVER, COLORADO FOR )  
TEMPORARY APPROVAL TO ACQUIRE OPER- )  
ATIONAL CONTROL OF ROTH TRUCK LINES, )  
INC., BOX 177, JEFFERSON, COLORADO, )  
RECORD OWNER OF CONTRACT CARRIER )  
PERMIT NO. B-472, PENDING DETERMIN- )  
ATION TO ACQUIRE THE CAPITAL STOCK )  
OF SAID CARRIER. )

APPLICATION NO. 27767-PP-Stock  
Transfer-TA  
ORDER DENYING TEMPORARY APPROVAL

-----  
August 27, 1974  
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The above-entitled application being under consideration, and  
IT APPEARING, That there is no immediate or urgent need for the  
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,  
denied.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

(Decision No. 85570)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES C. KLINE, DOING BUSINESS AS )  
"ROUTT SANITATION," 175 SHELTON )  
LANE, P.O. BOX 31, HAYDEN, COLORADO )  
FOR TEMPORARY AUTHORITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27765-TA  
ORDER DENYING TEMPORARY AUTHORITY

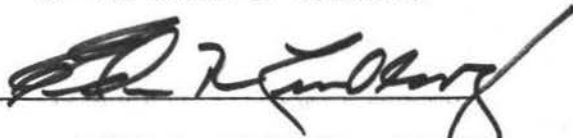
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August 27, 1974  
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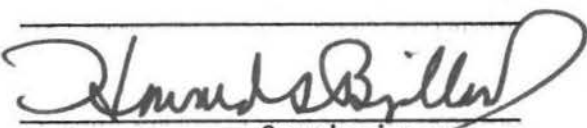
The above-entitled application being under consideration, and  
IT APPEARING, That there is no immediate or urgent need for the  
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,  
denied.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

(Decision No. 85571)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES D. STEWART, RIFLE, COLORADO )  
FOR TEMPORARY AUTHORITY TO OPERATE )  
AS A CLASS "B" CONTRACT CARRIER BY )  
MOTOR VEHICLE. )

APPLICATION NO. 27759-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

- - - - -  
August 27, 1974  
- - - - -

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

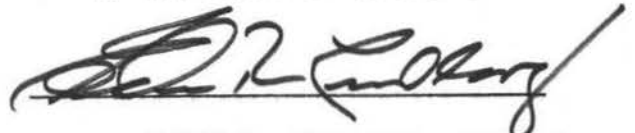
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

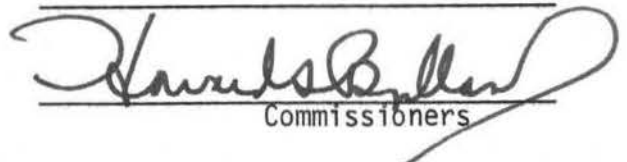
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENKO - ABSENT

  
Commissioners



Appendix  
Decision No. 85571  
August 27, 1974

James D. Stewart

Transportation of

Livestock

Between all points located within the County of Garfield, State of Colorado, and between said points on the one hand, and all points in the State of Colorado on the other hand.

RESTRICTION: This temporary authority is restricted to rendering transportation service for one customer only, Gentry Livestock, Inc., Garfield, Colorado.

(Decision No. 85572)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSE ALBERTO AVALOS, DOING BUSINESS )  
AS "AVALOS TRASH SERVICE," 1235 )  
BOHMEN AVENUE, PUEBLO, COLORADO FOR )  
TEMPORARY AUTHORITY TO OPERATE AS )  
A COMMON CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27741-TA

ORDER GRANTING TEMPORARY AUTHORITY

-----  
August 27, 1974  
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The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

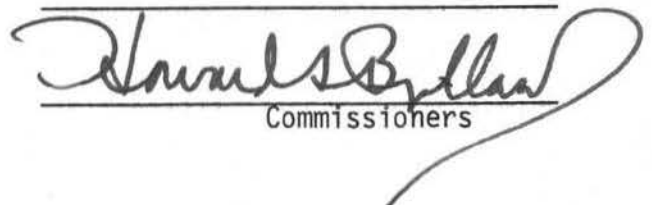
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO ABSENT

  
Commissioners

Appendix  
Decision No. 85572  
August 27, 1974

Avalos Trash Service

Transportation of

Ashes, trash, and other refuse

From all points within the City of Pueblo, Colorado, to such locations where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROBERT I. PERRIN, DOING BUSINESS AS )	APPLICATION NO. 27736-PP-Extension-TA
"BOB PERRIN TRUCKING," 3080 SOUTH )	
FEDERAL, DENVER, COLORADO FOR TEM- )	ORDER GRANTING TEMPORARY AUTHORITY
PORARY AUTHORITY TO EXTEND OPERATIONS )	
UNDER CONTRACT CARRIER PERMIT NO. )	
B-7839. )	

-----  
August 27, 1974  
-----

The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85573  
August 27, 1974

Bob Perrin Trucking

Transportation of

Flyash

From the Arapahoe Station of Public Service Company of Colorado, 2601 South Platte River Drive, Denver, Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This temporary authority is restricted to rendering transportation service for one customer only, the Public Service Company of Colorado.

(Decision No. 85574)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
D & D DISTRIBUTING, INC., 3650 EAST )  
50TH AVENUE, DENVER, COLORADO FOR )  
TEMPORARY AUTHORITY TO OPERATE AS A )  
CLASS "B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )

APPLICATION NO. 27744-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

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August 27, 1974  
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The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85574  
August 27, 1974

D & D Distributing

Transportation of

Household brushes, cleaning supplies, and cosmetics

From warehouse at 3650 East 50th Avenue, Denver, Colorado to all points located within the Counties of Denver, Adams, Arapahoe, Jefferson, Douglas, El Paso, Pueblo, Larimer and Weld, State of Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for one customer only, the Fuller Brush Company.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORLANDO A. COCA, DOING BUSINESS AS )  
"COCA & SONS," 673 SOUTH CARR STREET, )  
LAKEWOOD, COLORADO FOR AUTHORITY TO )  
OPERATE AS A CLASS "B" CONTRACT CAR- )  
RIER BY MOTOR VEHICLE. )

APPLICATION NO. 27743-PP  
ORDER OF THE COMMISSION

-----  
August 27, 1974  
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IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85575  
August 27, 1974

