(Decision No. 17895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF CHARLES WILKENS, TRINIDAD, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2537 TO RAYMOND MOSHER, TRINIDAD, COLORADO.	APPLICATION NO. 5302-PP-A

November 18, 1941.

Appearances: Raymond Mosher, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

On March 9, 1940, Charles Wilkens was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> coal, sand and gravel between points within a radius of fifty miles of Trinidad, excepting service to Aguilar; junk for Ed Poliak, only, between points in said fifty-mile radius, excepting service between towns served by line haul motor vehicle common carriers.

Said Wilkens now seeks authority to transfer said permit to Raymond Mosher.

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

It further appears that there are no outstanding unpaid operating obligations against said operation.

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

O R D E R

IT IS ORDERED:

That Charles Wilkens, Trinidad, Colorado, is hereby authorized to transfer Permit No. B-2537 to Raymond Mosher, Trinidad, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

(Decision No. 17896)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LORENZO MARTINO, PENROSE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5658-PP

November 19, 1941

Appearances: Lorenzo Martino, Penrose, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of Penrose, Colorado.

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

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

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

O R D E R

IT IS ORDERED:

That Lorenzo Martino, Penrose, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of Penrose, Colorado.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I T Thurman

Edward D Dawley

Walter Evans

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1941.

mw

(Decision No. 17897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE R. PRATT, MINTURN, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5746-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

November 10, 1941

Appearances: George R. Pratt, Minturn, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., The Denver and Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

George R. Pratt herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of household goods and furniture in the Town of Minturn, and from Minturn to points within a radius of twenty-five miles thereof, with back-haul of "trade-ins" and second-hand furniture; used household goods and furniture between points west of the Continental Divide, within a radius of one hundred miles of Minturn; sand, gravel, coal, firewood, building supplies, livestock, farm products and feed, between points within a radius of twenty-five miles of Minturn, without the right to haul commodities ordinarily handled by line haul motor vehicle carriers between points served by said carriers on schedule.

There were no objections to the granting of the authority sought.

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

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

O R D E R

IT IS ORDERED:

That George R. Pratt, Minturn, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of household goods and furniture in the Town of Minturn, and from Minturn to points within a radius of twenty-five miles thereof, with back-haul of "trade-ins" and second-hand furniture; used household goods and furniture between points west of the Continental Divide within a radius of one hundred miles of Minturn; sand, gravel, coal, firewood, building supplies, livestock, farm products and feed, between points within a radius of twenty-five miles of Minturn, without the right to haul commodities ordinarily handled by line haul motor vehicle carriers between points served by said carriers on schedule.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ O. Thorman

Edward C. Fowler

Milton Griswold

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1941.

(Decision No. 17898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARVEY H. AXTELL, DOING BUSINESS AS)
"AXTELL BROS.", 3101 SOUTH BROADWAY,)
ENGLEWOOD, COLORADO, FOR A CLASS "B") APPLICATION NO. 5797-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 10, 1941

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, rock and other material used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver; coal from mines in the Florence coal fields to Denver.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the issuance of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should issue.

O R D E R

IT IS ORDERED:

That Harvey H. Axtell, doing business as "Axtell Bros.," Englewood, Colorado, should be, and he hereby is, authorized to operate as a

Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, rock and other material used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver; coal from mines in the Florence coal fields to Denver.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1941.

mw

(Decision No. 17699)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. C. BARTH, WRAY, COLORADO, FOR)
AUTHORITY TO TRANSFER CERTIFICATE) APPLICATION NO. 4011-A
NO. 1150 TO MARTIN E. STUTHEIT,)
IDALIA, COLORADO.)

November 10, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
E. B. Evans, Jr., Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On August 28, 1937, Decision No. 10561, O. C. Barth, of Yuma, Colorado, was granted a certificate of public convenience and necessity, authorizing the transportation of:

> "All commodities into, out of, and between points within the following-described area: from Wray north to the north Yuma County Line, south of Wray to U. S. Highway No. 36, east of Wray to the Colorado State Line, and west of Wray to Eckley, provided, however, that the applicant shall not transport any commodities except livestock, farm products in bulk, used household goods and feed, between Denver and Wray, and between Wray or other points in said area and points on Colorado Highway No. 54, and shall not engage in any transportation service between towns on U. S. Highway No. 36."

Said certificate was numbered 1150, and in the instant application, authority is sought to transfer the same to Martin E. Stutheit, of

Idalia, Colorado.

The evidence disclosed that transferee is paying the sum of seven hundred and fifty dollars ($750.00) for said certificate. It was further developed that transferor owes obligations outstanding against his operations under this certificate in the following amounts, to-wit:

Ed's Tire Service	$ 40.00
Wyland Service Station.	15.95
Heindel Motor Company	22.89
Wray Farmers' Union Oil Co. . .	81.27
Barkmeier Service Station . . .	34.20
W. J. Miller Service.	13.50
Total	$205.79

Transferor agreed that transferee should pay said claims and deduct the amount thereof from the purchase price to be paid herein.

The financial standing and operating reliability of transferee were established to the satisfaction of the Commission.

E. W. Rutz protested the granting of the authority upon the ground that he owns an undivided one-half interest in and to said certificate. However, as we have heretofore pointed out in Case No. 4879, the Commission is unable to pass upon the question of whether the said Rutz has any interest in said certificate or not, as it is beyond our jurisdiction to determine this legal question, and the said Rutz should, if he so desires, apply to the courts for a determination of whatever rights he may have in said certificate.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought herein should be granted.

O R D E R

IT IS ORDERED:

That O. C. Barth be, and he is hereby, authorized to transfer all of his right, title, and interest in and to certificate of public convenience and necessity No. 1150 to Martin E. Stutheit, of Idalia, Colorado.

That transferee shall pay the obligations of transferor under said certificate and furnish the Commission written evidence that same are paid, before this transfer shall become effective.

The tariff of rates, rules and regulations of the transferor

shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1941.

RW

(Decision No. 17900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. C. BARTH, WRAY, COLORADO.)

CASE NO. 1879

November 20, 1941

Appearances: E. B. Evans, Jr., Esq., Denver, Colorado, for the Commission;
Marion F. Jones, Esq., Denver, Colorado, for the respondent;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On September 11, 1941, Decision No. 17627, the Commission issued its order, requiring O. C. Barth to show cause why his certificate of public convenience and necessity No. 1150, and Private Carrier Permit No. A-512 should not be cancelled or revoked upon the grounds:

(a) That respondent had been delinquent in payment of highway compensation tax.

(b) That respondent had heretofore sold said certificate and permit to E. W. Rutz, of Wray, Colorado, without securing the authority to make said transfer.

Written answer to said order was filed by respondent, admitting that he had been unable to pay certain highway compensation taxes when due, and had now consummated a sale of his certificate which would enable him to pay said taxes, as well as other indebtedness, and further alleging that the penalty for failure to pay highway compensation taxes is provided by statute. He further denied any sale to the said Rutz, but

alleged that he had duly sold his certificate to one M. E. Statheit.

At the hearing, E. W. Rutz testified that in November, 1940, he made a deal with respondent to purchase a half interest in both the certificate and permit owned by respondent; that the total purchase price to be paid was the sum of five hundred dollars ($500.00); that he turned over to respondent a 1937 Terraplane car, valued at four hundred dollars ($400.00), and a note for the sum of one hundred dollars ($100.00), in full payment of said consideration; that Barth sold the one hundred dollar note to the bank, and witness subsequently paid the bank; that a written agreement relative to said transaction had been entered into, but witness had lost or mislaid his copy of same.

C. E. Miller, of Wray, Colorado, testified that he had leased his truck to respondent and subsequent thereto, had a verbal agreement with respondent to buy his remaining one-half interest in the certificate and permit for the sum of two hundred fifty dollars ($250.00); that he was to pay a debt of respondent's, amounting to fifty dollars ($50.00), and was to pay respondent the further sum of two hundred dollars ($200.00) on delivery of transfer order duly approved by The Public Utilities Commission; that the said two hundred dollars ($200.00) was to be deposited in escrow in the bank at Wray; that a written contract, subsequently made, covering the agreement, was deposited with said bank, but the day deal was to be consummated, the respondent called the matter off, and the two hundred dollars had never been so deposited. He further stated that he knew that witness Rutz had purchased one-half interest, and that he paid ten dollars ($10.00) down to buy this interest, which was to be sold to him for a total consideration of two hundred fifty dollars ($250.00). He further stated that Rutz told him he was accepting one-half of what he had paid for the authorities.

Respondent, testifying in his own behalf, admitted that in November, 1940, he made a deal with witness Rutz to purchase a half interest in his certificate, only; that the total purchase price was to be the sum

of seven hundred fifty dollars ($750.00); that he took the Terraplane car at a value of one hundred fifty dollars ($150.00), which, with the note he received, made a payment of two hundred fifty dollars ($250.00) and that Rutz was to pay the balance of five hundred dollars ($500.00) in ninety days, which he failed to do; that he would have applied for authority to the Commission to authorize the transfer whenever the balance of the purchase price had been paid. He also stated that he had a copy of the written contract entered into between the parties and agreed to send it to the Commission if it could be found upon his return home. The Commission has since been advised that the copy could not be located. The question of whether or not an actual sale of either the certificate or the permit by respondent to the said Rutz was ever consummated would appear to the Commission to be a legal proposition that only a court could determine, and that same is not within the jurisdiction of this Commission. We certainly do not feel that the permit and certificate could be cancelled or revoked upon the record in the instant case, in view of the conflicting testimony and in further view of the fact that we do not believe the non-payment of the highway compensation taxes would justify such action, as a willingness is shown to take care of the same out of any proceeds received by respondent from the sale thereof.

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

O R D E R

IT IS ORDERED:

That the instant case be, and the same is hereby, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1941.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALAMOSA, COLORADO, FOR OPENING OF A PUBLIC HIGHWAY ACROSS THE RIGHT-OF-WAY AND TRACK OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY AT A POINT NEAR MILE POST 253 ON THE CREEDE BRANCH OF SAID RAILROAD.	APPLICATION NO. 5766

November 19, 1941.

S T A T E M E N T

By the Commission:

On October 8, 1941, the Board of County Commissioners of Alamosa County, Colorado, filed an application (No. 5766) with the Commission for the opening and establishment of a public highway crossing, at grade, across the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point described as "Commencing at the Northwest Quarter of Section 9, in Township 37 N, Range 10 E. N. M. P. M., thence south along said qnarter section line a distance of 900 feet; thence Northwest along center line of D. & R. G. W. R. R. 580 feet, which point is approximately 300 feet east of the privateway road crossing licensed to James A. Bachand", and located at Mile Post 253 plus 110 feet.

The application alleged the aforesaid private crossing only serves the said James A. Bachand, but if this application is granted, the proposed new grade crossing will not only serve the said Bachand, but will also serve a large number of persons who have settled south of the right-of-way of said railroad in what now constitutes an unincorporated suburb of the City of Alamosa and which will conform with established streets in a northerly and southerly direction in the west part of said City of Alamosa. It was also proposed to close and abandon the said private crossing of James A. Bachand.

The railroad company was requested to state its attitude toward said application, and in a letter to the Commission by the General Attorney of the railroad company, he advised that the Company would interpose no objection to the installation of the proposed new crossing providing that application No. 5660 - an application for the opening of a grade crossing at Mile Post 252 plus 5170 feet - be dismissed, and that Mr. Bachand make a written request to the railroad company to rescind the license that had been granted to him for his private grade crossing. Also that the company would install and maintain the necessary crossing planks and grade crossing signs at the proposed new crossing, provided the County would do all the grading and prepare the highway up to the ties of the track at its own expense.

It appears from a copy of the resolution adopted by the Board of County Commissioners of Alamosa County on November 3, 1941, that they have agreed to dismiss the aforesaid application No. 5660 and that Mr. Bachand had filed a written request to the railroad company to rescind the license granted to him for the aforesaid private crossing, and that the terms for the expense of the installation of the crossing, as stated by the General Attorney for the railroad company, are satisfactory to them. The private crossing of Mr. Bachand can be closed by the railroad company on Mr. Bachand's request and requires no order of the Commission. The Commission only takes note of it.

Therefore, since all the parties concerned in this application are in accord as to its installation, including the apportionment of costs and other conditions as set forth herein, and that no unusual hazards are created by the establishment of a grade crossing at this place, and that its establishment will provide a means of convenience to a large number of persons, the Commission finds that the application should be granted and will make its order accordingly.

O R D E R

IT IS THEREFORE ORDERED, That in compliance with Section 29 of the Public Utilities Act, as amended, a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established across

the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point designated as approximately 500 feet east of the present private crossing of James A. Bachand, said private crossing being located at Mile Post 252 plus 110 feet.

IT IS FURTHER ORDERED, That in compliance with the resolution of the Board of County Commissioners of Alamosa County, adopted November 3, 1941, Application No. 5660 be, and it is hereby, dismissed, and that a copy of this order be served on The Denver and Rio Grande Western Railroad Company, the Board of County Commissioners of Alamosa County, and a copy be filed with said application in the files of the Commission.

IT IS FURTHER ORDERED, That the County of Alamosa shall bear the expense of the construction and maintenance of the highway up to the ends of the ties of the aforesaid railroad, including the drainage therefor; and that the carrier, The Denver and Rio Grande Western Railroad Company, shall bear the expense of the installation and maintenance of crossing plank or other crossing material and necessary crossing signs, or other crossing appliances required in the proposed new crossing as herein referred to.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1941.

BH

(Decision No. 17902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK W. MILLER, DOING BUSINESS AS "DENVER-LIMON-BURLINGTON TRANSFER COMPANY," 1809 BLAKE STREET, DENVER, COLORADO, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1261-AAA-AAA-AAA-EE

November 19, 1941

Appearances: Wayne D. Williams, Esq., 353 Municipal Building, Denver, Colorado, for the applicant;
Marion F. Jones, Esq., Denver, Colorado, for Perry Truck Lines, Inc.;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association, C. G. Finney, Cornelius Transfer and Storage Company.

STATEMENT

By the Commission:

On May 15, 1941, Frank W. Miller, doing business as "Denver-Limon-Burlington Transfer Company," filed his application for an extension of his certificate of public convenience and necessity, which would authorize transportation of freight and general merchandise, on schedule, by motor vehicle, between Eads and Lamar, Colorado, and intermediate points, except freight and general merchandise, both originating in and destined for, Eads, Wiley, or Lamar, or any of them (local service).

Protests were filed by The Colorado Motor Carriers' Association, Weicker Transfer and Storage Company, and C. G. Finney, doing business as "Eads-Lamar Truck Line."

The matter was set for hearing, and heard, at Lamar, Colorado, on June 24, 1941, the matter being taken under advisement, pending submission of briefs by parties in interest.

At the hearing, protestant Weicker Transfer and Storage Company objected to proceeding with the hearing, and moved that said application be dismissed or denied, upon the grounds mentioned in Paragraph 4 of its Answer and Protest, heretofore mentioned, it being alleged in said protest that the Commission, by its Decisions Nos. 13008 and 13721, entered on February 11, 1939, and July 3, 1939, respectively, in Application No. 1645-AB, after a full hearing upon the merits of application filed by the same applicant for a certificate of public convenience and necessity for the transportation of property between Denver and Lamar, via Eads, determined that the presently authorized carrier service is adequate and sufficient, and that public convenience and necessity did not require the proposed service of applicant; that the Commission should not hear the instant application, which involves substantially the same proposed service, in view of the fact that applicant does not set forth any matters or things showing conditions then existing were different than conditions existing at the time said decisions were entered. By consent, the record on said application was made a part of the record herein. Ruling was reserved on said motion.

Frank W. Miller, testifying in support of his application, described the service he now is authorized to perform under his certificate of public convenience and necessity. Generally speaking, he serves out of Denver to Limon, thence over U. S. Highway No. 24 and U. S. Highway No. 40 to the Colorado-Kansas State Line, State Highway No. 51 between Burlington and Cheyenne Wells, U. S. Highway No. 287 to Eads, U. S. Highway No. 96, Sugar City to the Colorado-Kansas State Line, his service to some of said points not including all commodities; that a portion of his operations along U. S. Highway No. 96 is leased to one "Christenson;" that he also served interstate east from Burlington and east from Cheyenne Wells as far

as Halford and Oakley. He intends, if the Commission so authorizes him to do, to tie in the extended line between Eads and Lamar with said operations in through service, only. Service would be tri-weekly.