Coca & Sons

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DOUGLASS L. WEITZEL AND AUDREY M. )  
WEITZEL, DOING BUSINESS AS "DOUG )  
WEITZEL EXCAVATING," 2630 MULBERRY, )  
FORT COLLINS, COLORADO FOR AUTHORITY )  
TO OPERATE AS A CLASS "B" CONTRACT )  
CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 27760-PP

ORDER OF THE COMMISSION

-----  
August 27, 1974  
-----

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

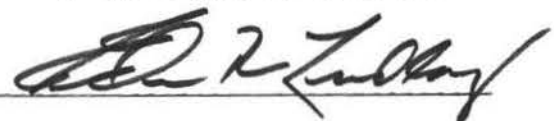
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

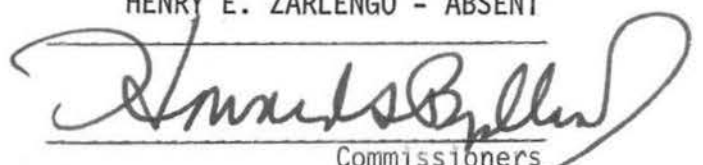
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

Appendix  
Decision No. 85576  
August 27, 1974

Doug Weitzel Excavating

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROYE H. HAWKINS, 930 MEEKER STREET, )  
DELTA, COLORADO FOR AUTHORITY TO )  
OPERATE AS A CLASS "B" CONTRACT CAR- )  
RIER BY MOTOR VEHICLE. )

APPLICATION NO. 27761-PP  
ORDER OF THE COMMISSION

-----  
August 27, 1974  
-----

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

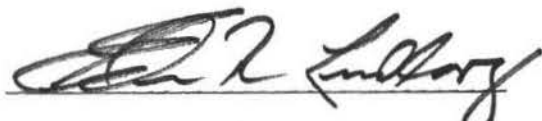
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

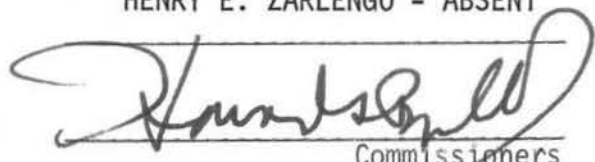
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENKO - ABSENT

  
Commissioners

Appendix  
Decision No. 85577  
August 27, 1974

Roye H. Hawkins

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HAROLD CRANE, 16332 EAST BATES DRIVE,  
AURORA, COLORADO FOR AUTHORITY TO  
OPERATE AS A CLASS "B" CONTRACT CAR-  
RIER BY MOTOR VEHICLE. }

APPLICATION NO. 27762-PP  
ORDER OF THE COMMISSION

- - - - -  
August 27, 1974  
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

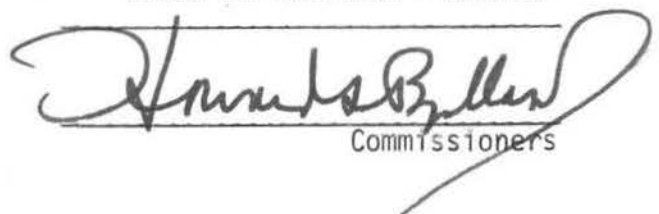
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
HENRY E. ZARLENGO - ABSENT

  
Commissioners



Appendix  
Decision No. 85578  
August 27, 1974

Harold Crane

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27449-Extension
ROBERT E. LEMON, DOING BUSINESS AS )	
"EL PASO CAB COMPANY," 550 LOOMIS )	RECOMMENDED DECISION OF
AVENUE, COLORADO SPRINGS, COLORADO )	ROBERT L. PYLE, EXAMINER
FOR AUTHORITY TO EXTEND OPERATIONS )	
UNDER PUC NO. 9199. )	GRANTING APPLICATION

- - - - -  
August 21, 1974  
- - - - -

Appearances: James W. Kin, Esq., Colorado Springs, Colorado, for Applicant;  
Eric Paul, Esq., Denver, Colorado, for Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), San Juan Tours, Inc., and Yellow Cab Company of Colorado Springs, Protestants;  
Bruce L. Craig, Esq., Colorado Springs, for Bessemer Bus Company, doing business as "Airport Limousine," Protestant;  
Susan E. Ayer, Esq., Denver, Colorado, for Ski Country Coaches, Protestant.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on March 28, 1974, to which the Commission assigned Docket No. 27449-Extension and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Protests were duly filed as indicated; however, prior to the conclusion of the hearing on the application, and upon clarification of the application, all Protestants withdrew. The matter was, therefore, concluded as a non-contested proceeding.

After due and proper notice to all interested parties, the application was set for hearing on Friday, July 19, 1974, at 10 a.m. in Conference Room 226, Judicial Building, 20 East Vermijo Street, Colorado Springs, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Exhibits 1 through 6 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, CRS 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 under the name and style of "El Paso Cab Company."
2. Applicant is presently the owner and operator of Certificate of Public Convenience and Necessity PUC No. 9199, which generally authorizes transportation in taxicab service of passengers and their baggage between Fort Carson Military Reservation on the one hand, and points located within a metes and bounds described area on the other hand. This metes and bounds area is the area immediately surrounding the Fort Carson Military Reservation.
3. By this application, Applicant seeks to extend his Certificate of Public Convenience and Necessity so as to provide taxicab service in taxicabs not carrying more than seven passengers between all points located within the following described area:

Bounded on the west by State Highway 115 beginning at the intersection of the Turkey Creek Ranch Road and ending at the intersection of State Highway 115 and Circle Drive; on the north by Circle Drive from the intersection of State Highway 115 to the intersection of State Highway 85-87, then by State Highway 85-87 from the intersection of Circle Drive to the intersection of Bradley Road, then by Bradley Road from the intersection of Highway (State) 85-87 to the intersection of Fountain Valley School Road, then by Fountain Valley School Road from the intersection of Bradley Road to the intersection of the eastern boundary of Section 20, Township 15 South, Range 65 West; on the east by the east boundary of Sections 20, 29, and 32, Township 15 South and Sections 5 and 8, Township 16 South, all in Range 65 West; and on the south by the southern boundaries of Sections 7 and 8, Township 16 South, Range 65 West to a point where said southern boundary intersects with the eastern boundary of the Fort Carson Military Reservation and then along an imaginary line running to the intersection of State Highway 115 and Turkey Creek Ranch Road, all in El Paso County, State of Colorado, and from said points to all points located within the State of Colorado, with no pick up from any point outside the above described area.
- It is noted that the taxicabs shall not carry more than seven passengers, and it is also noted that there will be no pick up from any point outside the described area.
4. The authority to which extension is hereby sought, PUC No. 9199, has been continually operated in the past and is presently in good standing with the Commission.
5. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
6. By serving point to point in the above-described area, Applicant can service the towns of Fountain, Widefield, and Security, as well as residential areas up to the Colorado Springs city limits. This area is composed largely of military personnel from the Fort Carson Military installation, and there is presently no taxicab service available.
7. The authority would also authorize transportation from points within the described area to, for example, Peterson Field and Pueblo, both of which points have considerable traffic from the Fort Carson area.
8. It is not economically feasible for taxicabs operating within

the city of Colorado Springs to adequately service the area and the granting of this application as hereinafter set forth will be in the public interest. Applicant, of course, would be able to provide service from the military installation into Colorado Springs, which is also much needed.

9. Since acquiring the certificate, Applicant has enjoyed steady growth and is furnishing a much needed service in the area. Applicant's net worth as shown on Exhibit No. 6 is \$54,325. He has equipment in the form of a base station radio and back up equipment -- 15 mobile radios, 12 Checker sedans, 3 Chevrolet sedans, all of which are ample and suitable for the operation of the certificate. Applicant has and will maintain insurance and will abide by the Rules and Regulations of the Commission. He has been schooled in military transportation during the time he was in the military service and has now had 13 months as a taxicab operator operating this particular certificate.

10. Applicant has obtained additional equipment in the form of five additional taxicabs along with necessary radio equipment to handle said additional service. These items have already been purchased by Applicant and are part of Applicant's present debt load.

11. Applicant anticipates no additional increase in office or dispatching staff which does not appear to be necessary with the increased service load.

12. The area presently serviced by Applicant is heavily populated by military and their dependents and lies approximately seven miles south of metropolitan Colorado Springs. It takes approximately twenty-five minutes to drive from Colorado Springs to the core of the present service area. Present cab service must cover approximately eleven miles on the average before they reach the pick up point for any calls originating in the present service area. Because of this, it is difficult for the Yellow Cab Company of Colorado Springs to adequately serve the taxicab needs of the service area for trips not presently authorized for the Applicant. Further, the time the average passenger will wait is no longer than ten minutes for a taxicab. As a result, it is extremely difficult for any cab coming any great distance to be assured of a passenger upon arrival.

13. Because of the cost of servicing a remote area and the time factor in providing immediate service, present taxicab service for the subject area is inadequate and does not adequately meet the needs of the public.

14. The proposed service which is limited to pick up only in the service area will relieve the present transportation services of an unprofitable service area and better the service into the proposed service area. These transportation services will complement each other and improve the quality of public transportation available.

15. The existing taxicab service in the area is inadequate to meet the particular transportation requirements sought herein and the present or future public convenience and necessity requires, or will require, the additional service hereinafter granted.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The application should be granted.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Certificate of Public Convenience and Necessity PUC No. 9199 be, and hereby is, extended so that the entire authority shall hereinafter read and be as follows:

Transportation -- in taxicab service -- of

Passengers and their baggage

- 1) Between all points located within the following described area:

Bounded on the west by State Highway 115 beginning at the intersection of the Turkey Creek Ranch Road and ending at the intersection of State Highway 115 and Circle Drive; on the north by Circle Drive from the intersection of State Highway 115 to the intersection of State Highway 85-87, then by State Highway 85-87 from the intersection of Circle Drive to the intersection of Bradley Road, then by Bradley Road from the intersection of Highway (State) 85-87 to the intersection of Fountain Valley School Road, then by Fountain Valley School Road from the intersection of Bradley Road to the intersection of the eastern boundary of Section 20, Township 15 South, Range 65 West; on the east by the east boundary of Sections 20, 29, and 32, Township 15 South, and Sections 5 and 8, Township 16 South, all in Range 65 West; and on the south by the southern boundaries of Sections 7 and 8, Township 16 South, Range 65 West to a point where said southern boundary intersects with the eastern boundary of the Fort Carson Military Reservation and then along an imaginary line running to the intersection of State Highway 115 and Turkey Creek Ranch Road, all in El Paso County, State of Colorado,

- 2) and from said points to all points located within the State of Colorado;

RESTRICTIONS: This authority is restricted as follows:

- 1) to taxicabs carrying no more than seven passengers;  
2) against the pick up of passengers from any point outside the above-described area.

2. 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.

3. 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.

4. This Order is subject to compliance by Applicant 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

  
Examiner  
nlr

jp



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NORTH PARK TRANSPORTATION COMPANY, )  
5150 COLUMBINE STREET, DENVER, COLO- )  
RADO FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY PUC NO. 1600 AND 1600-I. )

APPLICATION NO. 27663-Extension  
ORDER OF THE COMMISSION

- - - - -  
August 27, 1974  
- - - - -

Appearances: Leslie R. Kehl, Esq., Denver, Colorado  
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

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

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 1600 and 1600-I to include the following:

Transportation - on schedule - of

General commodities

- (1) Between Parshall, Colorado and the Henderson mine mill and tunnel site of American Metal Climax, Inc., located in Grand County, over County Road No. 219, serving all intermediate points and off-route points located within five (5) miles on either side of said highway.
- (2) Carrier is authorized to use alternate routes for operating convenience only, in conjunction with regular route operations between the following points:
  - (a) Between the junction of Interstate 70 and U. S. Highway 40 near Empire, Colorado and the Henderson mine mill and tunnel site of American Metal Climax, Inc., located within Grand County, over Interstate Highway 70, Colorado 9, and an unnumbered county road via Ute Pass.



(b) Between Kremmling, Colorado and the Henderson mine mill and tunnel site of American Metal Climax, Inc., as an alternate route for operating convenience only, over Colorado Highway 9, approximately 27 miles to the junction of unnumbered county road, thence over said Ute Pass, to the mill and tunnel site.

- (3) Service is authorized to be combined between all points set forth in items (1) and (2), so as to permit the rendition of transportation service to and from any and all points authorized to be served by carrier's existing regular routes.