Exhibit No. 1 showed net assets of eight thousand nine hundred and six dollars sixty-three cents ($8,906.63). Exhibit No. 2 showed gross operating revenue for the year 1940 of forty-eight thousand nine hundred one dollars and ninety-eight cents ($48,901.98), with operating costs of forty-seven thousand nine hundred forty-five dollars and forty-eight cents ($47,945.48), or a net income of nine hundred fifty-six dollars and fifty cents ($956.50). He stated that Lamar, a city of about four thousand four hundred forty-five people, is located in Prowers County, at the junction of State Highway No. 59 and U. S. Highway No. 60; that it is the distributing point and "capitol of the east end;" that it is served by Hall Truck Line, a private carrier, out of Denver and intermediate points over U. S. Highway No. 85 and U. S. Highway No. 50; by Weicker Transfer and Storage Company over the same route, and the Atchison, Topeka and Santa Fe Railway Company; that distance, Denver to Lamar, over said highways is 234 miles, while distance to Lamar via Limon and Eads is 204 miles; that both highways are paved; that Eads and Kit Carson are, respectively, 36 and 57 miles north of Lamar; that there is no through carrier service from Lamar to points mentioned, or any points on lines of Denver-Limon-Burlington north of Eads; that C. G. Finney operates daily line haul service between Eads and Lamar. He said that his tri-weekly trucks do not make connections with Finney's trucks; that he wrote Finney, suggesting they get together on a schedule, but did not receive an answer; that he, Miller, does not handle any interchange freight, and has been refusing such freight, when tendered for delivery to Finney; that between January 1, 1941 and June 20, 1941, interchange freight amounted to 8,809 pounds; that Finney's equipment is non-refrigerated, and of small capacity; that he does not propose to attempt to establish through rates with Finney; that he has had some requests for movement of

freight to Lamar from Flagler and Burlington; that he would expect to get some interstate business out of Cheyenne and Burlington, he having been requested by one A. L. Pearson, of Denver, to handle some pool car shipments out of said town. He added that he thought the direct service between Lamar and Denver and intermediate points, via Pueblo, was not inadequate, and that the Lamar territory was "pretty well served," and probably good enough; that his primary reason for filing the application was to extend service between Kit Carson and east from Kit Carson and Eads. He expressed the opinion that if the service was established and solicitors placed in the field, considerable volume should develop.

L. P. Cray, who operates a meat packing plant at Lamar, ships to Eads, via Finney. He said the service is excellent. Once a week, Cray, personally, delivers meat to Kit Carson and Cheyenne Wells, if he has orders. He has not attempted to ship by Finney and Miller to points north of Eads, because Finney has told him that connections were not good, and lay-over at Eads would not be satisfactory.

R. G. Bond, of Kit Carson, who operates a poultry house at Kit Carson, stated that he wanted to ship poultry and eggs to Lamar; that poultry shrinks rapidly; that he is not acquainted with the Finney schedule; that interchange service with direct connections would be satisfactory; that he would buy meat in Lamar, if he had better service.

Mr. R. Sunday, a Ford dealer at Lamar, believed that through service "would improve things." He does not ship beyond Eads, on account of lack of connections. He ran a peddler truck once a week for a while to points beyond Eads, but discontinued operation, because business was poor.

J. P. Summers, of Kit Carson, formerly hauled three loads of ice weekly out of Lamar during the summer months, but at the time of the hearing, was getting ice out of Denver, because he had sold his truck. He stated that if closed truck service were available from Lamar, he would get ice there.

Mr. Halderman, who has filling stations at Springfield, Cheyenne Wells and Kit Carson, said he might ship lubricating oils, occasionally, out of Lamar, if satisfactory service were available.

Lester Seal, of Limon, who sells tires, uses his own truck between Lamar and Limon to get tires in emergencies. He would ship three hundred to four hundred pounds during the summer, and would like to develop a market in Lamar.

A. L. Pearson, of Denver, who wholesales gas stoves, wants to ship them in pooled cars to Burlington and distribute from said point. He has three dealers in Lamar, and is now serving the territory with his own truck. Business is growing. Too much handling of stoves damages them. Therefore, he would prefer through service.

C. S. Campbell, of Lamar, stated that interchange facilities at Eads were poor; that he received merchandise out of Denver in eight hours, and twenty-four hours time was consumed in getting the same merchandise from Lamar to Kit Carson.

F. Abroche, of Wiley, who works for the Wiley Garage, said that direct service from Denver to Wiley would help, because on the day that Finney does not operate, he is required to go to Lamar to get parts sent out of Denver. He stated that Finney's service, otherwise, is excellent. Wiley also is served by the railroad.

For protestants, Floyd Anderson, of Eads, testified that Denver-Limon-Burlington trucks reach Eads three times weekly — Mondays, Wednesdays and Fridays; that two old model trucks are used in the service; that they never arrive before noon, and ordinarily get in between two o'clock and four o'clock in the afternoon — sometimes later; that, so far as he knows, Denver-Limon-Burlington does not maintain an office in Lamar; that Finney's service, Lamar to Eads, is very good; that he leaves Eads in the morning between 9:30 and 10:00 o'clock, returning from Lamar between 4:00 and 5:00 o'clock in the evening.

C. G. Finney stated that he had been operating the Eads-Lamar

Truck Line for three years; that his freight for five months of 1941 averaged 2,048 pounds per trip, Lamar to Eads; that freight, Lamar to Wiley, amounts to 450 pounds per trip; that practically no freight moves from Eads to Lamar; that he received only 922 pounds of freight from Denver-Limon-Burlington in five months; that Denver-Limon-Burlington supposedly has a schedule, but does not abide by it; that it is impossible for him to make connections with Miller and serve his customers properly, because Miller gets into Eads too late, and that he (Finney) would not be able to get to Lamar in time to make delivery the same day; that Miller's truck arrived at Kit Carson in the morning, then proceeding to Cheyenne Wells, and then Eads from Cheyenne Wells in the afternoon; that he now has a 1939 G.M.C. one-ton truck, with seven thousand pounds actual capacity, which he uses to haul freight; that he can obtain equipment suitable to handle heavy commodities from Cornelius in Lamar, if freight beyond the capacity of his truck is offered him, and if business justifies, he could, and would, purchase additional equipment. He enumerated delays incurred at Eads on attempted interchange of freight with Miller. He offered an exhibit covering a shipment of oil from Lamar to Kit Carson. On Saturday, he asked Miller's driver to move the oil. He did not appear. On Tuesday following, he again asked the driver to move the oil. The driver stated that he had forgotten to call for it on Saturday. On Thursday, Finney, personally, delivered it to Miller's truck and driver, and the oil was moved. He stated that he hauls ice out of Lamar which could be interchanged at Eads from one line to another, if direct connections were made; that interchange would require about thirty minutes time to complete; that shrink would amount to ten percent; that he handles meat for Cray, Lamar Packing Company and Keystone Grocery Company, ice cream for Taylor Drug, and groceries for Jett and Wood, without complaint; that three-fourths of the freight to Wiley, and five percent of the freight moving to Eads, is received by him on interchange with Weicker at Lamar; that Weicker's truck arrives from Denver at 7:00

o'clock A.M.; that he maintains a dock in Lamar; that his gross revenue amounts to about seventy dollars per month.

A. J. Fregeau, Weicker Manager, stated that his company operates daily, except Sunday, service between Denver and Lamar; that they also serve Holly, Caddoa and Wiley; that Hall Truck Line operates three schedules weekly between Denver and Lamar; that Marks operates daily, except Sunday, service from Denver to Lamar; that Lamar also is served by bus lines, railroad and Railway Express; that Fred Russell, a private carrier, also is authorized to serve between Denver and Lamar, and hauls films, liquor, drugs, etc.; that freight handled by Weicker between Denver and Lamar, 128 trips during the first five months of 1941, amounted to 6,060 pounds into Lamar, and 585 pounds out of Lamar through truck service. He mentioned that Denver-Limon-Burlington maintains commodity rates on shipments from five hundred to one thousand pounds, which rates amount to one-half of the fourth-class rate. He stated that Finney's service was very good; that they serve Wiley with truck leaving Lamar in the morning, and could hold freight until the following day, but use Finney's afternoon service to Wiley, in order to give him enough freight to keep him going; that, in his opinion, conditions are no different than they were at the time the Commission passed on Miller's application, No. 1845-AB.

The testimony here reviewed presents substantially the same situation shown by testimony offered at hearing on Application No. 1845-AB. Witnesses Cray, Sunday, Seal and Miller testified for applicant at said hearing. In our Decision No. 15008, we said:

> "Applicant apparently conceded that existing motor vehicle common carrier service and rail service between Denver and Lamar and intermediate points, so far as he is advised, is adequate. He admitted that Finney's local service between Eads and Lamar was satisfactory. He stated that he did not want to interfere with it. Apparently, he has not made any effort to develop a satisfactory interchange service at Eads."

According to his testimony in the instant matter, the same situation now exists.

In the same decision, the Commission stated:

> "The witnesses conversant with the carrier situation between Eads and Lamar all agreed that Finney's service was adequate and satisfactory. Finney stated, and we believe the figures submitted support his statement, that he could not afford to lose any business between Lamar and Eads and continue the operation. He needs all the freight, interchange or otherwise, that he now has. We believe that an adequate, dependable local service between Lamar and Eads is essential. In a number of cases we have stated that it is desirable to develop interchange business in order that additional revenue may accrue to already existing authorized carriers instead of establishing new through 'leap frog' operations, and have refused to grant certificates therefor."

The record here made again would justify the same comment or conclusion. There is no substantial demand on the part of any one, except Miller, for additional service. We believe that if Miller, in good faith, would attempt to make suitable interchange arrangements at Eads with Finney, such arrangement could be effected. We doubt that there is enough business available to justify Miller changing his schedules to make such arrangements, unless we authorize service which would permit him to haul freight out of Denver destined to Lamar. We know of no reason why this should be done. Existing service, according to Miller, is adequate and satisfactory.

We recently have had occasion to pass on a number of line haul carrier applications. We have reviewed the law applicable to the situation here presented at length, and will not repeat it. See Re Haines Motor Freight, Application No. 5339, Decision No. 17757, Re Hartsell, Applications Nos. 1789-BB, 1848-BB, Decision No. 16607, Re Perry, et als, Applications Nos. 5312, 5313, 2202-B, 2767, 5314, Decision No. 17771. In view of our conclusions in these matters, in our opinion, it is not necessary to pass on protestant's motion to dismiss.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the presently authorized common carrier service by motor vehicle and rail in the territory which applicant seeks

to serve under his proposed extension is adequate, and that public convenience and necessity do not require said extended operation, and that said application should be denied.

O R D E R

IT IS ORDERED:

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1941.

mw

(Decision No. 17903)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HARRY A. UNZICKER.) PERMIT NO. C-1869
)
)
)

Nov. 18, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry A. Unzicker of 1424 Welton St. Denver, Colorado, requesting that his Permit No. C-1869 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1869, heretofore issued to Harry A. Unzicker, be, and the same is hereby, declared cancelled effective October 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

R

(Decision No. 17904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY A. UNZICKER, OF 1424) PERMIT NO. A-2347
WELTON ST., DENVER, COLORADO.)

Nov. 18, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. A-2347 be suspended.

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

O R D E R

IT IS ORDERED:

That Harry A. Unzicker is hereby allowed to suspend his operations under Permit No. A-2347 for a period of not to exceed six months from October 20, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

R

(Decision No. 17905)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF PAUL HICKMAN, DOING BUSINESS AS "YUMA COUNTY TRANSPORTATION COMPANY," YUMA, COLORADO, PRIVATE CARRIER PERMIT NO. A-539.	CASE NO. 4866 ORDER TO SHOW CAUSE AND NOTICE OF HEARING

November 19, 1941

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that heretofore, and on November 17, 1931, there was issued to J. W. Kirwin a private carrier permit, No. A-339, pursuant to Chapter 120 of the Session Laws of Colorado, 1931; that said Permit No. A-339 contained the following limitations as to authority:

> "transportation of freight for Safeway, Piggly Wiggly, and McMarr Stores to their retail stores in Wray and Yuma, only, from Sterling, via Kelly and Otis."

That thereafter, said authority was extended to include the following:

> "General merchandise for Safeway Stores, only. Freight shall originate in Sterling, Brush, and Wray. From Wray to Burlington via Colo. 51 or 54 and U. S. 40, through St. Francis and Goodland, Kansas; between Denver and Wray and intermediate points via 81 and 85, Colo. 6-54, also Denver to Holyoke same route."

That thereafter, and on May 25, 1938, said J. W. Kirwin and respondent, Paul Hickman, filed an application, numbered 2382-PP-BB-A, requesting authority to transfer said Permit No. A-339 from said J. W. Kirwin to said respondent.

That thereafter, and on July 1, 1938, this Commission, by Decision No. 12068, authorized the transfer of said Permit No. A-339 from

J. W. Kirwin to said respondent.

1. The records of this Commission show that said respondent has, since said July 1, 1938, violated the provisions of said Permit No. A-539, in that the respondent is now transporting freight for approximately five hundred customers, whereas said Permit No. A-539 is limited to the customers hereinabove mentioned; contrary to law and the rules and regulations of this Commission.

2. That this Commission is informed and believes, and so alleges the facts to be, that the respondent is now, and since September 6, 1938, has been, operating as a common carrier by motor vehicle over the highways of this State, without having first obtained from this Commission a certificate declaring that the present and future public convenience and necessity require, or will require, such operation, in that said respondent carries on, and for a long time prior to the date hereof has carried on, his operations under contracts with more than one person or corporation; contrary to the provisions of Chapter 134, Session Laws of 1927, as amended, and the rules and regulations of this Commission.

3. That said respondent has filed with this Commission the names and addresses of approximately five hundred purported customers.

The Commission therefore finds that an investigation should be made and a hearing held relative to said violations.

O R D E R

IT IS ORDERED:

By the Commission, on its own motion, that an investigation and hearing be had to determine if said respondent has failed or refused to comply with any or all of the provisions of the aforesaid statutes, and the rules and regulations of this Commission governing private carriers by motor vehicle and the rules and regulations of this Commission governing motor vehicle carriers, or the provisions of respondent's

said permit, and if so, whether said permit should therefore be suspended, cancelled, or revoked, or whether any other order or orders should be entered by the Commission in the premises.

That said respondent show cause, if any he have, by written verified answer filed with the Commission within ten (10) days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending, cancelling, or revoking the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

That said matter be, and it hereby is, set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 4th day of December, 1941, at ten o'clock A.M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1941.

mw

(Decision No. 17906)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HERBERT JAHN, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER HIS PRIVATE CARRIER PERMIT NO. A-179 TO G. N. AND A. L. MILLER, A CO-PARTNERSHIP, 122 WEST LAUREL STREET, FORT COLLINS, COLORADO.	APPLICATION NO. 5535-PP-AA

November 24, 1941

Appearances: Herbert E. Mann, Esq., Greeley, Colorado, for Transferees;
Herbert Jahn, Fort Collins, Colorado, PRO SE;
Carl Bergman, Longmont, Colorado, for Bergman Brothers;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Moter Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

On August 14, 1951, Class "A" Private Permit No. A-179 was issued to A. L. Stephens, of Fort Collins, Colorado, authorizing a milk haul adjacent to Fort Collins. The application filed by said applicant, in response to the query, "if operation is over regularly established routes, name them;" was as follows:

> "Start at Fort Collins, load milk through farm district, then back to Fort Collins and unload."

Thereafter, on February 11, 1941, Decision No. 16688, the said A. L. Stephens was authorized to transfer said Permit No. A-179 to Herbert Jahn, transferor in the instant case. In said decision, we pointed out:

"the authority granted under said permit is so indefinite that, in the opinion of the Commission, same should be clarified by some appropriate action before some dispute arises as to what the authority under said permit may be. Such action should be properly taken by the transferee."

At the instant hearing, the evidence disclosed that transferees are paying the sum of one thousand three hundred fifty dollars ($1,350.00) for said permit, including one truck bed.