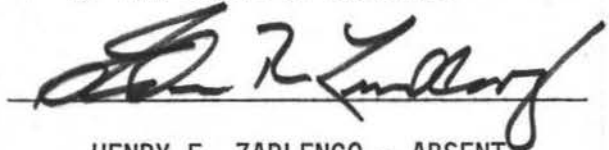
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, 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.

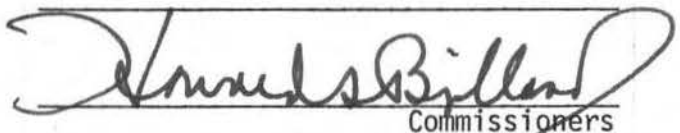
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 27th day of August, 1974.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT

  
Commissioners

(Decision No. 85581)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27524-Reinstatement
DON K. WOODBURY AND SHIRLEY FIELD )	
WOODBURY, DOING BUSINESS AS "WOOD- )	RECOMMENDED DECISION OF
BURY TRANSFER & STORAGE," FOR )	ROBERT E. TEMMER, EXAMINER
REINSTATEMENT OF PUC NO. 6576 WHICH )	
WAS REVOKED FOR FAILURE TO FILE A )	GRANTING APPLICATION
CERTIFICATE OF INSURANCE. )	

- - - - -  
August 22, 1974  
- - - - -

Appearances: L. Richard Bratton, Esq.,  
Gunnison, Colorado, for  
Applicants.

PROCEDURE AND RECORD

On April 23, 1974, Don K. Woodbury and Shirley Field Woodbury, doing business as "Woodbury Transfer & Storage," hereinafter referred to as Applicants, filed the above-entitled application with this Commission seeking reinstatement of their operating rights under Certificate of Public Convenience and Necessity PUC No. 6576.

The Commission assigned Docket No. 27524-Reinstatement to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended. The Applicants also filed applications for emergency temporary authority and temporary authority, and by Decision No. 84924 of the Commission issued on April 30, 1974, emergency temporary authority was granted, and by Decision No. 85009 of the Commission issued May 21, 1974, temporary authority was granted.

The Commission, after due and proper notice to all interested persons, firms, or corporations, set the application for hearing to be held in the District Courtroom, Second Floor, Gunnison County Courthouse, Gunnison, Colorado, on Wednesday, August 14, 1974, at 9 a.m. The hearing was held at the said place on the said date by Examiner Robert E. Temmer, to whom the matter had been duly assigned pursuant to law.

Exhibit 1 was identified and admitted into evidence and the Examiner took official notice of all documents in the official Commission file concerning this application. Testimony was received from several witnesses, and at the conclusion of the hearing, the subject matter of the application was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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. By Decision No. 83370, issued July 23, 1973, the operating rights of Applicants under Certificate of Public Convenience and Necessity PUC No. 6576 were revoked for the failure of the Applicants to have a currently effective Certificate of Insurance on file with the Commission.

2. The purpose of this application is to obtain an order from this Commission reinstating the Applicants' operating rights under Certificate of Public Convenience and Necessity PUC No. 6576.

3. This application was not protested and no one appeared at the hearing in opposition to the granting of the application as requested by Applicant.

4. Although a current Certificate of Insurance was not on file with this Commission prior to the revocation of the operating rights under the above-referred-to Decision, the Applicants did, in fact, have in effect valid insurance for public liability, property damage, and cargo insurance, and all premiums were paid; however, the insurance company involved failed to properly file Certificates of Insurance with this Commission. When the Applicants received notice that this Commission was going to hold a Show Cause hearing in regard to their insurance, they contacted their insurance company and were informed that everything was taken care of, that proper Certificates had been filed, and that they need not appear at the hearing. Applicants did not appear at the hearing. Applicants heard nothing further until March of 1974 when a representative of this Commission informed Applicants that their operating rights had been revoked and that they did not have operating authority. Applicants immediately contacted their insurance company and attorney and finally determined that the insurance company had failed to file appropriate Certificates with this Commission. Applicants changed insurance companies, had proper Certificates filed with the Commission, and applied for reinstatement of their operating rights. Applicants did everything reasonably required of them to make sure the proper Certificates of Insurance were on file with this Commission, and the failure to have such proper Certificates on file was through no fault of Applicants.

5. It would be in the public interest to reinstate the operating rights of the Applicants under Certificate of Public Convenience and Necessity PUC No. 6576.

6. All required filings of the Applicants are current.

### CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating rights under Certificate of Public Convenience and Necessity PUC No. 6576 should be reinstated just as if Decision No. 83370 had never been entered and become effective as to said operating rights.

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

O R D E R

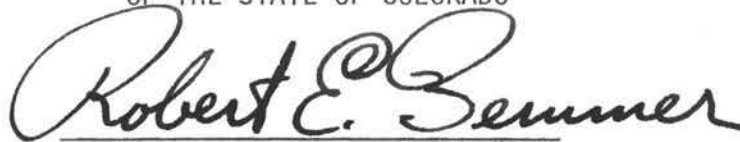
THE COMMISSION ORDERS THAT:

1. The operating rights of Don K. Woodbury and Shirley Field Woodbury, doing business as "Woodbury Transfer & Storage," Route 4, Box 20, Gunnison, Colorado, 81320, under Certificate of Public Convenience and Necessity PUC No. 6576 be, and hereby are, reinstated just as if Commission Decision No. 83370 issued July 23, 1973, had never become effective in its revocation of said operating rights.

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



Examiner  
nlr

jp

(Decision No. 85582)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27573
ROBERT E. DEMOREST, DOING BUSINESS	)	
AS "SUNRISE SANITATION COMPANY," BOX	)	RECOMMENDED DECISION OF
39 ALMA, COLORADO FOR A CERTIFICATE	)	ROBERT L. PYLE, EXAMINER
OF PUBLIC CONVENIENCE AND NECESSITY	)	
TO OPERATE AS A COMMON CARRIER BY	)	DISMISSING APPLICATION
MOTOR VEHICLE FOR HIRE.	)	

- - - - -  
August 22, 1974  
- - - - -

Appearances: C. E. McKinney, pro se, United  
Ash & Trash, Protestant.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on May 14, 1974, together with a REQUEST FOR TEMPORARY AUTHORITY. The temporary authority was denied by Commission Decision No. 85142, dated June 14, 1974. Docket No. 27573 was given to the application and the Commission gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

A protest was duly filed by C. E. McKinney, doing business as "United Ash & Trash," and after due and proper notice to all interested parties, the application was set for hearing on Tuesday, August 13, 1974, at 10 a.m. in the District Court Room of the Park County Court House, Fairplay, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Pursuant to the provisions of Chapter 115, Article 6, CRS 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. At the time the case was called for hearing, Applicant had failed to appear and after waiting for a period of approximately one hour for Applicant to appear and being unable to reach Applicant by telephone, the application was dismissed upon the Examiner's own motion.

2. Testimony was taken from Protestant who was present, mainly to inquire into matters concerning the allegations of the Applicant with respect to the service and failure of Protestant to serve the public in the area of his authority.

3. Protestant holds Certificate of Public Convenience and Necessity PUC No. 9035, which provides for an ash and trash service within a 15-mile radius of Fairplay, Colorado. Protestant advertises regularly in the Park County Republican and Fairplay Flume and such an advertisement was shown to the Examiner.

4. The total population of the area of Protestant's service contains less than 1,000 people, and approximately one-half of those people provide their own trash service to a public dump maintained by the County free of charge.

5. The gross income of Protestant for trash hauling in 1973 was \$1,434.

6. Protestant is presently providing an adequate service to the public within the area of his certificate and there is insufficient business to warrant an additional carrier at the present time.

7. The allegations of Applicant with respect to the services of Protestant are false and without merit.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The application 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 Order.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. Application No. 27573, being an application of Robert E. Demorest, doing business as "Sunrise Sanitation Company," Box 39, Alma, Colorado, for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, dismissed.

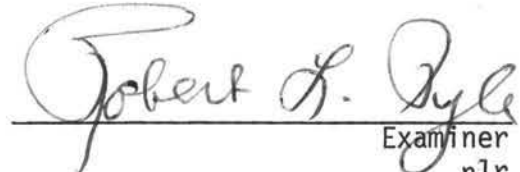
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

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

  
Examiner  
nlr  
jp



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
WILLIAM C. KERST DOING BUSINESS AS	)	APPLICATION NO. 27637-Waiver
KERST TRUCKING, 802 WEST SIXTH, YUMA,	)	
COLORADO FOR AN ORDER OF THE COMMISSION	)	RECOMMENDED DECISION OF
EXEMPTING JOHN ARCHIE MINER, EMPLOYEE	)	ROBERT L. PYLE, EXAMINER
OF KERST TRUCKING FROM PART 391.2(b)	)	
(VISUAL ACUITY) OF THE COMMISSION'S	)	DENYING APPLICATION
SAFETY RULES GOVERNING MOTOR VEHICLES.	)	

- - - - -  
August 22, 1974  
- - - - -

Appearances: William C. Kerst, Yuma, Colorado,  
Applicant, pro se;  
John Archie Miner, Yuma, Colorado,  
pro se;  
Vicki C. Benson and Leland H. Smith,  
Denver, Colorado, of the Staff of  
the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on June 10, 1974, to which the Commission assigned Docket No. 27637-Waiver and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

No protests were filed; however, the Staff of the Commission did conduct an extensive investigation and appeared at the hearing presenting testimony and exhibits.

After due and proper notice to all interested parties, the application was set for hearing on Thursday, August 8, 1974, at 10 a.m. in the Courtroom of the Logan County Courthouse, Sterling, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was assigned pursuant to law.

At the hearing, testimony was taken from Mr. William C. Kerst, the Applicant; Mr. John Archie Miner, for whom the waiver was sought; and from Mr. Leland H. Smith of the Staff of the Commission.

Exhibits 1 through 6 were tendered and admitted into evidence and at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 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, William C. Kerst, doing business as "Kerst Trucking," out of Yuma, Colorado, operates authority from this Commission designated as Contract Carrier Permits B-1502 and B-8016.

2. By this application, Applicant seeks a waiver from this Commission exempting one John Archie Miner, an employee of Kerst Trucking, from Rule 391.2(b) (Visual Acuity) of the Commission's Rules and Regulations Governing Contract Carriers by Motor Vehicle.

3. The pertinent portions of Rule 391.2(b) are:

#### "Eyesight

The visual acuity . . . ; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees . . ."

4. John Archie Miner, for whom the waiver is sought, is 54 years of age, and came to work for Kerst Trucking in January of 1974. He holds a Colorado chauffeur's license, and apparently is an excellent truck driver, as such, with approximately 35 years experience.

5. In June and July of 1973, prior to the time of his employment with Kerst Trucking, Mr. Miner had rather extensive cataract surgery on his eyes. Mr. Miner's eyesight in all respects, except for peripheral vision, is apparently sufficient to meet the requirements of the rule concerning drivers of motor vehicles under the jurisdiction of this Commission; however, his peripheral vision is 62 degrees in one eye and 64 degrees in the other eye, making a total of 126 degrees. It is noted that the rule requires a total of not less than 140 degrees for peripheral vision.

6. According to the doctor's reports concerning this matter, the limited peripheral vision probably is permanent. The report of John E. Elliff, M.D. (Exhibit No. 4) makes the statement, "Mr. Miner's side vision is impaired... His visual field can be improved by the wearing of contact lenses. If he can tolerate and wear contact lenses well, then he probably would have a full or nearly full field of vision, a definite requirement in my estimation for driving high velocity vehicles such as trucks, etc."

7. It is noted that Dr. Elliff's statement contains two contingencies; first, if he can tolerate the contact lenses; and secondly, if he can wear them well. Then Dr. Elliff states only that he probably would have a full field of vision.

8. Mr. Miner stated that he would not obtain contact lenses now or in the foreseeable future, and it is also noted from his testimony that the denial of this application would not create an economic hardship upon Mr. Miner or his family. Mr. Miner apparently has excellent mechanical ability, which should enable him to be gainfully employed.

9. Full peripheral vision is an extremely important physical requirement for persons operating trucks upon the public roads and highways and to grant a waiver in this instance could conceivably result in fatal consequences.