At the request of protestants present, transferor detailed the route which he had been serving under said permit, and which had been served by the former owner of said permit, A. L. Stephens. Transferees stated that they would be willing to be bound in their operations under said permit to the route and territory thus prescribed. A description of same was prepared by counsel for transferees, and made part of the record herein. It further appeared that transferees are also the owners of a common carrier certificate authorizing a milk haul in the Fort Collins area, and the two operations will be combined. No objections were made to this by protestants.

The financial standing and operating reliability of transferees were established to the satisfaction of the Commission.

No outstanding obligations against transferor's operation exist.

No objections were interposed to the granting of the authority sought, in view of the restrictions on the territory to be served.

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

O R D E R

IT IS ORDERED:

That Herbert Jahn be, and he is hereby, authorized to transfer to G. N. and A. L. Miller, of Fort Collins, Colorado, all of his right, title and interest in and to Permit No. A-179.

That operations under said permit No. A-179 shall be limited to the transportation of milk and cream over the following-described route, and within the following-described territory:

Beginning at the Bay Filling Station, 6 miles south of Fort Collins (southwest corner Sec. 12, Twp. 6, Rg. 69), thence east 2 miles, thence south 2 miles, thence west 2 miles to highway, thence south 1 mile, thence east 2 miles, thence south 1 mile, thence west 1 mile, 1/4 mile south and back, thence 1 mile west to St. Clair Filling Station, located 1 mile north of Loveland, thence 1 mile west, thence 1 mile north, thence back over route to highway and back into Fort Collins.

The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V O Shannon

Edward E. Gunter

Helen Sullivan

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1941.

mm

(Decision No. 17907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARTIN E. STUTHEIT, IDALIA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 5741
RE MOTOR VEHICLE OPERATIONS OF MARTIN E. STUTHEIT, IDALIA, COLORADO.	PRIVATE PERMIT NO. A-794

November 24, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
K. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Bertie Towers, Burlington, Colorado, pro se;
George R. Henry, Denver, Colorado, for Air Line Express.

S T A T E M E N T

By the Commission:

As limited by the testimony, the certificate of convenience and necessity sought in the instant application would cover the rendering of a farm service to and from points and places within a radius of fifteen miles of Idalia, save and except that the south boundary line of such authority would not extend beyond five miles south of the north Kit Carson County Line, and from and to points in that area, to and from points in the State of Colorado. No town to town service on U. S. Highway No. 36 is contemplated, except the transportation of livestock and farm products.

Testifying in his own behalf, Mr. Stutheit stated that he was the owner of a Class "A" private permit, which authorized a transportation service between Denver and the Colorado-Kansas State Line on U. S. Highway No. 36, and intermediate points, and between Wray and Burlington, Colorado, on Colorado Highway No. 51, and intermediate points. Applicant further stated that he had pending an application for a transfer to him of the O. C. Barth certificate No. 1150, and that if said transfer was authorized and the present application was granted, he would request the cancellation of his "A" permit, No. 79[illegible]. Our records disclose that said transfer of the Barth certificate has been authorized.

The financial statement of applicant indicates a net worth of approximately two thousand five hundred dollars ($2,500.00).

On behalf of applicant, a farmer residing four miles west and one mile south of Idalia, testified as to the need of a common carrier trucking service in that vicinity for the movement of grain and cattle, as well as the movement back to the ranches of coal, lumber, farm machinery and supplies. He further stated that he had used applicant's service and found the same very necessary and satisfactory, and that other farmers with whom he was acquainted were in the same position. Another farmer and stockraiser, who lives approximately five miles south of the Kit Carson north county line and about fourteen miles west of the Colorado State Line, testified as to the need of the proposed service of applicant for the transportation of livestock; that he had used applicant's service, and there was a definite need for same in his territory. To the same effect, was the testimony of another farmer living six miles south of Idalia.

It appeared that applicant had been operating under his "A" permit in much the same service that he now seeks a certificate of public convenience and necessity for, although strictly construed, said permit does not authorize such service.

On the part of protestants, Bertie Towers, of Burlington, Colo-

rado, the owner of Certificate No. 912, testified that he operates three trucks, and that same were not kept busy fifty percent of the time; that he does not have any customers in the proposed Stutheit territory, but thinks he might obtain some. He mentioned other carriers who were also authorized to serve this territory.

Witness on behalf of Air Line Express, which serves from Denver to the State Line via U. S. Highway No. 36, and twenty miles on each side from ten miles east of Byers, Colorado, testified that they operated two trucks; that they had no stock equipment of their own, and what stock had been moved had been on leased equipment; that they were only interested in the machinery and farm supplies movement, and had no particular interest in the grain and livestock transportation.

We believe the testimony, as a whole, indicates a public need for the proposed services of applicant. It is true that possibly other carriers, including Towers, could serve the proposed territory. However, in a strictly farm service, the Commission has always been liberal in granting authority, as we have felt that the public convenience and necessity could better be served in some instances by granting the shippers more than one carrier, and this is true particularly where irregular or call and demand service is at issue.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the testimony, the authority sought should be granted.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require and will require the proposed motor vehicle operations of applicant for the rendering of a farm service to and from points within a radius of fifteen miles of Idalia, Colorado, save and except that the south boundary line of said area shall not extend beyond five miles south of the north Kit Carson County Line, and from and to points in said area, to and

from points in the State of Colorado; provided, however, that no town to town service shall be rendered on U. S. Highway No. 36, excepting the transportation of livestock and farm products, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That Permit No. A-794 shall be, and the same is hereby, declared cancelled.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1941.

mw

(Decision No. 17908)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE APPLE, ROUTE 2, FORT LUPTON,)
COLORADO, FOR A CLASS "A" PERMIT TO) APPLICATION NO. 5776-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

November 24, 1941

Appearances: George Apple, Route 2, Fort Lupton, Colorado, pro se;
Hellerstein and Gertz, Esqs., by A. J. Gertz, University Building, Denver, Colorado, for Fred Rein, Jr.;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

The instant matter was set for hearing in Greeley, Colorado, on November 5, 1941, and when called for hearing, applicant stated that he desired to have the hearing vacated and set at a later date, due to the fact that he was unable to have his witnesses present as they were busy harvesting sugar beets.

On behalf of protestant, Fred Rein, Jr., a written protest and objection was filed alleging, inter alia, that the instant application was a mere duplication of a former application filed by applicant, which was denied on August 23, 1941 by the Commission; that the territory which applicant seeks to serve is now being adequately and satisfactorily served by several common carriers, including protestant, and that all the shippers in the territory are satisfied; that more service is now available than the

vicinity requires; that applicant has been operating without authority, and that the Commission should dismiss the application.

In addition to this, a written protest with similar allegations was also filed.

Said Protest and Objection was overruled by the Commission, and the hearing vacated. Whereupon, counsel for protestant Fred Rein, Jr., then moved that the Commission require applicant to show that conditions had changed since his prior application before setting the matter for hearing again. We believe this motion is well taken. While it is true that the decisions of the Commission are not res judicata, yet it is certainly within the discretion of the Commission not to hear identical applications time and time again without some showing to the effect that conditions have changed to some material extent. See The Chamber of Commerce of Greeley, et al, v. Union Pacific Railroad, VI. Colo. P.U.C. 411; Re Greeley Transportation Company, P.U.R. 1925 E, 814, and Application No. 2916-PP-A, Decision No. 7657.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that applicant, George Apple, should file with the Commission the documentary evidence hereinafter set forth, before the instant case shall again be set for hearing.

O R D E R

IT IS ORDERED:

That applicant, George Apple, shall, on or before thirty (30) days from the date hereof, furnish the Commission with a written statement, under oath, either by himself or some competent witness, serving copies thereof on protestants appearing herein, indicating in what way conditions may have changed since his former hearing, and whether or not any new or additional evidence would be forthcoming at another hearing, and the materiality of same, before the instant case will again be set for hearing.

That if said documentary evidence is not filed with the Commission within said thirty-day period, the instant application shall

automatically be dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1941.

mr

(Decision No. 17909)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS OF)
THE COUNTY OF ALAMOSA FOR OPENING OF)
A PUBLIC HIGHWAY OVER THE RIGHT-OF-WAY)
AND TRACK OF THE DENVER AND RIO GRANDE) APPLICATION NO. 5765
WESTERN RAILROAD COMPANY AT MILE POST)
255 plus 3696 feet ON CREEDE BRANCH IN)
LIEU OF OLD CROSSING AT MILE POST 254)
plus 5130 feet.)

November 25, 1941.

S T A T E M E N T

By the Commission:

On October 8, 1941, the Board of County Commissioners of Alamosa County, Colorado, filed an application with the Commission to open and establish a grade crossing over the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point designated as Mile Post 255 plus 3696 feet on Creede Branch of said railroad company and being on the line of an established county highway.

The application alleged that if this application is granted, a public grade crossing formerly serving the old Alamosa Airport and located at Mile Post 254 plus 5130 feet, will be abandoned, as said Airport has now been abandoned. Also that proposed crossing will be a matter of particular convenience to all those using said county road and would save the County considerable expense in the construction of a highway from the county road to the aforesaid crossing at the old Airport.

The railroad company was requested to state its attitude towards said application, and under date of October 25, 1941, the General Attorney for the Company advised the Commission that the Company would not interpose any objection to the granting of the application, provided that the closing of the aforesaid crossing at the old Airport

was authorized, and with the understanding that the County would do all grading of the highway up to the ties of the track, the Railroad Company to install planking in crossing and provide necessary crossing signs at its expense.

The Commission is now provided with a copy of resolutions adopted by the Board of County Commissioners of Alamosa County on November 3, 1941, agreeing to all the reservations of the railroad company in the aforesaid letter to the Commission.

Therefore, since it appears that the railroad company and the Board of County Commissioners of Alamosa County are in accord in the matter of installation of said grade crossing as proposed, and that the terms as to the expense of the installation of the crossing are agreed upon, and that there are no unusual or additional hazards created by the installation of the crossing, the Commission finds that the application should be granted and without any further proceedings in the matter, will make its order accordingly.

O R D E R

IT IS THEREFORE ORDERED, That in compliance with Section 29 of the Public Utilities Act, as amended, a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established across the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point designated as Mile Post 255 plus 3696 feet, said point being on the section line between Section 31, Township 38 N., R. 10 East, and Section 36, Township 38 N., R. 9 E., which is 915 feet north of the southeast corner of said Section 36; provided, however, that prior to the opening of said crossing to public travel, it shall be constructed in accordance with the Commission's plans and specifications as provided in Case No. 879.

IT IS FURTHER ORDERED, That the present public highway grade crossing located at Mile Post 254 plus 5150 feet on the Creede Branch

of The Denver and Rio Grande Western Railroad Company shall be closed and abandoned when the aforesaid proposed grade crossing at Mile Post 255 plus 3696 feet is opened and ready for public travel.

IT IS FURTHER ORDERED, That the County of Alamosa shall bear the expense of the construction and maintenance of the highway up to the ends of the ties of the aforesaid railroad, including the drainage therefor; and that the carrier, The Denver and Rio Grande Western Railroad Company, shall bear the expense of the installation and maintenance of planking or other crossing material, and necessary crossing signs or other crossing appliances required in the proposed new crossing as herein referred to.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1941.

BH

(Decision No. 17910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LAINA S. MORTON, ADMINISTRATRIX OF THE ESTATE OF ROE MORTON, DECEASED, TO TRANSFER PERMIT NO. A-892-I FROM ROE MORTON TO MRS. LAINA S. MORTON, COZAD, NEBRASKA.

PERMIT NO. A-892-I

November 25, 1941.

S T A T E M E N T

By the Commission:

Heretofore, Roe Morton was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle in interstate commerce, and Permit No. A-892-I issued to him.

Thereafter, said Roe Morton departed this life, leaving him surviving, as his sole heir, his widow, Mrs. Laina S. Morton.

Said Mrs. Laina S. Morton, as Administratrix of the Estate of Roe Morton, Deceased, now requests that Permit No. A-892-I be transferred to her.

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

The Commission is of the opinion, and finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Permit No. A-892-I, heretofore issued to Roe Morton, now deceased, is hereby transferred to Mrs. Laina S. Morton, Administratrix of the Estate of said Roe Morton, said transfer to be subject to the

provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1941.

BH

(Decision No. 17911)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY ROUTT, COLORADO, AND FROM MT. HARRIS, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.	MISCELLANEOUS DOCKET NO. 160

November 25, 1941

S T A T E M E N T

By the Commission:

This matter is before the Commission upon letters from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated November 17, 1941 and November 22, 1941, requesting authority to transport one carload of coal free of charge from the mine at Routt, Colorado, and one carload of coal free of charge from Mt. Harris, Colorado, on account of charity.

The shipments in question have been donated by shippers on the line of The Denver and Salt Lake Railway Company for use of the Good Shepherd Convent, and the Mount St. Vincent's Home, agencies of the Denver Community Chest, a charitable institution, and are to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

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

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby authorized to protect a free rate on one carload of coal from the mine at Routt, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Ray Coal Company, Denver, Colorado, and on one carload of coal from

Mt. Harris, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Colorado and Utah Coal Company, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of November, 1941

JH

FORM 1901

Dec. 11411
M.O. 160
11-25-41

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

November 17, 1941.

The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Good Shepherd Convent. This car will be consigned to the Denver Community Chest in care of the Ray Coal Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Routt, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner

1

THE PUBLIC UTILITIES COMMISSION
FILED
NOV 18 1941
THE STATE OF COLORADO

FORM 1901

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

November 22, 1941.

THE PUBLIC UTILITIES COMMISSION
FILED
NOV 24 1941
OF THE STATE OF COLORADO

The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Mount St. Vincent's Home. This car will be consigned to the Denver Community Chest in care of the Colorado & Utah Coal Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B

1

(Decision 17912)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF E. W. WALKER, WRAY, COLORADO, PRIVATE CARRIER PERMIT NO. B-1496.	CASE NO. 4887 NOTICE OF HEARING AND AND ORDER TO SHOW CAUSE.

November 26, 1941

STATEMENT

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. B-1496, pursuant to the provisions of Sections 348-370, both inclusive 1935 C. S. A., as amended, authorizing him to engage in the business of a private carrier by motor vehicle for hire, and said respondent is now operating, and has operated, at all times since issuance of said permit as a private carrier by motor vehicle for hire.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said statute and the rules and regulations of this Commission governing private carriers by motor vehicle, and the terms and provisions, of said Permit No. B-1496, in the following particulars, to-wit:

1. That during the period January 1, 1941, to June 30, 1941, both months inclusive, said respondent failed to issue bills of lading covering all shipments, which are itemized in a manner so as to fully and clearly show the description and classification of said shipments and rate charged for the transportation thereof; and has not filed and kept copies of all bills of lading for the period of two years; contrary to law and to Rule 21 of the Rules and Regulations Governing Private Carriers, as shown by Exhibit "A" hereto attached.

2. That during the period January 1, 1941 to June 30, 1941, both months inclusive, said respondent failed and refused to issue and

carry with each truck a load sheet or manifest showing all shipments carried on said truck; contrary to law and to Rule 22 of the Rules and Regulations Governing Private Carriers, as shown by Exhibit "A" hereto attached.

3. That during the period January 1, 1941, to June 30, 1941, both months inclusive, said respondent transported numerous shipments from and to points off of, and outside, the territory described in the permit issued to respondent by this Commission; contrary to law and to Rule 6 of the Rules and Regulations Governing Private Carriers; as shown by Exhibit "A" hereto attached.

4. That during the period January 1, 1941, to June 30, 1941, both months inclusive, said respondent transported numerous shipments of freight for persons, firms, and corporations who are not included on respondent's customer list, and failed to furnish and file with this Commission, prior to said transportation, a written statement, containing the names and addresses of such persons, firms, or corporations; contrary to the provisions of law and of Rule 10 of the Rules and Regulations Governing Private Carriers; as shown by Exhibit "A" hereto attached.

5. That during the period January 1, 1941, to June 30, 1941, both months inclusive, said respondent failed to file monthly reports showing the ton miles for each and every shipment transported by respondent, and which said reports were not complete reports; contrary to law and to Rule 28 of the Rules and Regulations Governing Private Carriers.

6. That said respondent has been, and is now, engaged in the business of operating as a common carrier by motor vehicle for the transportation of property over the public highways of this State, without first having obtained from this Commission a certificate declaring that the present or future public convenience and necessity require, or will require, such operation.