10. The granting of the application would not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

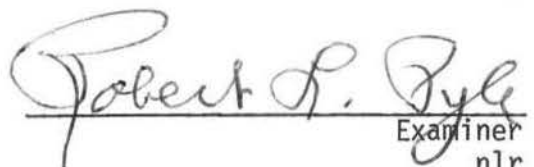
1. Application No. 27637-Waiver should be denied.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 27637-Waiver, being an application of William C. Kerst, doing business as "Kerst Trucking," 802 West Sixth, Yuma, Colorado, for an Order of the Commission exempting John Archie Miner, employee of Kerst Trucking, from Part 391.2(b) (Visual Acuity) of the Commission's Safety Rules Governing Motor Vehicles be, and hereby is, denied.
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

  
Examiner  
nlr  
jp

(Decision No. 85584)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF } ALPINE TRANSPORTATION, INC., 1365 } LOGAN STREET, DENVER, COLORADO, FOR } A CERTIFICATE OF PUBLIC CONVENIENCE } AND NECESSITY TO OPERATE AS A COMMON } CARRIER BY MOTOR VEHICLE FOR HIRE. }	APPLICATION NO. 27525  RECOMMENDED DECISION OF ROBERT E. TEMMER, EXAMINER  GRANTING APPLICATION
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- - - - -  
August 22, 1974  
- - - - -

Appearances: Charles J. Kimball, Esq.,  
Denver, Colorado, for  
Applicant;  
Dalton O. Ford, Denver,  
Colorado, of the Staff  
of the Commission.

PROCEDURE AND RECORD

On April 19, 1974, Alpine Transportation, Inc., hereinafter referred to as Applicant, 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 services as specifically set forth in said application.

The Commission assigned Docket No. 27525 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On May 13, 1974, Yellow Cab, Inc., filed a protest to the granting of said application. On May 21, 1974, San Juan Tours, Inc., filed a Petition for Leave to Intervene in the above proceedings, and on May 22, 1974, Continental Bus System, Inc. (Rocky Mountain Lines Division), filed its Motion to Intervene and Protest. By Decision No. 85083, issued May 28, 1974, the Commission granted San Juan Tours, Inc., the right to intervene and by Decision No. 85114, issued June 4, 1974, the Commission granted Continental Bus System, Inc., (Rocky Mountain Lines Division), leave to intervene. On June 5, 1974, Michael John Garrity, doing business as "Dashund Transportation," filed a protest in regard to the above application, and on June 5, 1974, Denver-Boulder Bus Company and Colorado Motorway, Inc., filed their Petition for Leave to Intervene and Protest. On June 14, 1974, the Commission entered its Decision No. 85176 granting Denver-Boulder Bus Company and Colorado Motorway, Inc., leave to intervene and protest. On July 17, 1974, the Applicant filed a Motion to Restrictively Amend its Application and by Decision No. 85432, issued July 23, 1974, the Commission granted the Applicant's Motion to Restrictively Amend. On July 25, 1974, Yellow Cab, Inc., withdrew its protest to the granting of the application and on July 29, 1974, San Juan Tours, Inc., moved for leave to withdraw its Petition to Intervene and Protest and on July 31, 1974, Continental Trailways Bus Company (Rocky Mountain Lines Division), filed a Motion to Dismiss its protest. By Decision No. 85493, issued August 6, 1974, the Commission granted leave to San Juan Tours, Inc., to withdraw its Petition for Leave to Intervene and granted the Motion to Dismiss Protest of Continental Trailways Bus Company (Rocky Mountain Lines Division). On July 25, 1974, Denver-Boulder Bus Company and Colorado Motorway, Inc., by letter, withdrew their protest.



Pursuant to law, the Commission assigned the application to Robert E. Temmer, Examiner, for the purpose of conducting a hearing, 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 Courtroom at the Summit County Courthouse, Breckenridge, Colorado, on Wednesday, August 7, 1974, to commence at 10:00 A.M. The hearing was held at the said time and place.

As a preliminary matter to the hearing, the Applicant raised a Motion to Strike the Protest filed by Michael John Garrity, doing business as "Dashund Transportation," on the grounds that the authority of Michael John Garrity issued by this Commission had been revoked and that, therefore, said Protestant had no proper standing to protest. The Examiner granted this motion on the basis that Decision No. 84506 revoked the authority of Michael John Garrity, doing business as "Dashund Transportation," and on the basis that said Protestant had failed to appear at the hearing. The Applicant further moved that the hearing be vacated and that the application be put on the Commission's docket for modified procedure for action without a formal hearing. This Motion was denied by the Examiner.

Exhibits 1 through 3 were tendered and admitted into evidence at the hearing and the testimony of witnesses was taken. Applicant was given leave to file verified statements of witnesses as late-filed exhibits on or before August 8, 1974. Six such verified statements were received. At the hearing a further restrictive amendment was proposed by Applicant, and Applicant was granted permission to file said further restrictive amendment in written form on or before August 8, 1974. The restrictive amendment in written form was received, and a corrected copy of the restrictive amendment was also received on August 12, 1974. Said corrected restrictive amendment, being clearly restrictive in nature, not affecting the substance of the application, and clarifying the nature of the authority sought by Applicant be, and hereby is, accepted by the Examiner.

The Examiner, on his own motion, hereby takes official notice of the exhibits filed with the original application as contained in the official Commission file on Application No. 27525 and of all other documents in said official file. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer 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. The President of Applicant is Richard Gustafson, and he owns 50 percent of the outstanding stock of Applicant. Medsa Company owns the remaining 50 percent of the outstanding stock of Applicant. Mr. Donald E. Leonard of Lincoln, Nebraska, is the Chairman of the Board of Directors, President, and sole stockholder of Medsa Company, and he will also be on the Board of Directors of Applicant.

2. Applicant in this matter proposes to operate a public utility, as defined in Chapter 115, CRS 1963, as amended.

3. This Commission has jurisdiction over the Applicant and the subject matter of this proceeding.

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

5. Applicant will lease sufficient equipment and will lease additional equipment as the need arises, has sufficient net worth, and adequate sources of funds, has experience related to the transportation industry, and will hire employees who have experience in the transportation industry, all of which will be ample and suitable for the operation of the authority applied for herein.

6. The chief corporate officers, as well as the employees of Applicant, are sufficient 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 will make adequate provision for insurance.

7. Pursuant to the corrected restrictive amendment, Applicant proposes to operate as a common carrier by motor vehicle for hire for the following:

"Transportation in scheduled bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies between the Copper Mountain Colorado Recreational Area, the Arapahoe Basin Colorado Recreational Area, and Breckenridge, Colorado, over U. S. Highway 6 and that portion of Colorado Highway 9, between Breckenridge, Colorado, and the junction of Colorado Highway 9 and U. S. Highway 6, serving all intermediate points on said highways and all off-route points within 3 miles of said highways.