O R D E R

IT IS THEREFORE ORDERED, By the Commission on its own motion, that an investigation and hearing be had to determine if said respondent has failed or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, or the provisions of his said permit, and, if so, whether said permit should therefore be suspended or revoked, or whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written verified answer filed with the Commission within ten days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission on its Hearing Room, 330 State Office Building, Denver, Colorado, on the 4th day of December, 1941, at ten o'clock, A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1941.

G

(Decision No. 17915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE TOWN OF FOUNTAIN, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 5785

November 28, 1941.

Appearances: A. M. Sayers, Town Clerk, Town of Fountain, for applicant;
Ben S. Wendelken, Esq., Colorado Springs, Colorado, for the City of Colorado Springs.

S T A T E M E N T

By the Commission:

The Town of Fountain is seeking a certificate of public convenience and necessity authorizing the operation of transmission and distribution lines for the purpose of supplying electrical current within an area specifically described in its petition on file herein, and hereafter more particularly set forth.

The evidence disclosed that since 1925, the Town of Fountain has owned and operated an electric transmission line extending from Colorado Springs to the Town of Fountain; that it had been buying electrical current from the City of Colorado Springs and serving customers along said transmission line, as well as certain extensions thereof. It was further developed that the north six miles of said line had, in the year 1941, been sold to the City of Colorado Springs, which is now operating same and serving the customers from said line that were heretofore served by the Town of Fountain. See Decision 17441, Case 4829.

It was further developed that said Town of Fountain has approximately $12,000 invested in transmission and distribution lines outside of the corporate limits of said Town, and that its present operation

as a public utility in the service of customers with electricity for heat, light and power purposes outside of its own corporate limits, is conducted at a profit. However, the figure of $12,000 above mentioned shall not be binding upon the Commission as to value of plant investment in the event of a valuation proceeding for rate-making purposes. Applicant still proposes to purchase its current wholesale from the City of Colorado Springs, and no other public utility is operating in any of the territory which it proposes to serve.

At the hearing, and in its petition, applicant stated that it did not desire authority to serve those sections of the territory applied for which might be included within the area of the new Army Cantonment proposed to be constructed by the United States War Department. It developed that this area consists of 7½ sections of land now owned by the City of Colorado Springs, and the same will be eliminated from any authority granted applicant herein.

It was further stipulated at the hearing between the City of Colorado Springs and applicant that Section 33 in Township 15 S., Range 66 West, should also be eliminated from the area granted applicant.

Applicant heretofore has been operating as a public utility outside of the corporate limits of the Town of Fountain without any authority from this Commission, and now seeks to remedy this situation by obtaining a certificate authorizing its presently established service, as well as any extensions thereof which may be economically justified within the territory it seeks to serve.

No objections were interposed against granting the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity

require the proposed operation of the Town of Fountain as presently established and as proposed, in the supplying of electrical current for heat, light and power purposes to customers within the area described as follows, viz.:

> All of Sections 13 to 36, inclusive, Township 15 S., Range 65 West; all of T. 16 S., R. 65 W.; all of Sections 13 and 14, the N. ½ of Section 25; all of Sections 24, 25, 34, 35 and 36, T. 15 S., R. 66 West; all of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, T. 16 S., R. 66 West,

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

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of November, 1941.

BH

(Decision No. 17914)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WESTERN SPECIFICATION OIL CO.) P.U.C. No. B-1717-I
)

November 28, 1941

S T A T E M E N T

By the Commission:

On October 31 1941, by order of the Commission, Decision No. 17844, The Western Specification Oil Company of 1900 Champa Street, Denver, Colorado was given authority to suspend operations under PUC No. B-1717-I for a period of ninety days with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing interstate carriers, the Commission is of the opinion and finds that said order of suspension should be set aside and said permit be restored to its active status, as of November 1, 1941.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and hereby is, set aside and that PUC No. B-1717-I be, and the same hereby is, restored to its active status as of November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of November, 1941.

(Decision No. 17915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF JOE GASNER, OF STERLING, COLORADO.) PERMIT NO. B-1120

November 28, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his permit No. B-1120 be suspended for a period of six months.

The Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That Joe Gasner should be, and hereby is, allowed to suspend his operations under Permit B-1120 for a period of not to exceed six months from October 24, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of November, 1941.

R

(Decision No. 17916)

BEFORE THE PUBLIC UTILIEIS COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WOOD AND MORGAN, OF DURANGO,) PERMIT NO. 347-I
COLORADO.)

November 28, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittees requesting that Permit No. 347-I be suspended for a period of six months.

The Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That Wood & Morgan, of Durango, Colorado, should be, and hereby are, allowed to suspend their operations under Permit No. 347-I for a period of not to exceed six months from October 31, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of November, 1941.

R

(Decision No. 17917)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN GALLAGHER, OF ROUTE 2, BOX)
405, BOULDER, COLORADO.)

PERMIT NO. B-2534

November 28, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that Permit No. B-2534 be suspended for a period of six months.

The Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That John Gallagher is hereby allowed to suspend his operations under Permit No. B-2534 for a period of not to exceed six months from November 14, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of November, 1941.

R

(Decision No. 17918)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT D. FRITZ.)
) PERMIT NO. C-11049
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert D. Fritz of Route 1, Durango, Colo., requesting that his Permit No. C-11049 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11049, heretofore issued to Albert D. Fritz, be, and the same is hereby, declared cancelled effective March 8, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Brosman

Edward E. Carlson

Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41

R

(Decision No. 17919)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
STAR BAKERY.) PERMIT NO. C-9802
)
)
)

Dec. 2, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Star Bakery of 2744 W Colfax, Denver, Colorado, requesting that his Permit No. C-9802 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9802, heretofore issued to the Star Bakery be, and the same is hereby, declared cancelled effective August 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thoreau

/s/ Edward E. Bradley

/s/ Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1941.

R

(Decision No. 17920)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
U. S. SINGLETON.)
) PERMIT NO. C-12464
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from U. S. Singleton of 57 Logan St., Denver, Colorado, requesting that his Permit No. C-12464 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12464, heretofore issued to U. S. Singleton, be, and the same is hereby, declared cancelled effective June 3, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Fred E. Bueler

Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41

R

(Decision No. 17921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLIFFORD W. HAVEN.)
) PERMIT NO. C-12602
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clifford W. Haven of Box 377, Ft. Collins, Colo., requesting that his Permit No. C-12602 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12602, heretofore issued to Clifford W. Haven, be, and the same is hereby, declared cancelled effective September 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Walcom Ericksen

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1941, ~~xxxxx~~.

R

(Decision No. 12922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WARREN CALVIN BILLINGSLEY.) PERMIT NO. C-13241
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Warren Calvin Billingsley of Route 3, Rocky Ford, Colo., requesting that his Permit No. C-13241 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. 13241, heretofore issued to Warren Calvin Billingsley, be, and the same is hereby, declared cancelled effective October 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Walcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17923)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER SHOWALTER.)
) PERMIT NO. C-13402
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lester Showalter of Route 1, Rolla, Kansas, requesting that his Permit No. C-13402 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13402, heretofore issued to Lester Showalter, be, and the same is hereby, declared cancelled effective October 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Thomas

Edward E. Gunsaulus

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CHARLES W. JONES.) PERMIT NO. C-6705
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles W. Jones of 131 So. Quitman St., Denver, Colorado,

requesting that his Permit No. C-6705 be cancelled.

After careful consideration, the Commission is of the opinion,

and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6705, heretofore issued

to Charles W. Jones, be,

and the same is hereby, declared cancelled effective October 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward E. Dueller

Malcolm Ericksen

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEE WILSON) PERMIT NO. C-13142
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lee Wilson of 47 S. Logan, Denver, Colorado, requesting that his Permit No. C-13142 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13142, heretofore issued to Lee Wilson, be, and the same is hereby, declared cancelled effective October 31, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17926~~7~~)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. G. CROUCH.)
) PERMIT NO. C-12677
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from O. G. Crouch of 1031 N. Washington, Liberal, Kansas requesting that his Permit No. C-12677 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12677, heretofore issued to O. G. Crouch, be, and the same is hereby, declared cancelled effective November 4, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shuman

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RALPH HILL.) PERMIT NO. C-3919
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ralph Hill of 226 Forrest Ave., Littleton, Colo., requesting that his Permit No. C-3919 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3919, heretofore issued to Ralph Hill, be, and the same is hereby, declared cancelled effective November 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MARION PARKINS.) PERMIT NO. C-13437
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Marion Parkins of 537 Grove St., Denver, Colo., requesting that his Permit No. C-13437 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13437, heretofore issued to Marion Parkins, be, and the same is hereby, declared cancelled effective November 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Dunklee

Malcolm Ericksson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41

R

(Decision No. 17929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH R. CAMPBELL.)
) PERMIT NO. C-11747
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joseph R. Campbell of Georgetown, Colorado, requesting that his Permit No. C-11747 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11747, heretofore issued to Joseph R. Campbell, be, and the same is hereby, declared cancelled effective November 8, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward E. Bruce

Alabama Christensen

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VERN ADAMS.) PERMIT NO. B-2014-I

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Vern Adams of Folsom, New Mexico, requesting that his Permit No. B-2014-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2014-I, heretofore issued to Vern Adams, be, and the same is hereby, declared cancelled effective November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Bowman

David E. Keesler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17931)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. E. MILLER.)
) PERMIT NO. C-12338
)
)
)

Dec. 2, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. E. Miller of La Junta, Colorado, requesting that his Permit No. C-12338 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12338, heretofore issued to M. E. Miller, be, and the same is hereby, declared cancelled effective November 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Bowman

Edward E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17932)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. T. SHERMAN.) PERMIT NOS. B-2106 and C-4410
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. A. T. Sherman, Admx. Estate of A. T. Sherman of Fairplay, Colorado, requesting that his Permit No. s. B-2106 and C-4410 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2106/ and C-4410, heretofore issued to A. T. Sherman, be, and the same is hereby, declared cancelled effective November 12, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Bowman

Edmund E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41.

R

(Decision No. 17933)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN RIVERA.)
) PERMIT NO. C-12390
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Rivera of 2516 Larimer St., Denver, Colo., requesting that his Permit No. C-12390 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12390, heretofore issued to John Rivera, be, and the same is hereby, declared cancelled effective November 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorneau

Edward E. Bressler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE CITY OF COLORADO SPRINGS, COLORADO, FOR CONSOLIDATION INTO ONE CERTIFICATE OF ALL CERTIFICATES HERETOFORE ISSUED, AND FOR CLARIFICATION OF TERRITORY AND AREA SERVED AND TO BE SERVED, AND EXTENT OF AUTHORITY AND OPERATION.

APPLICATION NO. 5764

November 29, 1941.

Appearances: Ben S. Wendelken, Esq., Colorado Springs, Colorado, for applicant;
A. M. Sayers, Town Clerk, Fountain, Colorado, for the Town of Fountain.

S T A T E M E N T

By the Commission:

Heretofore, applicant, City of Colorado Springs, a municipal corporation, was granted a certificate of public convenience and necessity authorizing the acquiring of the distribution lines and system of the Cascade Public Service Company, and the extension of service by the said City of Colorado Springs to include the distribution and sale of electrical energy in said Cascade community as delineated in Exhibit No. 2, attached to the petition and by reference made a part of said order. See Decision No. 9933, Application No. 1809-B.

By Decision No. 9931 in Application No. 1809-BB, the sale and transfer to said City of Colorado Springs by the Broadmoor Hotel, Water and Power Company, of its distribution system and appurtenances used in the sale of electrical current in and about Broadmoor and adjacent territory, was approved by the Commission, and in said order the said City of Colorado Springs was authorized to extend its own transmission lines and distribution system to serve the area formerly granted the Broadmoor Hotel, Water and Power Company, as delineated on Exhibit "A", which was attached to the application and by reference made a part of said order.

The instant application seeks a consolidation of all former certificates granted to said City of Colorado Springs and its predecessors in interest, with the right to serve all additional territory as outlined upon Exhibit "A" attached to its instant application.

The evidence disclosed that applicant at the present time is now serving as a public utility approximately all of the area contained within the boundary lines delineated on said Exhibit "A", excepting approximately 7½ sections of land now owned by the City of Colorado Springs, but upon which United States War Department proposes to construct an army cantonment, and the City desires authority to serve said cantonment if and when the same is constructed.

It was further developed that no other public utility is now serving within any of the area proposed to be served by applicant, save and except certain sections of land in Township 15 S., Range 68 West of the 6th P. M., which are within the territory heretofore authorized to be served by the Southern Colorado Power Company, and counsel for the City of Colorado Springs, at the opening of the hearing herein, stated that the City desired to eliminate said sections from its application.

It was further stipulated between counsel for the City of Colorado Springs and the representatives of the Town of Fountain that Section 35, Township 15 S., Range 66 West, should be included in the area embraced within petitioner's application.

It was further disclosed that the City of Colorado Springs has, or will have, when certain proposed improvements are completed, ample generating capacity to adequately supply all customers residing within the area sought to be served, including the proposed Army Cantonment, and that its present rates and service to customers outside of the corporate limits of Colorado Springs are satisfactory and adequate.

No protests were interposed against the granting of the authority sought.

The record is silent as to the amount of investment which applicant has in plant equipment which is necessary for the service it is furnishing as a public utility outside of the corporate limits of the City of Colorado Springs, although it was stated by one of applicant's witnesses that an expenditure of $350,000 was contemplated for additional generating capacity.

In view of the fact that the cost of any certificate herein granted will be based upon the reasonable investment of applicant in its plant and plant equipment necessary to properly supply its customers outside of the corporate limits of the City of Colorado Springs, we shall ask applicant to submit such figures and it will be charged upon the basis of same, less any fee charged and paid for previous certificates heretofore issued to applicant.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require and will require the proposed operations of the City of Colorado Springs as presently established, including any extensions thereof that may become necessary in the future to adequately serve customers residing within its area, in the supplying of electrical current for heat, light and power purposes, both wholesale and retail, to customers within the area described as follows:

Beginning at the
Northeast (NE) corner of Section 29, Range 65 West, Township 12
South, and running South (S) along the section line from
this point about sixteen (16) miles to the
Southeast (SE) corner of Section 8, Range 65 West, Township 15

South, thence West (W) about four (4) miles to the Southwest (SW) corner of Section 11, Range 66 West, Township 15 South, thence South (S) about one and one-half (1½) miles to the Southeast (SE) corner of the Northeast Quarter (NE¼) of Section 22, Range 66 West, Township 15 South, thence East (E) about one (1) mile to the Northeast (NE) corner of the Southeast (SE¼) quarter of Section 23, Range 66 West, Township 15 South, thence South (S) about one and one-half (1½) miles to the Southeast (SE) corner of Section 26, Range 66 West, Township 15 South, thence West (W) about ~~three (3)~~ Two (2) miles to the Southwest (SW) corner of Section ~~28~~ 27, Range 66 West, Township 15 South, thence South (S) about ~~one (1)~~ Five (5) miles to the Southeast (SE) corner of Section 32, Range 66 West, Township 15 South, thence East (E) about one (1) mile to the Northeast (NE) corner of Section 4, Range 66 West, Township 16 South, thence South (S) about four (4) miles to the Southeast (SE) corner of Section 21, Range 66 West, Township 16 South, thence West (W) about Nine (9) miles to the Southwest (SW) corner of Section 19, Range 67 West, Township 16 South, thence North (N) about six (6) miles to the Northwest (NW) corner of Section 30, Range 67 West, Township 15 South, thence West (W) about three (3) miles to the Southwest (SW) corner of Section 22, Range 68 West, Township 15 South, thence North (N) about two (2) miles to the Northwest (NW) corner of Section 15, Range 68 West, Township 15, South, thence West about three (3) miles to the Southwest (SW) corner of Section 7, Range 68 West, Township 15 South, thence North (N) about three (3) miles to the Southeast (SE) corner of Section 25, Range 69 West, Township 14 South, thence West about three (3) miles to the

13/8/41. Amendments in red O.K. - Omit

Omit

Southwest (SW) corner of Section 27, Range 69 West, Township 14 South, thence North about ten (10) miles to the Northwest (NW) corner of Section 10, Range 69 West, Township 13 South, thence east (E) about nine (9) miles to the Northeast (NE) corner of Section 12, Range 68 West, Township 13 South, thence North about three (3) miles to the Northwest (NW) corner of Section 30, Range 67 West, Township 12 South, thence east fourteen (14) miles to the point of beginning (eliminating any area within the corporate limits of the City of Colorado Springs),

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

That certificates of public convenience and necessity heretofore granted Petitioners in Applications Nos. 1809-B and 1809-BB be, and the same are hereby, ordered merged and incorporated in the certificate herein granted, so far as territory to be served is concerned.

That applicant shall file its rate schedules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V D Thorman

Edmund H Talbot

Walter R Millikan

Commissioners.

Dated at Denver, Colorado,
this 29th day of November, 1941.

BH

(Decision No. 17955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK W. FARROW, 2425 PINE STREET, BOULDER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5796-PP

December 2, 1941.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of eighty miles of Boulder, Colorado, to jobs within said eighty-mile-radius, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado, also to Louisville Public Schools, Louisville, Colorado, Public Service Company, Valmont, Colorado Plant, and coal from Rozy Coal Mine at Louisville to Boulder, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Frank W. Farrow, Boulder, Colorado, should be, and he

hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of eighty miles of Boulder, Colorado, to jobs within said eighty-mile radius, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado, also to Louisville Public Schools, Louisville, Colorado, Public Service Company, Valmont Colorado Plant, and coal from Kozy Coal Mine at Louisville to Boulder, Colorado.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1941.

BH

(Decision No. 17956)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
O. C. BARTH, WRAY, COLORADO.)

PERMIT NO. A-512

December 2, 1941.

S T A T E M E N T

By the Commission:

On August 19, 1941, the Commission received written request from O. C. Barth, owner of Permit A-512, seeking a suspension of said permit for a period of six months from September 9, 1941. Said request has been held in abeyance pending decision in a case filed against the said Barth. Our records indicate that said case has been dismissed, and the application for suspension should now be acted upon.

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

O R D E R

IT IS ORDERED:

That Permit No. A-512, and all operations thereunder, be, and the same are hereby, suspended for a period of six months from September 9, 1941.

That unless said O. C. Barth shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private permits, said permit, without further action by the Commission shall stand revoked without right to reinstate.

This order shall be effective on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1941.

BH

(Decision No. 17937)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.) CASE NO. 1585

November 27, 1941

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a petition from The Motor Truck Common Carriers' Association, as Agent, for and on behalf of the Larson Transportation Company, wherein authority is requested to establish a rate of 52 cents per 100 pounds on compressed gas, viz.: Carbon Dioxide in tanks, minimum weight 10,000 pounds, from Denver, Colorado to Craig, Colorado.

The petition states, "The Denver and Salt Lake Railway Company, in Amendment No. 20 to its Colo. P.U.C. No. 276, filed the rate of 52 cents per 100 pounds to Craig, Colorado; said rate to become effective December 1, 1941. Therefore, it is necessary that the Larson Transportation Company be authorized to publish this rate in order that it can be competitive with the Denver and Salt Lake Railway Company."

Inasmuch as the Denver and Salt Lake Railway Company has already published this rate to become effective on the first day of December we cannot see where anything would be gained by having a public hearing on this matter.

After consideration of all the facts in the instant petition and the record as a whole, the Commission is of the opinion, and so finds, that a rate of 52 cents per 100 pounds on compressed gas, viz.: Carbon Dioxide in tanks, minimum weight 10,000 pounds, from Denver, Colorado, to Craig, Colorado,

is, and for the future will be, a just, fair, reasonable and sufficient maximum and minimum rate for motor vehicle common carriers, and a minimum rate for private carriers by motor vehicle.

O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; that on said dates it entered its orders to give effect to said conclusions:

IT FURTHER APPEARING, That, after further consideration of all the facts, the Commission has, on the date hereof, made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates, are hereby referred to and made parts hereof:

IT IS ORDERED, That, the order heretofore entered in said proceedings in Case No. 1585, on February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified, the above stated order, as amended, shall continue in full force and effect.

IT IS FURTHER ORDERED, That all motor vehicle common carriers and private carriers by motor vehicle, operating in intrastate commerce in Colorado, to the extent they are affected, be, and they are hereby, notified and required to cancel all schedules in conflict with the rate prescribed in the aforesaid statement on further consideration, on December 1, 1941, upon notice to this Commission and to the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, and Section 10, Chapter 120, Session Laws of 1931, as amended.

IT IS FURTHER ORDERED, That, this order shall become effective on December 1, 1941, and that the rate prescribed and approved in the aforesaid statement on further consideration shall be published by all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are effected, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, and Section 10, Chapter 120, Session Laws of 1931, as amended, and that on and after said date said motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater, or less, than the rate herein prescribed; and private carriers by motor vehicle shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those prescribed and approved in the aforesaid statement.

IT IS FURTHER ORDERED, That this order shall not be construed so as to compel a private carrier by motor vehicle to be, or become, a common carrier, or to subject any such private carrier by motor vehicle to the laws, or liability, applicable to a common carrier.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional orders as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty (20) days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1941.

JH

(Decision No. 17958)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RULES, REGULATIONS, AND PRACTICES RELATING TO PICK-UP AND DELIVERY SERVICE PERFORMED BY, AND MOTOR VEHICLE OPERATIONS OF, CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY.	CASE NO. 4888 ORDER TO SHOW CAUSE AND NOTICE OF HEARING

December 2, 1941

S T A T E M E N T

By the Commission:

Information has been received by the Commission, and it is so informed and believes, that Chicago, Burlington and Quincy Railroad Company, respondent, has in the past, and now is, performing pick-up and delivery service for its customers at various stations on its lines in the State of Colorado, and transporting shipments of freight over the highways of the State of Colorado by motor vehicle, and that said respondent does not have a certificate or certificates of public convenience and necessity authorizing it to make such pick-up and delivery service, nor to transport freight over the highways of the State of Colorado.

The Commission is of the opinion, and so finds, that an investigation should be made, and a hearing held, with reference to the rates, regulations, rules, and practices of the respondent concerning its services performed in connection with the pick-up and delivery of freight by motor vehicle and the transportation by motor vehicle of freight over the highways of the State of Colorado.

O R D E R

IT IS ORDERED:

By the Commission, that an investigation be made, and hearing held, with reference to the rates, rules, regulations, and practices of

the respondent relating to the service performed by respondent in connection with pick-up and delivery of freight at various stations on its lines, and with reference to the transportation of freight by motor vehicles operated by respondent over the highways of the State of Colorado between stations on its lines; and, if said respondent now owns or operates any motor vehicles for the purpose of picking up and delivering freight for its customers, or is transporting freight by motor vehicle, why this Commission should not order said respondent to cease and desist from operating as a common carrier by motor vehicle until it has obtained from this Commission a certificate or certificates of public convenience and necessity authorizing such pick-up and delivery service or transportation, or why this Commission should not enter such other order or orders as may be proper herein.

That respondent is hereby ordered to file its answer herein within twenty (20) days from this date.

That this matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 19th day of December, 1941, at 10:00 o'clock A.M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Sherman

Edward C Charles

Rollin Erickson

Commissioners

Dated at Denver, Colorado,
this 2nd day of December, 1941.

mw

(Decision No. 17959)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF E. M. WOLFF, DOING BUSINESS AS "E. M. SCHEERER," 1001 AKIN AVENUE, FORT COLLINS, COLORADO, PRIVATE CARRIER PERMIT NO. B-2445.	CASE NO. 4869 ORDER TO SHOW CAUSE AND NOTICE OF HEARING

November 29, 1941

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the respondent, E. M. Wolff, doing business as "E. M. Scheerer," heretofore became the holder of Private Carrier Permit No. B-2445, pursuant to Chapter 120, Session Laws of 1931, as amended (Sections 348-370), Chapter 16, 1935 C.S.A.); that the authority granted to respondent under said Permit No. B-2445 is set forth in Paragraph 1 of Exhibit 1 hereto attached.

The Commission is informed and believes, and upon such information and belief alleges, that respondent has violated the provisions of said statute and the Rules and Regulations of this Commission Governing Private Carriers for Hire by Motor Vehicle, in the following particulars:

1. That during the period January 1, 1941, to August 31, 1941, both months inclusive, respondent failed to issue bills of lading covering all shipments; that respondent does not file and keep copies of said bills of lading for the period of two years; that where the respondent did issue bills of lading, respondent did not itemize said bills of lading in a manner so as fully or clearly to show the description and classification of said shipments and the rate to be charged for the transportation thereof; and that respondent did not show on said bills of lading the

exact point of origin or destination, as shown by Paragraphs 2, 3, and 4 of said Exhibit 1; contrary to Rule 21 of said Rules and Regulations and the provisions of law.

2. That during the period January 1, 1941, to August 31, 1941, both months inclusive, respondent failed and refused to issue and carry with each truck a load sheet or manifest, showing all shipments carried on said truck, as shown by Paragraph 5 of said Exhibit 1; contrary to law and Rule 22 of said Rules and Regulations.

3. That during the period January 1, 1941, to August 31, 1941, both months inclusive, the respondent transported shipments for various customers without having first filed with this Commission a written statement, under oath, of the names and addresses of such customers, and without first having entered into contracts with said customers covering the transportation of freight for said customers, as shown by Paragraph 6 of said Exhibit 1; contrary to law and Rule 10 of said Rules and Regulations.

4. That respondent transported freight for hire for various persons without first having entered into special contracts for transportation service, as shown by Paragraph 6 of said Exhibit 1, and that, because thereof, respondent is a common carrier; that respondent is operating as a common carrier by motor vehicle without first having obtained from this Commission a certificate declaring that the present or future public convenience and necessity require, or will require, such operation.

5. That during the period January 1, 1941, to August 31, 1941, both months inclusive, respondent extended, changed, altered, and varied the authority granted to her in and by said Permit No. B-2445, in that said respondent transported various shipments weighing more than 7,200 pounds, all as shown in Paragraph 7 of said Exhibit 1; contrary to law and Rule 6 of said Rules and Regulations.

6. That during the period January 1, 1941, to August 31, 1941, both months inclusive, respondent filed monthly reports with this Commission, which monthly reports did not contain the names and addresses of all

persons and firms for whom said respondent transported goods, as shown by Paragraph 8 of said Exhibit 1; contrary to law and Rule 28 of said Rules and Regulations.

7. That this Commission is informed and believes that respondent is now, and since January 1, 1941, has been, operating as a common carrier by motor vehicle over the highways of this state without having first obtained from this Commission a certificate declaring that the present and future public convenience and necessity require, or will require, such operation, in that said respondent carries on, and for a long time prior to the date hereof, has carried on, her operations under contracts with more than one person, firm, or corporation, contrary to the provisions of Chapter 134, Session Laws of 1927, as amended (Sections 500-527, Chapter 16, 135 C.S.A.), and the Rules and Regulations of this Commission Governing Motor Vehicle Carriers.

The Commission therefore finds that an investigation should be made, and a hearing held, relative to said violations.

O R D E R

IT IS ORDERED:

By the Commission, on its own motion, that an investigation and hearing be had to determine if said respondent has failed or refused to comply with any or all of the provisions of the aforesaid statutes, and the rules and regulations of this Commission governing Private Carriers by Motor Vehicle, and the rules and regulations of this Commission governing Common Carriers by Motor Vehicle, or the provisions of respondent's said permit, and if so, whether said permit should therefore be suspended, cancelled, or revoked, or whether any other order or orders should be entered by the Commission in the premises.

That said respondent show cause, if any he have, by written verified answer filed with the Commission within ten (10) days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending, cancelling or revoking the permit heretofore

issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

That said matter be, and it hereby is, set down for hearing before the Commission, in its Hearing Room, 350 State Office Building, Denver, Colorado, on the 10th day of December, 1941, at ten o'clock A.M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of November, 1941.

mw

(Decision No. 17940)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO, FOR OPENING OF A PUBLIC HIGHWAY OVER THE RIGHT-OF-WAY AND TRACKS OF THE UNION PACIFIC RAILROAD COMPANY AT A POINT LOCATED ON THE SECTION LINE BETWEEN SECTIONS 4 AND 5, TOWNSHIP 5-SOUTH, RANGE 62-WEST OF THE 6TH PRINCIPAL MERIDIAN.	APPLICATION NO. 5759

December 5, 1941

S T A T E M E N T

By the Commission:

The Board of County Commissioners of Arapahoe County, Colorado, consisting of W. C. Giggal, Hugh W. Graham, Jr., and C. D. Courtright, by E. B. Cartwright, County Attorney, has petitioned the Commission in connection with the construction of a public highway crossing across the right-of-way and tracks of the Union Pacific Railroad Company, in Arapahoe County.

From correspondence received from E. G. Knowles, General Attorney for the Union Pacific Railroad Company, and from W. C. Giggal, Chairman of the Board of County Commissioners of said County, and the independent investigation by the Railroad Engineer of the Commission, the Commission finds that the public convenience and necessity require the construction of a public highway crossing three feet above grade across the right-of-way and tracks of the Union Pacific Railroad Company at a point located on the section line between Sections 4 and 5, Township 4-South, Range 62-West, 6th P.M., in the County of Arapahoe, State of Colorado, located near the Union Pacific Railroad Company mile post No. 603.40.

The Commission further finds that the cost of the fill between

the rails and the installation of necessary cattle guards, including wing fences, and of crossing signs, shall be borne by the railroad company, and the construction of the highway up to the tracks, including the necessary drainage therefor, and all other expenses involved in the opening and installation of the crossing shall be borne by the County of Arapahoe, including specifically the raising of all telegraph wires and signal wires to comply with all regulations, both State and Federal; that that certain private railroad crossing leading to Highway No. 40 granted to the Strasburg Land and Development Company at Union Pacific Railroad Company mile post No. 602.80, approximately one-fourth mile west of the depot at Strasburg, Colorado, is a blind and dangerous crossing, and should be abandoned; that that certain crossing on the west line of Section 6, Township 4-South, Range 62-West, 6th P.M., in the County of Arapahoe, State of Colorado, near the Union Pacific Railroad Company mile post No. 605.40 is no longer used, and should be abandoned.

O R D E R

IT IS ORDERED:

That the present private crossing over the Union Pacific Railroad leading to Highway No. 40, heretofore granted to the Strasburg Land and Development Company, and situate at Union Pacific Railroad Company mile post No. 602.80, approximately one-fourth mile west of the depot at Strasburg, Colorado, be abandoned and closed, upon the completion of the crossing hereinafter referred to.

That that certain crossing on the west line of Section 6, Township 4-South, Range 62-West, 6th P.M., in the County of Arapahoe, State of Colorado, near the Union Pacific Railroad Company mile post No. 605.40, be abandoned and closed, upon the completion of the crossing hereinafter referred to.

That the Union Pacific Railroad Company, and the County of Arapahoe, proceed forthwith to construct and open for public use, a public highway crossing at grade across the tracks and right-of-way of the Union Pacific Railroad Company at a point located on the Section Line between

Sections Nos. 4 and 5, Township 4-South, Range 62-West, 6th P.M., in the County of Arapahoe, State of Colorado, located near the Union Pacific Railroad Company mile post No. 605.40.

That the expense for the fill between the rails and the installation of necessary cattle guards, including wing fences and of crossing signs, shall be borne by the railroad company, and the construction of the highway up to the track, including the necessary drainage therefor, and the expense for raising of all telegraph wires and signal wires to comply with all regulations, both State and Federal, and all other expenses involved in the opening and installation of the crossing shall be borne by the County of Arapahoe.

That upon the installation and opening of said crossing, both the County of Arapahoe and the Union Pacific Railroad Company shall notify the Commission, in writing, of the completion and opening of the same, and of the abandonment and closing of the two crossings above specified, and of the satisfactory adjustment of costs and expenses between the parties.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1941.

mw

(Decision No. 17941)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
James H. Rodman) PERMIT NO. C-11175
)
)

Dec. 5, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James H. Rodman of Durango, Colorado, requesting that his Permit No. C-11175 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11175, heretofore issued to James H. Rodman be, and the same is hereby, declared cancelled effective as of October 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Thomas E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41.