"Transportation in charter bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies between points in Summit County, Colorado.

"Transportation in taxi service of passengers, their personal effects, baggage, ski equipment, accessories and supplies between points in Summit County, Colorado."

8. Applicant proposes to operate a scheduled bus service, a charter bus service, and a taxi service in Summit County, Colorado. There is presently no services of these types available in Summit County. During the winter months Summit County is heavily populated with skiers, a good deal of whom do not have transportation available to get them from lodges and motels to ski areas and back again. In addition, residents of Summit County do not have any means of public transportation available to them for travel between points within Summit County. The proposed operations of Applicant would provide transportation to fill these needs. The present and future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

9. The granting of the application 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 Order.

### O R D E R

#### THE COMMISSION ORDERS THAT:

1. Alpine Transportation, Inc., 1365 Logan Street, Denver, Colorado, 80203, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

- (1) Transportation - in scheduled bus service - of  
Passengers and their baggage

Between the Copper Mountain Colorado Recreational Area, the Arapahoe Basin Recreational Area, and Breckenridge, Colorado, over the following described routes:

U. S. Highway No. 6 and that portion of Colorado Highway No. 9 lying between Breckenridge, Colorado and the junction of Colorado Highway No. 9 and U. S. Highway No. 6, serving all intermediate points and all off-route points lying within 3 miles of either side of said highways.

- (2) Transportation - in charter bus service - of  
Passengers and their baggage

Between all points located within the County of Summit, State of Colorado.

- (3) Transportation - in taxicab service - of  
Passengers and their baggage

Between all points located within the County of Summit, State of Colorado;

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

2. Applicant shall file tariffs of rates, rules, and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from the effective date of this Order.

3. Applicant shall file within twenty (20) days from the effective date of this Order a Designation of Agent for service of notices, orders, and process.

4. Applicant shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

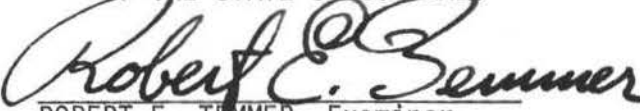


5. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

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 E. TEMMER, Examiner

jp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	APPLICATION NO. 27541
ATWOOD TRUCKS, INC., 515 EAST )	
COMMERCE AVENUE, FORT MORGAN, COLO- )	RECOMMENDED DECISION OF
RADO FOR A CERTIFICATE OF PUBLIC )	ROBERT L. PYLE, EXAMINER
CONVENIENCE AND NECESSITY TO OPER- )	
ATE AS A COMMON CARRIER FOR HIRE. )	GRANTING APPLICATION

-----  
August 23, 1974  
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Appearances: John H. Lewis, Esq., Denver,  
Colorado, for Applicant;  
Melvin Dinner, Esq., Greeley,  
Colorado, for Trahoff and  
Bar Livestock Transport, Inc.;  
Greeley Truckline, Inc.; J. J.  
Schaeffer Livestock Hauling, Inc.;  
Rocky Mountain Livestock Trucking,  
Inc.; Reed M. Johnson, doing business  
as "Johnson Livestock Trucking";  
George Murphy and Sorenson Truck  
Service, Inc.;  
Susan E. Ayer, Esq., Denver,  
Colorado for Martin Wilshusen,  
Yuma County Transportation; and  
Yuma Livestock Auction;  
Chris Sorenson, Longmont, Colorado,  
for Sorenson Truck Service, Inc.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on May 1, 1974, to which the Commission assigned Docket No. 27541 and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Numerous protests were subsequently filed, but only those noted in the Appearances above participated in the proceedings. Prior to the hearing, Applicant did amend its application by eliminating "farm products" from the commodity description and also placed into the application an office restriction to the City of Fort Morgan.

After due and proper notice to all interested parties, the application was set for hearing on Tuesday, July 30, 1974, at 10:30 a.m. in the Courtroom of the Morgan County Courthouse, Fort Morgan, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Exhibits 1 through 10 and 12 through 17 were offered and admitted into evidence. Exhibit 11 was marked for identification, but was later withdrawn.

Testimony was taken from Applicant and 19 supporting public witnesses. Testimony was also taken from two Protestants. After 2 1/2 days of hearing, the Applicant offered an additional amendment, the details of which are set forth in the Findings of Fact. This amendment was restrictive in nature and did not change the substance of the application and was, therefore, accepted, whereupon all Protestants withdrew and the hearing concluded as a noncontested matter.

Pursuant to the provisions of Chapter 115, Article 6, CRS 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 with offices located in Fort Morgan, Colorado.
2. At the present time, Applicant holds no authority from this Commission; however, the sole stockholder of Applicant is A. (Acie) L. Atwood, who holds Contract Carrier Permit B-821, which provides as follows:  
  
"Transportation of freight, between points in the State of Colorado, restricted to conduct business from an office at Fort Morgan, Colorado only."
3. There has been filed with the Commission a request by Mr. Atwood to transfer the above-mentioned Contract Carrier Permit to the Applicant in this proceeding (a Colorado corporation); however, regardless of the outcome of this proceeding, the transfer should be consummated on or before October 1, 1974.
4. The corporation will operate nine tractors, eight trailers, and a straight truck, all suitable for the transportation of livestock.
5. Customer lists now on file for Permit No. B-821 show a total of approximately 350 customers. The corporation will have a total of eleven to fifteen employees. All of them are capable of driving trucks, and in addition, some are also office workers, bookkeepers, and mechanics.
6. Mr. Atwood, the sole stockholder of Applicant corporation, has been in the transportation business between thirty and forty years; and at the present time, approximately 75 percent of the operations conducted under the "B" Permit are for the transportation of livestock.
7. The corporation, by October 1, will have two trailers with an approximate value of \$40,000 in the corporation's name, free of any liens and encumbrances, and additionally two tractors will be transferred to the corporate name. Other equipment will be leased to the corporation.

8. Since this is a new corporation, the individual stockholder will advance assets and cash individually to the corporation if needed, and the evidence shows that the net worth of the sole stockholder is approximately \$200,000.

9. It is found as fact that Applicant is fit, willing, and able, financially and otherwise, to conduct operations as a common carrier.

10. The following amendment was proposed by Applicant, approved by the Protestants, and accepted by the Examiner:

"Transportation of livestock between points in Morgan County, Colorado, and between points in that area, on the one hand, and, on the other points in the State of Colorado.

RESTRICTION: Restricted to conduct business from an office at Fort Morgan, Colorado, only.

Permit No. B-821 would be reissued to read as follows:

- (1) Transportation of freight, except livestock, between points in the State of Colorado.

RESTRICTION TO PART (1): Restricted to conduct business from an office at Fort Morgan, Colorado, only.

- (2) Transportation of livestock between points within 120 mile radius of the intersection of Bijou and State Streets, Fort Morgan, Colorado (except Morgan County), and between points in that area on the one hand, and, on the other points in the State of Colorado.

RESTRICTIONS TO PART (2):

- (a) Restricted to conduct business from an office at Fort Morgan, Colorado, only.
- (b) Applicant may not have more than 35 customers on file with the Commission at any one time.
- (c) Applicant may not transfer this portion of the Permit in itself but can only transfer it in conjunction with applicant's common carrier livestock authority."

11. Applicant, through its sole stockholder who also is the present owner of Permit No. B-821, voluntarily agrees to the restriction to be placed in Permit No. B-821 upon the grant of the amended application for a certificate of public convenience and necessity.

12. The application was supported by 19 shipper witnesses, and, of that number, all the transportation of livestock, by 12 of said witnesses either originates or terminates in the County of Morgan. An additional five witnesses have livestock transportation that originates or terminates in the County of Morgan.

13. Many shipments move solely between points in Morgan County, but several move to or from Morgan County from and to numerous locations throughout the state of Colorado.

14. The volume of traffic handled by the individual shippers varied from an annual total of 136,000 head into and out of Brush Livestock Commission at Brush, Colorado; 100,000 head from Wilhelm feed lot at Fort Morgan, to a low of approximately 200 head to or from individual ranchers.

15. A total of 14,611 head of livestock were transported intra-state during the month of May, 1974, by Atwood. This required over 300 shipments for the month and, of that number, only nine neither originated or terminated in Morgan County.

16. The carrier is providing an excellent service, and the shippers are satisfied and need that service. As stated by one of the shippers, Mr. Carl Heepke, "a good strong, reliable certificated livestock trucker is needed in all areas of the state." Atwood has shown that, through the years of operating Permit No. B-821, an excellent service has been rendered to customers served by him.

17. The grant of a certificate to perform service between points in Morgan County and between points in that county on the one hand, and, on the other, points in Colorado, would not change the competitive situation as Atwood has been an aggressive carrier transporting a large volume of livestock in that area in the past. Further, such a grant would permit better utilization of equipment and, further, would provide a service that is essential to the livestock industry. The proposed service would assure the shippers that service would be available even though the carrier would receive short notice for equipment.

18. The public convenience and necessity requires the granting of a Certificate of Public Convenience and Necessity to transport livestock between points in Morgan County and between points in Morgan County, on the one hand, and, on the other, points in the State of Colorado.

19. Applicant has failed to prove that the public convenience and necessity require the grant of a certificate other than set forth in the preceding paragraph. The redrafting and restriction of Contract Carrier Permit No. B-821 as agreed to by Applicant will not have an adverse affect on any customers now being served thereunder.

20. Applicant should be precluded from transferring the certificate and that portion of the Permit authorizing the transportation of livestock to two separate livestock carriers. For that reason, a restriction should be placed in the Permit: that the livestock transportation permitted therein cannot be transferred except in conjunction with the transfer of the certificate.

21. The granting of the application as hereinafter ordered will be in the public interest.



### CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The public convenience and necessity requires that a certificate of public convenience and necessity be issued authorizing the transportation of livestock between points in Morgan County and between points in Morgan County on the one hand, and, on the other, points in the State of Colorado.

2. In order to completely serve the existing customers, Permit No. B-821 should include authority to transport livestock between points within the 120-mile radius of the intersection of Bijou and State Streets, Fort Morgan, Colorado (except Morgan County) and between points in that area on the one hand, and, on the other, points in the State of Colorado.

3. Except as set forth in paragraph number two above, Permit No. B-821 should be restricted against the transportation of livestock.

4. On the transportation of livestock under the Permit, there should not be more than 35 customers served thereunder at any one time.

5. Applicant should be precluded from transferring his Certificate authorizing the transportation of livestock from that portion of Permit No. B-821 permitting the transportation of livestock, and thus a restriction should be placed in that portion of the permit authorizing the transportation of livestock, that it cannot be transferred, except in conjunction with Applicant's common carrier livestock authority.

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

### O R D E R

#### THE COMMISSION ORDERS THAT:

1. Atwood Trucks, Inc., 515 East Commerce Avenue, Fort Morgan, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

Transportation of

livestock

between points in Morgan County, Colorado, and between points in that area on the one hand, and on the other hand, points in the state of Colorado.

RESTRICTION: This Certificate is restricted to an office for the conduct of business at Fort Morgan, Colorado, only.

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

2. As a pre-requisite for the grant of the Certificate mentioned above in Paragraph 1 of this Order, Contract Carrier Permit No. B-821 is to be rewritten so as to read and be as follows:

- (1) Transportation of  
freight, except livestock,  
between all points in the state of Colorado.
- (2) Transportation of  
livestock  
between points within a 120-mile radius of the intersection of Bijou and State Streets, Fort Morgan, Colorado (excluding Morgan County) and between points in that area on the one hand, and on the other hand, all points in the state of Colorado.

RESTRICTIONS:

- (a) This Permit is restricted to an office for the conduct of business at Fort Morgan, Colorado.
- (b) Applicant shall not serve or have contracts with more than 35 customers at any one time under Section (2) of this Permit.
- (c) Applicant shall not transfer Section (2) of this Permit by itself, but can only transfer said Section (2) in conjunction with the common carrier livestock authority granted in this Order.

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

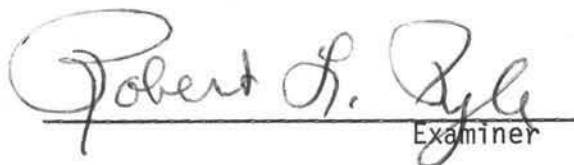
5. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of this Commission.

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

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