G

(Decision No. 17942)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. Archie McKeever)
)
)

PERMIT NO. C-13157

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. Archie McKeever of 340 Main, Montrose, Colorado, requesting that his Permit No. C-13157 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13157, heretofore issued to H. Archie McKeever be, and the same is hereby, declared cancelled effective, as of October 28, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Thomas

Edward E. Keller

Madeleine Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41

G

(Decision No. 17943)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-9972
J. M. Radford Grocery Co.)
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. M. Radford Grocery Co of Abilene, Texas, requesting that his Permit No. C-9972 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9972, heretofore issued to J. M. Radford Grocery Co. be, and the same is hereby, declared cancelled effective , as of November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Edwin O. Sweller

Malcolm Ericksson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41.

G

(Decision No. 17944)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Art A. Trujillo) PERMIT NO. C-12967
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Art A. Trujillo of Weston, Colorado, requesting that his Permit No. C-12967 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12967, heretofore issued to Art A. Trujillo be, and the same is hereby, declared cancelled effective , as of November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Thomas

Edward J. Keller

Malcolm Ericksen

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41

G

(Decision No. 17945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
B. M. Golladay) PERMIT NO. C-12513
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from B. M. Golladay of 1501 Harrison, Amarillo, Texas, requesting that his Permit No. C-12513 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12513, heretofore issued to B. M. Golladay be, and the same is hereby, declared cancelled effective , as of November 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 1941.

G

(Decision No. 17946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. A. Ludlow) PERMIT NO. C-13418
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. A. Ludlow of 226 E Victoria, Colo. Spgs., Colo., requesting that his Permit No. C-13418 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13418, heretofore issued to J. A. Ludlow be, and the same is hereby, declared cancelled effective, as of November 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Conway

Malcolm Ericksson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41

G

(Decision No. 17947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
V. S. Rice) PERMIT NO. C-4469
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from V. S. Rice of 211 So Knox Ct, , Denver, Colo., requesting that his Permit No. C-4469 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4469, heretofore issued to V. S. Rice be, and the same is hereby, declared cancelled effective , as of November 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Dunbar

Madeleine Ericksson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41.

G

(Decision No. 17948)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-7981
C. C. Harper)
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. C. Harper of 697 So Penn., Denver, Colo., requesting that his Permit No. C-7981 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7981, heretofore issued to C. C. Harper be, and the same is hereby, declared cancelled effective , as of November 8, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Silverman

Edward E. Dierker

Malcolm Eggleston

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41.

G

(Decision No. 17949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-9266
Edgar, Raymond, and)
Walter Barth, Jr., d/b/a)
Barth Brothers)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edgar, Raymond, and Walter Barth, Jr., dba Barth Bros. of 3651 So Sheridan, Denver, Colo, requesting that his Permit No. C-9266 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9266, heretofore issued to Edgar, Raymond, Walter Barth, Jr., d/b/a Barth Brothers be, and the same is hereby, declared cancelled effective, as of November 8, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keeler

Madam Ericson

Commissioners.

Dated at Denver, Colorado,
this 5d day of December, 19 41.

G

(Decision No. 17950)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Fred Gaglia, d/b/a) PERMIT NO. C-12330
Gag's Produce)
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Gaglia, d/b/a Gag's Produce of 3834 Kalamath, Denver, Colo., requesting that his Permit No. C-12330 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12330, heretofore issued to Fred Gaglia, d/b/a Gag's Produce, be, and the same is hereby, declared cancelled effective as of November 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

/s/ Edward E. Keller

/s/ Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41.

G

(Decision No. 17951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
James A. Kalil) PERMIT NO. C-11904

Dec. 5, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James A. Kalil of 508 W Pierce, Houston, Texas, requesting that his Permit No. C-11904 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11904, heretofore issued to James A. Kalil be, and the same is hereby, declared cancelled effective as of November 10, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward J. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 5d day of December, 19 41

G

(Decision No. 17952)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Ross Anderson & W. W. Hunter) PERMIT NO. C-12739
d/b/a)
Anderson Trading Co)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ross Anderson & W. W. Hunter, d/b/a Anderson Trading Co Atlington, Colorado, requesting that his Permit No. C-12739 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12739, heretofore issued to Ross Anderson & W. W. Hunter, d/b/a Anderson Trading Co. be, and the same is hereby, declared cancelled effective, as of November 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Bradley

Malcolm Ericsson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 1941.

G

(Decision No. 17953)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Fred R. Peterson, d/b/a) PERMIT NO. C-3039
Clover Blossom Creamery)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred R. Peterson, d/b/a Clover Blossom Creamery of Holyoke, Colorado, requesting that his Permit No. C-3039 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3039, heretofore issued to Fred R. Peterson, d/b/a Clover Blossom Creamery be, and the same is hereby, declared cancelled effective as of November 13, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomson

Edward J. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41.

G

(Decision No. 17954)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John S. Brooks) PERMIT NO. C-5341
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John S. Brooks of 198 No. Nevada, Littleton, Colo., requesting that his Permit No. C-5341 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5341, heretofore issued to John S. Brooks be, and the same is hereby, declared cancelled effective, as of November 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

/s/ Fred E. Bueler

/s/ Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41

G

(Decision No. 17955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
T. D. Leech) PERMIT NO. C-1915
)
)
)

Dec. 5, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. D. Leech of Rt 1, Dolores, Colorado, requesting that his Permit No. C-1915 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1915, heretofore issued to T. D. Leech be, and the same is hereby, declared cancelled effective as of November 16, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Stevenson

Edward J. Keating

Thalman Erickson

Commissioners.

Dated at Denver, Colorado,
this 5d day of December, 19 41.

G

(Decision No. 17956)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12884
Mrs. Helen W. Stewart)
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Helen W. Stewart of 1504 No Nevada Ave., Colo. Spgs., Colo., requesting that his Permit No. C-12884 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12884, heretofore issued to Mrs. Helen W. Stewart be, and the same is hereby, declared cancelled effective, as of November 17, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41.

G

(Decision No. 17857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. O. Krause & Fred Scherzer) PERMIT NO. C-4770
d/b/a)
Rocky Mountain Produce Co)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. O. Krause and Fred Scherzer dba Rocky Mountain Produce Co., 2140 19th, Denver, Colorado, requesting that his Permit No. C-4770 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4770, heretofore issued to J. O. Krause & Fred Scherzer d/b/a Rocky Mountain Produce Co. be, and the same is hereby, declared cancelled effective , as of November 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 1941.

G

(Decision No. 17958)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
G. B. Ledbetter) PERMIT NO. C-12197
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. B. Ledbetter of 122 So Garden, Wichita, Kansas, requesting that his Permit No. C-12197 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12197, heretofore issued to G. B. Ledbetter be, and the same is hereby, declared cancelled effective , as of November 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Commissioners.

Dated at Denver, Colorado,
this 5d day of December, 19 41.

G

(Decision No. 17959)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-9069
Ramon Gallegos)
)
)

Dec. 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ramon Gallegos of 42 No 9th, Brighton, Colorado, requesting that his Permit No. C-9069 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9069, heretofore issued to Ramon Gallegos be, and the same is hereby, declared cancelled effective , as of November 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Peterson

/s/ Dennis E. Mueller

/s/ Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 19 41

G

(Decision No. 17960)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Fred Fenning) PERMIT NO. C-13165
)
)

Dec. 5, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Fenning of Benkelman, Nebraska, requesting that his Permit No. C-13165 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13165, heretofore issued to Fred Fenning be, and the same is hereby, declared cancelled effective, as of November 25, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thurman

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of December, 1941.

G

(Decision No. 17962)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF ELLIS L. HAYES, OF 2715 NORTH SPEER BLVD., DENVER, COLORADO.) PERMIT NO. B-2222

December 3, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that Permit No. B-2222 be suspended for a period of six months.

The Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That Ellis L. Hayes should be allowed to suspend his operations under Permit No. B-2222 for a period of not to exceed six months from November 20, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Edward D. Mueller

Grahame Erickson

Commissioners

Dated at Denver, Colorado, this
3rd day of December, 1941.

R

(Decision No. 17963)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF T. D. LEECH, OF ROUTE 1,) PERMIT NO. B-1841
DOLORES, COLORADO.)

December 3, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that Permit B-1841 be suspended for a period of six months.

After careful consideration, the Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That T. D. Leech should be, and hereby is, allowed to suspend his operations under Permit B-1841 for a period of not to exceed six months from November 16, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Edward E. Keeler

Malcom Erickson

Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1941.

R

(Decision No. 17964)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. E. GOFF, OF 2129 SPRUCE STREET,) PERMIT NO. A-2580
PUEBLO, COLORADO.)

December 3, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his permit No. A-2580 be suspended for a period of six months.

The Commission finds said request should be granted.

O R D E R

IT IS ORDERED:

That J. E. Goff should be allowed to suspend his operations under Permit No. A-2580 for a period of not to exceed six months from November 18, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thoreau

Edward E. Keeler

Malcom Erickson

Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1941.

R

(Decision No. 17965)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN CHEVARRIA, OF 1384 GROVE ST.,) PERMIT NO. B-1431
DENVER, COLORADO.)

December 3, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-1431 be suspended for a period of six months.

The Commission finds said request should be granted.

O R D E R

IT IS ORDERED:

That John Chevarria should be allowed to suspend his operations under Permit No. B-1431 for a period of not to exceed six months from November 22, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas
Edward C. Keller
Malcom Erickson
Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1941.

R

(Decision No. 17966)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-10224
Joe Ferrendelli)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Ferrendelli of 928 Arizona, Trinidad, Colo., requesting that his Permit No. C-10224 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10224, heretofore issued to Joe Ferrendelli be, and the same is hereby, declared cancelled effective, as of January 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

E. E. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1941.

G

(Decision No. 17967)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12474
C. G. Harshbarger)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. G. Harshbarger of 2410 Gray, Edgewater, Colo, requesting that his Permit No. C-12474 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12474, heretofore issued to C. G. Harshbarger be, and the same is hereby, declared cancelled effective as of May 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Dennis E. Mueller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1941.

G

(Decision No. 17968)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Albert Iuppa &)
Charles Glorioso, d/b/a)
Iuppa & Glorioso Coal Co.)

PERMIT NO. C-12755

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert Iuppa & Charles Glorioso dba Iuppa & Glorioso Coal Co., 718 Pine, Trinidad, Colo requesting that his Permit No. C-12755 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12755, heretofore issued to Albert Iuppa & Chas. Glorioso, d/b/a Iuppa & Glorioso Coal Co. be, and the same is hereby, declared cancelled effective, as of August 51, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Duncan E. McArthur

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41

G

(Decision No. 17969)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Delmar Reed) PERMIT NO. C-4132
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Delmar Reed of 107 Fox, Denver, Colorado, requesting that his Permit No. C-4132 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4132, heretofore issued to Delmar Reed be, and the same is hereby, declared cancelled effective, as of October 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward J. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41.

G

(Decision No. 17970)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. W. Banta) PERMIT NO. C-12531
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. W. Banta of 220 E 2d, Delhart, Texas, requesting that his Permit No. C-12531 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12531, heretofore issued to W. W. Banta be, and the same is hereby, declared cancelled effective, as of October 29, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Brosseau

Edward J. Keating

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41.

G

(Decision No 17971)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. R. Allen) PERMIT NO. C-6742
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. R. Allen of 78 So Townsend, Montrose, Colo, requesting that his Permit No. C-6742 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6742, heretofore issued to L. R. Allen be, and the same is hereby, declared cancelled effective, as of November 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Doherman

Edward J. Keating

Thaleon Ericksen

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41

G

(Decision No. 17972)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12426
Peter Artaz)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Peter Artaz of Glenwood Springs, Colorado, requesting that his Permit No. C-12426 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12426, heretofore issued to Peter Artaz be, and the same is hereby, declared cancelled effective, as of November 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Thomas
Edward J. Keller
Malcom Eckhardt
Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41

G

(Decision No. 17975)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. W. Ellis) PERMIT NO. C-13532
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. W. Ellis of 4550 Wolff, Denver, Colo., requesting that his Permit No. C-13532 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13532, heretofore issued to W. W. Ellis be, and the same is hereby, declared cancelled effective, as of November 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41.

G

(Decision No. 17974)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Jesse Merrill Cole) PERMIT NO. C-12360
)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jesse Merrill Cole of 5115 Davenport, Omaha, Nebraska requesting that his Permit No. C-12360 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12360, heretofore issued to Jesse Merrill Cole be, and the same is hereby, declared cancelled effective , as of November 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

E. E. Dunklee

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41

G

(Decision No. 17975)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12793
Merle E. Winbourn)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Merle E. Winbourn of 5300 Redwood Highway, North Santa Rosa, Calif. requesting that his Permit No. C-12793 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12793, heretofore issued to Merle E. Winbourn be, and the same is hereby, declared cancelled effective , as of November 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Stevenson

Edward J. Keller

Commissioners

Dated at Denver, Colorado,
this 4th day of December, 19 41.

G

(Decision No. 17976)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
T. R. Hall) PERMIT NO. C-10916
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. R. Hall of 224 So 3d, Brighton, Colo., requesting that his Permit No. C-10916 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10916, heretofore issued to T. R. Hall be, and the same is hereby, declared cancelled effective , as of November 22, 1940.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1941.

G

(Decision No. 17977)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13112
Charles McCulloch)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles McCulloch of 5523 Beeman, Dallas, Texas, requesting that his Permit No. C-13112 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13112, heretofore issued to Charles McCulloch be, and the same is hereby, declared cancelled effective as of November 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Durand E. Beeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1941.

G

(Decision No. 17978)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
T. D. Bell) PERMIT NO. C-15218
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. D. Bell of Delta, Colorado requesting that his Permit No. C-15218 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No C-15218, heretofore issued to T. D. Bell, be, and the same is hereby, declared cancelled effective as of November 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Thomas

Edward E. [illegible]

Malcolm Ericksson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1941.

G

(Decision No. 17979)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
F. W. Wolpert) PERMIT NO. C-7137
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. W. Wolpert of Estes Park, Colorado, requesting that his Permit No. C-7137 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7137, heretofore issued to F. W. Wolpert be, and the same is hereby, declared cancelled effective , as of November 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Stevenson

Edward E. Carleton

Malcolm Ericksson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41.

G

(Decision No. 17980)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13595
Martin Jauregui)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Martin Jauregui of 2531 Curtis, Denver, Colorado, requesting that his Permit No. C-13595 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13595, heretofore issued to Martin Jauregui be, and the same is hereby, declared cancelled effective, as of November 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Duncan E. Vaughn

Thalcon Ericksen

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41

G

(Decision No. 17981)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
James E. Chelf) PERMIT NO. C-7474
)
)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James E. Chelf of 2950 So Logan, Denver, Colo., requesting that his Permit No. C-7474 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7474, heretofore issued to James E. Chelf be, and the same is hereby, declared cancelled effective, as of November 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry S. Sherman

/s/ Edward E. Gunsher

/s/ Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1941.

G

(Decision No. 17982)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. L. Holick, d/b/a) PERMIT NO. C-209
Highland Coal Co)
)

Dec. 4, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. L. Holick, dba Highland Coal Coof 6085 W. 48th, Wheatridge, Colo., requesting that his Permit No. C-209 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-209, heretofore issued to C. L. Holick, d/b/a Highland Coal Co. be, and the same is hereby, declared cancelled effective, as of November 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keedy

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 19 41

G

(Decision No. 17985)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF W. H. McMULLEN, DOING BUSINESS AS McMULLEN TRUCK LINE, COPE, COLORADO, P.U.C. NO. 1524.	CASE NO. 4674

December 1, 1941.

Appearances: E. B. Evans, Esq., Denver, Colorado, for the Commission;
Marion F. Jones, Esq., Denver, Colorado, for respondent.

S T A T E M E N T

By the Commission:

On November 6, 1941, Decision No. 17855, the Commission entered its order suspending certificate of public convenience and necessity No. 1524 for a period of sixty days from the effective date of the order, or, in lieu of said suspension, authorizing respondent to pay the sum of Twenty-five Dollars for the use of the State of Colorado as a penalty. The effective date of said order would have been November 27, 1941, and we have been requested to extend said effective date for a period of seven days to permit respondent to pay the penalty imposed rather than to accept the suspension of his permit.

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

O R D E R

IT IS ORDERED:

That the effective date of our decision of November 6, 1941, No. 17855, be, and the same is hereby, extended for a period of seven days from November 27, 1941, or until December 4, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ R. Thurman
/s/ Edward E. Jones
/s/ W. Lee Gilkison
Commissioners.

Dated at Denver, Colorado,
this 1st day of December, 1941.

BH

(Decision No. 17984)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF HOWARD M. SHULTS, 1206 White Avenue, GRAND JUNCTION, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF LIVE STOCK (INCLUDING SHEEP) WITHIN A RADIUS OF TWENTY MILES OF GRAND JUNCTION, COLORADO, AND FROM AND TO POINTS WITHIN SAID RADIUS, TO AND FROM ALL POINTS IN THE STATE OF COLORADO.

APPLICATION NO. 5801-PP

December 5, 1941.

Appearances: Haywood and Haynie, Esqs., Grand Junction, Colorado, for applicant;
Wayne Aspinall, Esq., Grand Junction, Colorado, for G. W. Hawthorne and J. C. Barker.

S T A T E M E N T

By the Commission:

Testifying in his own behalf, applicant stated that he was a livestock dealer and also conducted sales at his sales ring near Grand Junction; that he owns a 1941 International truck with a 15-foot stock rack, as well as a 1941 Chevrolet pickup truck. He further testified that he had received an average of fifty requests a week to haul livestock within the area which he is seeking to serve, and a number of these requests had been made from the so-called Glade Park area, as well as the Gateway area. He named some eight individuals who had sought his service in the Gateway area and five in the Glade Park territory. His father, J. F. Shults, substantiated the testimony of applicant, and it was his opinion that there was a distinct need for the service proposed.

One of the Highway Courtesy Patrolmen who had been serving in the Grand Junction district since last February, testified that he felt there was a definite need for the service of applicant; that applicant's equipment was

first class and he felt he would conduct a good operation.

On behalf of protestants, J. C. Barker, of Glade Park, who has a permit authorizing the transportation of livestock in the Glade Park area, testified that he has two Chevrolet trucks and expects to put on additional equipment; that there was no need of further service in his territory. G. W. Hawthorne, who operates under a common carrier certificate, is engaged in the transportation of general commodities between Grand Junction and the Gateway area and also handles livestock, although it is necessary to change bodies on his truck to accomplish this. The fact that a private carrier has been authorized to serve a certain territory, ordinarily will not prevent the issuance of another private permit to serve the same territory, as the service of a private carrier is not a public service, but is limited to special contracts with listed customers.

The Commission has always been somewhat liberal in granting certificates for the transportation of farm products, including livestock, as we do not believe the transportation of these particular commodities should be restricted as closely as line haul operations carrying general commodities.

The certificate under which G. W. Hawthorne operates only authorizes an operation between Grand Junction and Gateway, and intermediate points between Whitewater and Gateway. Such a certificate does not authorize any pickup area beyond Gateway or beyond property abutting the highway over which the operation is conducted. It appears that Mr. Hawthorne has enlarged his pickup area beyond his confines, but of course we can only protect his operation to the extent of what he is legally authorized to do.

After a careful consideration, it would appear from the record that the public interest would best be served by granting applicant the authority sought in all of the territory described, except the actual line haul of Hawthorne.

O R D E R

IT IS ORDERED:

That Howard M. Shults, of Grand Junction, Colorado, be, and

he is hereby, authorized to operate as a Class "B" private carrier for hire for the transportation of livestock (including sheep) from point to point within a radius of twenty miles of Grand Junction, Colorado, and from and to points within said radius to and from all points in the State of Colorado, except no service shall be rendered in competition with the line haul operations of G. W. Hawthorne.

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

This order is the permit provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of December, 1941.

BH

(Decision No. 17985)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM PINNACLE, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.) MISCELLANEOUS DOCKET NO. 160

December 3, 1941.

STATEMENT

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated November 25, 1941, requesting authority to transport one carload of coal free of charge from Pinnacle, Colorado, on account of charity.

The shipment in question has been donated by a shipper on the line of The Denver and Salt Lake Railway Company for use of the Young Women's Christian Association, an agency of the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

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

ORDER

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Pinnacle, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the United Fuel and Equipment Company, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Sherman

Edward D. Carder

Walter R Rice

Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1941

JH

(Decision No. 17920)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
U. S. SINGLETON.)
) PERMIT NO. C-12464
)
)
)

Dec. 2, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from U. S. Singleton of 57 Logan St., Denver, Colorado, requesting that his Permit No. C-12464 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12464, heretofore issued to U. S. Singleton, be, and the same is hereby, declared cancelled effective June 3, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

David E. Moeller

Gustaf Ericksson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 19 41 .

R

FORM 1601

Dec. 17985
M.C 160

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

November 25, 1941.

The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Young Women's Christian Association. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Pinnacle, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B.

1

PUBLIC UTILITIES
FILED
NOV 26 1941
OF THE STATE OF COLORADO

(Decision No. 17986)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF L. K. PHARES, CANON CITY, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF BARITE FROM ILSE TO CANON CITY, VIA COLO. 145; COAL FROM CANON CITY AND FLORENCE COAL FIELDS TO PUEBLO AND CANON CITY: FELDSPAR FROM PITS WITHIN A RADIUS OF 25 MILES OF CANON CITY TO COLORADO FELDSPAR COMPANY AT CANON CITY.	APPLICATION NO. 5794-PP

December 5, 1941.

Appearances: Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company; John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers Association.

S T A T E M E N T

By the Commission:

The instant case was set for hearing at Colorado Springs on November 28, 1941, and when called for hearing, no appearance was entered on behalf of applicant. However, Mr. Blunt, representing Southwestern Transportation Company which operates in the territory applicant is seeking to serve, stated that he had had a conversation with applicant, who had agreed to limit his application in a manner satisfactory to Southwestern Transportation Company. This limitation has been reduced to writing and signed by applicant, and was received in evidence.

In view of the limitations contained therein, all objections to the granting of the authority sought were withdrawn, and it was agreed that the permit might be issued upon the verified application on file.

The description of equipment attached to the application discloses that applicant owns a 1936 Ford 1½-ton truck with dump body, and it would appear that the services which he proposes to render are needed.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the written statement of applicant, the authority sought should be granted.

O R D E R

IT IS ORDERED:

That L. K. Phares, Canon City, Colorado, be, and he is hereby, authorized to operate as a Class "A" private carrier for hire for the transportation of barite ore from Ilse to Canon City, via Colorado Highway No. 145, for the Colorado Barite Corporation, only; feldspar from pits within a radius of 25 miles of Canon City to the Colorado Feldspar Company at Canon City for the account of C. B. Dill, only, and coal from the Canon City-Florence coal fields to Pueblo and Canon City; provided, however, that no extension of the customers named above for the transportation of barite and feldspar may be added to by applicant without an order from the Commission after due notice and hearing.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of December, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF R. E. MANLEY, ROUTE 1,CLIFTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF COAL AND WOOD TO AND FROM POINTS WITHIN A RADIUS OF FIFTY MILES OF GRAND JUNCTION, COLORADO.	APPLICATION NO. 5800-PP

December 6, 1941.

Appearances: R. E. Manley, Route 1, Clifton, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Wayne Aspinall, Esq., Grand Junction, Colorado, for G. W. Hawthorne and J. C. Barker.

S T A T E M E N T

By the Commission:

At the hearing, applicant, testifying in his own behalf, stated that he was willing to eliminate any service in competition with G. W. Hawthorne, operating under Certificate 1216, authorizing service between Gateway and Grand Junction, as well as any service in what is known as the "Glade Park" area.

In view of this statement by applicant, all objections to the granting of the authority sought were withdrawn.

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

After a careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the testimony, the authority sought should be granted.

O R D E R

IT IS ORDERED:

That R. E. Manley be, and he is hereby, authorized to operate

as a Class "B" private carrier by motor vehicle for hire for the transportation of coal and wood from point to point within a radius of fifty miles of Grand Junction, Colorado, save and except that no service shall be rendered between Gateway and Grand Junction in competition with G. W. Hawthorne in what is known as the "Glade Park" area.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1941.

BH

original

(Decision No. 17988)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.) CASE NO. 1585

December 4, 1941.

S T A T E M E N T

By the Commission:

On February 5, 1936, and various subsequent dates, the Commission entered its orders prescribing rates, rules, regulations and classification for the transportation of freight by motor vehicle common carriers, and private carriers by motor vehicle competing with such common carriers, which orders became effective on April 1, 1936, and various subsequent dates.

The Commission is now in receipt of a petition from James A. Schaeffer, doing business as The Schaeffer Truck Line, a common carrier operating between Denver on the one hand and the following named points: Dillon, Frisco, Breckenridge, Wheeler, Kokomo and Climax on the other hand; also between Leadville and the aforesaid named points; wherein it is seeking an increase of 15 per cent in its class rates, except that on shipments subject to a minimum weight of 10,000 pounds it requests an increase of 20 per cent. In support of its petition, it states:

"That the territory served by applicant is very mountainous, far beyond the ordinary. That in the distance of one hundred miles between Denver and Climax applicant is obliged to traverse two mountain passes nearly twelve thousand feet high. That during six months of the year these passes are, on many occasions, rendered virtually impassable to normal vehicular traffic. That as a result, there is unusual depreciation of the equipment.

Further, that the applicant's costs of operation have been steadily increasing during recent months, due to the various increases in the prices of commodities and labor; that if the applicant is to continue to furnish an efficient daily service, the requested increases are vitally necessary."

The Commission is also in receipt of an application from W. H. McMullen, doing business as the McMullen Truck Line, of Cope, Colorado, requesting that the following rates to Denver be prescribed by the Commission:

Cream, in Cans		Rates in Cents per: 5 Gal. Can	8 Gal. Can	10 Gal. Can
(a) Distances less than 100 miles	(a)	20	25	25
(b) Distances 100 miles and over	(b)	20	25	30

(Rates include return of empty can)
(Not subject to any prescribed minimum charge.)

The territory from which these rates would apply is as follows:

> "Between Denver and the Colorado-Kansas State Line, via U.S. Highway 36, including all intermediate points on said highway east of a point ten (10) miles east of Byers (but not including any service to intermediate points between Denver and a point ten (10) miles east of Byers.)"

Under all the circumstances and conditions set forth in the petitions, the Commission is of the opinion, and so finds, that a further hearing should be had on the matters and things hereinbefore set forth; and that all interested parties should be prepared to testify at said further hearing in order that the Commission may have the benefit of the views of all concerned relative to these matters and things.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, reopened for further hearing before the Commission at 10 o'clock A.M., on the 16th day of December, 1941, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for taking of evidence concerning the matters Hereinbefore set forth in our statement of and findings, at which time and place all interested parties may appear and be heard.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of December, 1941

JH

(Decision No. 17989)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Wayne Patterson) PERMIT NO. C-12922
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wayne Patterson of Limon, Colorado, requesting that his Permit No. C-12922 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12922, heretofore issued to Wayne Patterson be, and the same is hereby, declared cancelled effective as of November 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41

G

(Decision No. 17990)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
)
Walter B & I. G. Arnold)
d/b/a)
Arnold Brothers)
)

PERMIT NO. C-599

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Walter B. and I. G. Arnold, dba Arnold Bros. of Rt. 1, Nampa, Idaho, requesting that his Permit No. C-599 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-599, heretofore issued to Walter B & I. G. Arnold, d/b/a Arnold Brothers be, and the same is hereby, declared cancelled effective as of November 25, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thurman

Edward C. Keller

Miakon Erickson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1941.

G.

(Decision No. 17991)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Fred, D. W. & Kenneth Chastain, d/b/a Chastain, Fred)

PERMIT NO. C-13214

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred, D. W. & Kenneth d/b/a Fred Chastain of Manhattan, Kansas, requesting that his Permit No. C-13214 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13214, heretofore issued to Fred, D. W. & Kenneth Chastain, d/b/a Fred Chastain be, and the same is hereby, declared cancelled effective , as of November 25, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward E. Dunn

Malcolm Ericksen

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41.

G

(Decision No. 17992)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Oren Zufelt) PERMIT NO. C-11801
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Oren Zufelt of Thompson's, Utah, requesting that his Permit No. C-11801 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11801, heretofore issued to Oren Zufelt be, and the same is hereby, declared cancelled effective, as of November 28, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward E. Conroy

Marshall Erickson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41

G

(Decision No. 17993)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
United Wholesalers, Inc.) PERMIT NO. C-1868
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from United Wholesalers, Inc. of 1051 Broadway, Denver, Colo., requesting that his Permit No. C-1868 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1868, heretofore issued to United Wholesalers, Inc. be, and the same is hereby, declared cancelled effective , as of November 29, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Bradley

Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41.

G

(Decision No. 17994)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-7392
S. P. Miller)
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from S. P. Miller of 235 Sunset, Longmont, Colo., requesting that his Permit No. C-7392 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7392, heretofore issued to S. P. Miller be, and the same is hereby, declared cancelled effective , as of November 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41.

G

(Decision No. 17995)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12904
Carl E. Porter)
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl E. Porter of #3, 2501 Rogers Ave., Ft. Worth, Texas, requesting that his Permit No. C-12904 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12904, heretofore issued to Carl E. Porter be, and the same is hereby, declared cancelled effective , as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Edward E. Conour, Jr.

Malcolm Ericsson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1941.

G

(Decision No. 17996)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-15276
Jim and Mrs. Harry Brotzman)
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jim and Mrs. Harry Brotzman of Marino, Colo, requesting that his Permit No. C-15276 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15276, heretofore issued to Jim and Mrs. Harry Brotzman be, and the same is hereby, declared cancelled effective , as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Laurence D. Thomas

Edward E. Keller

Thornton Ericson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41

G

(Decision No. 17997)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Earl B. Engel) PERMIT NO. C-2792
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Earl B. Engel of Castle Rock, Colorado, requesting that his Permit No. C-2792 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2792, heretofore issued to Earl B. Engel be, and the same is hereby, declared cancelled effective, as of December 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thoman

Edward J. Carroll

Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41.

G

(Decision No. 17998)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John Martin)
)
)
)

PERMIT NO. C-13154

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Martin of Bennett, Colorado, requesting that his Permit No. C-13154 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13154, heretofore issued to John Martin be, and the same is hereby, declared cancelled effective, as of November 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thoreau

Edward E. Bradley

Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41.

G

(Decision No. 17999)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
George Howard) PERMIT NO. C-12974
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Howard of 232 E Monument, Colo Spgs., Colo, requesting that his Permit No. C-12974 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12974, heretofore issued to George Howard be, and the same is hereby, declared cancelled effective , as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 19 41

G

(Decision No. 18000)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13204
Merle Calvin Fringer)
)
)

Dec. 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Merle Calvin Fringer of 766 Lipan, Denver, Colo, requesting that his Permit No. C-13204 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13204, heretofore issued to Merle Calvin Fringer be, and the same is hereby, declared cancelled effective as of December 5, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Fred E. Bradley

Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1941.

G

(Decision No. 18001)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF PIKES PEAK AUTO LIVERY FOR THE PROMULGATION OF REASONABLE , FAIR AND NON-DISCRIMINATORY RULES AND REGULATIONS GOVERNING COMMON CARRIER SIGHTSEEING OPERATIONS SUBJECT TO THE JURISDICTION OF THE COMMISSION.	)	CASE NO. 4762

December 6, 1941.

Appearances: J. A. Carruthers, Esq., Colorado Springs, Colorado, for Pikes Peak Automobile Company and Broadmoor Hotel Company;
Conour and Conour, Esqs., Del Norte, Colorado, for Pikes Peak Auto Livery;
Walter Colburn, Colorado Springs, Colorado, pro se and for Antlers Livery and Taxicab Company;
J. G. Hodges, Esq., Denver, Colorado, for Rocky Mountain Parks Transportation Company;
John Nolon, Jr., Esq., Manitou, Colorado, for L. T. Skiffington, Mayor, and Homer T. Bruce, Clerk, Town of Manitou Springs.

S T A T E M E N T

By the Commission:

On February 24, 1941, Decision No. 16701 was issued by the Commission. Thereafter, on March 17, 1941, Pikes Peak Auto Livery filed a petition for rehearing, which on May 15, 1941, by Decision No. 17151, was denied. Thereafter, on October 27, 1941, the Town of Manitou Springs, by its Mayor and Town Clerk, filed a petition requesting that the case be reopened for the purpose of permitting said Town of Manitou Springs to introduce new evidence in the matter. Said petition was granted by order of the Commission dated November 8, 1941, Decision No. 17856.

At said hearing, the only evidence introduced was a written statement by the Mayor of the Town of Manitou Springs, setting out some twelve

grounds why our Decision No. 16701, dated February 24, 1941, should be amended by exempting the so-called "Colorado Springs-Pikes Peak" area from the application of Rule 34 (d).

In addition to the said written statement of the Mayor of Manitou Springs, counsel for Rocky Mountain Parks Transportation Company advised the Commission that he had no objection to the proposed exemption, provided the same did not include the Denver area, and that he felt the two localities could be differentiated so far as Section 18 of the Public Utilities Act is concerned.

To the same effect was a statement made by J. A. Carruthers, counsel for Pikes Peak Automobile Company and Broadmoor Hotel Company, and by Walter Colburn, for himself and for Antlers Livery and Taxicab Company.

Richard E. Conour, of the firm of Conour and Conour, stated for the record that in his opinion the Colorado Springs-Pikes Peak area should be exempted from the application of said Rule 34 (d); that he recognized the difference between the Denver and the Colorado Springs situation, and that no attack would be made by his clients upon the order of the Commission heretofore entered enforcing said rule in Denver and prohibiting so-called "free transfer service" in said city, predicated or based upon any order the Commission might make in the instant matter exempting sightseeing operators in the Colorado Springs-Pikes Peak area from application of said rule.

In our original order, we pointed out that the sightseeing operators in the Colorado Springs area have offered free transportation service from depots to hotels and rooming houses, and vice versa, and that said operators had included this service in the tariffs filed by them. We then felt that the situation came under the provisions of Section 18 of the Public Utilities Act and constituted an unreasonable difference in rates between localities. However, as pointed out by counsel at the instant hearing, it is entirely possible that the Colorado Springs operators have their rates on a basis which permits of this free service and that, as a matter of fact, no discrimination exists between the two localities. We

are further impressed with the statement by the Town of Manitou Springs that to disturb the practice which has been in effect in the Colorado Springs area for over ten years would be detrimental to the business interests of those communities.

After a careful consideration of the matter, the Commission is of the opinion, and so finds, that said Decision No. 16701, dated February 24, 1941, should be amended to exempt the so-called Colorado Springs-Pikes Peak area from the application of said rule.

O R D E R

IT IS ORDERED:

That our Decision No. 16701, dated February 24, 1941, be, and the same is hereby, amended to exempt sightseeing operators in the Colorado Springs-Pikes Peak area from the application of Rule 54 (d); provided, however, that said operators shall, in their tariffs, make provision for and set forth any and all free transportation service which they desire to render from railroad, bus or air line depots to hotels, rooming houses or private residences, or vice versa, when offered in connection with sightseeing trip or trips.

That except as herein amended and modified, said original Decision No. 15701 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DENVER COLORADO SPRINGS PUEBLO MOTOR WAY, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING EXTENSION TO PROVIDE CALL AND DEMAND PASSENGER MOTOR BUS SERVICE FOR THE UNITED STATES WAR DEPARTMENT IN THE TRANSPORTATION OF SOLDIERS TO AND FROM UNITED STATES ARMY POST AT FORT LOGAN, COLORADO.

APPLICATION NO. 525-B

December 8, 1941.

Appearances: T. A. White, Esq., Denver, Colorado, for applicant;
W. A. Alexander, Esq., Denver, for Denver Tramway Corporation;
Worth Allen, Esq., Denver, Colorado, for Harry A. Taylor and Maurice E. Hill.

S T A T E M E N T

By the Commission:

Applicant, Denver Colorado Springs Pueblo Motor Way, Inc., is now operating under a certificate of public convenience and necessity between Denver and Trinidad, Walsenburg and Alamosa, and Canon City and La Junta, via Pueblo. Its operation south of Denver is over U. S. Highway No. 85, which is also known as "Santa Fe Drive" in and near the City of Denver, and said highway passes through the town of Petersburg, which is just south of the limits of the City and County of Denver and two miles east of the United States Army Post at Fort Logan via State Highway No. 70.

In the instant application, applicant is seeking for temporary authority to extend its operations for the transportation of soldiers or inductees of the United States Army, or other military or civilian personnel attached to the army, to said United States Army Post at Fort Logan as an off-route point from Petersburg, via State Highway No. 70. The service

proposed will be limited to call and demand by the United States War Department, the Selective Service Board, or its or their authorized representatives, and shall not be furnished upon request or demand of any civilian, private corporation or association. The proposed fare to be paid is twenty-five cents (25¢) per person one way, and this compensation will be paid by the United States War Department or its authorized representatives.

The evidence disclosed that Fort Logan has been designated as the induction center where all inductees are sent by the various local boards of the State of Colorado, and the War Department expects the first movement of this kind to consist of 890 men to be moved January 5, 1942, from Denver to Fort Logan. Other movements at this time contemplated consist of 292 men on January 6, 292 men on January 7, and an undetermined number on January 8, 1942, Thereafter, movement will be at such times and in such numbers as may later be determined. It is expected that these men will move in groups consisting of various numbers, and the movement will not only be into Fort Logan but also from Fort Logan to Denver.

The witness on behalf of the Director of Selective Service in Colorado, testified that service was now available to bring inductees in to Denver by train and by bus, but no service was available for the movement from and to Fort Logan. It was further developed that applicant company has satisfactory bus equipment on hand or can obtain same under lease to take care of all reasonable demands. Applicant's presently established bus terminal in Denver is at 501 - 17th Street, and six other transportation companies operate into this terminal. Just across the street is the terminal of Union Pacific Stages and Southwest Greyhound Lines.

Applicant proposes to pick up said inductees at the Union Station, 501 - 17th Street, its bus terminal in Denver, and at 810 - 14th Street, which is the headquarters of the ten Denver local boards, and at the 14th Street terminal of the Denver Tramway Company.

The authority sought is to be limited to the duration of the

present national emergency, and applicant proposes to notify the Commission when said emergency has ceased.

No objections were interposed to the granting of the authority sought, and it was stipulated that the applicant had sufficient financial standing to justify the granting of the extension sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the temporary extension sought by applicant should be granted.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require the proposed extended operation of applicant to include the transportation of soldiers or inductees of the U. S. Army, or other military or civilian personnel attached to the Army, from and to the United States Army Post at Fort Logan via State Highway No. 70, with pickup service furnished at Union Station, 501 - 17th Street, 810 - 14th Street, and the terminal of the Denver Tramway Corporation on 14th Street.

That the authority herein granted shall be rendered on call and demand for the United States War Department, the Selective Service Board, or its or their authorized representatives, only, and not upon the request or demand of any civilian, private corporation or association.

That the authority herein granted shall be of a temporary nature, only, and shall terminate upon the expiration of the present national emergency, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

Applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V D Shuman

Edward D Carlson

William Gleason

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1941.

BH

(Decision No. 18003)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF O. C. BARTH, WRAY, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 1150 TO MARTIN E. STUTHEIT, IDALIA, COLORADO.	APPLICATION NO. 4011-A

December 5, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
E. B. Evans, Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On November 19, 1941, this Commission issued its Decision No. 17899, wherein it authorized the transfer of certificate of public convenience and necessity No. 1150 from O. C. Barth, Wray, Colorado, to Martin E. Stutheit, Idalia, Colorado, and provided that said decision should become effective twenty days from said November 19, 1941.

In said Decision No. 17899, this Commission stated that E. W. Ruth had protested the granting of the transfer on the ground that he owns an undivided one-half interest in and to said certificate, and that the question of whether he had any interest in said certificate was a legal question and that said Rutz should apply to the courts for a determination of whatever rights he may have in said certificate.

The Commission is now in receipt of advice that said E. W.

Rutz has filed a suit in the County Court of Yuma County, Colorado, against O. C. Barth, the transferor herein, and Martin E. Stutheit, the transferee herein, for specific performance of an alleged contract of sale whereby O. C. Barth agreed to sell to said Rutz a one-half interest in and to said certificate.

In view of the fact that this Commission, in its Decision No. 17899, stated that the question of whether or not said Rutz had any rights in and to said certificate was a matter for the determination of the courts, and inasmuch as said Rutz has now commenced an action seeking such determination, this Commission is of the opinion, and so finds, that the effective date of said Decision No. 17899 should be continued for such time as will give the County Court of Yuma County an opportunity to determine said question, and finds that the effective date of said order should be extended to and including January 31, 1942.

O R D E R

IT IS THEREFORE ORDERED, That the effective date of Decision No. 17899 be, and the same hereby is, extended to and including January 31, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. O. Sherman

Edward J. Wheeler

Malcolm Griswold

Commissioners.

DATED at Denver, Colorado,
this 5th day of December, 1941.

(Decision No. 18804)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILSON MC CARTHY AND HENRY SWAN, TRUSTEES OF THE PROPERTY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, FOR AUTHORITY TO DISCONTINUE PASSENGER TRAINS NOS. 15 AND 16 BETWEEN PUEBLO AND SALIDA, COLORADO.	APPLICATION NO. 5701

December 8, 1941

Appearances: T. R. Woodrow, Esq., Denver, Colorado,
J. W. Preston, Esq., Pueblo, Colorado,
T. A. White, Esq., Denver, Colorado,
for the Trustees of The Denver and Rio Grande Western Railroad Company;
John H. Marsalis, Esq., Pueblo, Colorado, for Cooperative Railroad Brotherhoods;
Guy M. Springer, Jr., Pueblo, Colorado, for Pueblo Chamber of Commerce and Pueblo Manufacturers' and Distributors' Division.

S T A T E M E N T

By the Commission:

This matter was heard at Pueblo, Colorado, on September 25 and 26, 1941.

By application filed August 6, 1941, the petitioners seek an order of the Commission to authorize the discontinuance of the operation of Denver and Rio Grande Western Railroad Passenger Trains Nos. 15 and 16 between Pueblo, Colorado, and Salida, Colorado.

Protests were filed by the Manufacturers' and Distributors' Division of the Pueblo Chamber of Commerce, the Chamber of Commerce of Florence, Colorado, the Board of County Commissioners of Pueblo County, Colorado, the City of Pueblo, the Board of County Commissioners of Fremont County, the Chamber of Commerce of Florence, Colorado, the Gunnison

County Chamber of Commerce, the Pueblo Commercial Travelers' Association, the Canon City Chamber of Commerce, the Cooperating Railroad Labor Organizations in Pueblo and adjacent territory, the Montrose County Chamber of Commerce, and various other business and professional interests in Pueblo, Florence, Canon City, Salida, Gunnison and surrounding territory.

Trains Nos. 15 and 16, for many years, and up until about 1936, operated from Denver to Pueblo, where the two trains were divided — one section going to Grand Junction, and the other to Alamosa.

Mr. White stated for the applicant that because of economic reasons and the construction of a shorter route between Denver and the Western Slope, these trains were discontinued between Grand Junction and Glenwood Springs. Later, they were discontinued from Glenwood Springs to Minturn, and in 1959, from Minturn to Salida. No. 15 now operates from Denver to Salida and to the San Luis Valley. The reasons given for the applicant for the discontinuance of these trains are that losses have been sustained in their operation, and that being little patronized, the public convenience and necessity would permit their abandonment. The applicant proposes a substitute service, except for the transportation of passengers, and if the Commission allows the discontinuance of Trains Nos. 15 and 16, the applicant will operate on a fixed schedule a freight train, with mail and express car now attached to Nos. 15 and 16, and in addition, will run a bus schedule on the present schedule of these trains approximately between Pueblo and Salida, and this passenger bus schedule will also haul local mail to intermediate points, making a connection with a train at Canon City. The applicant also relied upon the present National emergency as a reason for the discontinuance.

L. F. Wilson, the Assistant General Manager of the Rio Grande Western Railroad Company, testified that Train No. 15 into Salida from Pueblo consists of a mail car, two baggage cars and a coach, and that Train No. 16 out of Salida to Pueblo consists of a mail car, two baggage

cars and a coach; that Trains Nos. 15 and 16 operate from Denver to Salida by way of Pueblo; that Train No. 15 leaves Pueblo for Salida at 11:15 P.M., and arrives at Salida 2:50 A.M.; No. 16 leaves Salida at 12:15 A.M., and arrives at Pueblo 3:35A.M.;if the Commission authorizes discontinuance of Nos. 15 and 16, the applicant will install a steel mail car and steel baggage car on No. 35 westbound from Pueblo to Salida, and the same on a fruit special, eastbound from Salida to Pueblo, and will also handle a few passengers on a combination bus truck. The witness stated that the average annual loss in the operation of Trains Nos. 15 and 16 for a five-year period ending with 1940, was thirty-seven thousand, ten dollars and ten cents ($37,010.10), and that the average loss per month for the first seven months of 1941 was twenty-four hundred and ten dollars and twenty-nine cents ($2,410.29); that the cost of operating a combination bus unit for the transportation of passengers and mail between Pueblo and Salida would be approximately eleven hundred and one dollars and sixty-nine cents ($1,101.69), and that there would be a negligible additional cost involved in handling the mail and baggage cars on Train No. 35 and on the fruit special between Pueblo and Salida. The figures given by the witness concerning loss in operation are broken down in Page 1 of Exhibit 1. The witness stated that by using the proposed substitute service instead of sustaining an average loss per month of twenty-four hundred ten dollars and twenty-nine cents ($2,410.29) this loss would be converted into a profit of sixteen hundred thirty-nine dollars and eighty-six cents ($1,639.86.), or a total net gain of four thousand and fifty dollars ($4,050.00) per month, or approximately forty-eight thousand dollars per year. The average daily number of passengers on Train No. 15 from December 10, 1940 to July 31, 1941, inclusive, was 8.8, and on No. 16, 7.7, or a total for both trains of 16.5. For the month of July, 1941, 4.7 percent of total passengers over the Royal Gorge Route were handled on Nos. 15 and 16, indicating that these trains were strictly local trains. Page 9 of Exhibit 1 introduced by applicant showed

average passenger earnings per train mile on Train No. 15 for the year 1920 as $2.32, and for the year 1940, $.34, and for the first seven months of 1941 $.28; on Train No. 16, for the year 1920, $2.53, for the year 1940, $.33, and for the first seven months of 1941, $.29. Page 10 of Exhibit 1 indicates passenger revenue for Colorado intrastate business for the year 1920 as three million, one hundred forty-six thousand thirty dollars ($3,146,030.00), while such revenue for the year 1940 was four hundred and sixty thousand four hundred and seventy dollars ($460,470.00), while the state population increased during these years from 939,629, to 1,123,296. Sheet No. 18 of Exhibit No. 1 indicates an annual net deficit from 1935 to 1940, inclusive, of from three to five million dollars, while for the first six months of 1941, the net deficit was two million, three hundred and thirty-two thousand, five hundred and twenty-seven dollars and seventy-seven cents ($2,332,527.77), or a total net operating loss for the period from 1935 to June 31, 1941, inclusive, of twenty-six million, seven hundred and ninety-five thousand, two hundred and thirty-eight dollars and eighty-four cents ($26,795,238.84), as shown by balance sheet appearing at Page 17 of Exhibit 1.

The witness testified that the proposed substitute freight train No. 35 would take the mail and baggage car out of the Pueblo Union Depot at 11:10 P.M., leave the Pueblo yard at 11:25 P.M., leave Florence at 12:40 A.M., leave Canon City at 1:05 A.M., and arrive Salida at 3:30 A.M., making two stops, one at Florence, and one at Canon City; that the eastbound fruit special would leave Salida at 10:45 P.M., leave Canon City at 12:55 A.M., leave Florence at 1:20 A.M., arrive Pueblo yard 2:30 A.M., arrive Union Depot, Pueblo, at 2:50 A.M.; that the same freight mail service connections will be made in the vicinity of Canon City as are now made; that Train No. 35 is a fast freight train, and will not be dependent upon any freight train connection at Pueblo, except No. 35 from Denver into Pueblo; that the witness was satisfied that the schedule could be maintained in the transportation of mail between Pueblo and Salida, and reverse. The witness

testified that the discontinuance of Trains Nos. 15 and 16 would result in the speeding up of the fast freight train service, and all delays due to these trains would be eliminated.

Mr. Wilson stated that in arriving at the figure of four thousand and fifty dollars ($4,050.00) per month difference between the present service and the proposed substituted service, he assumed that the substituted service would hold practically all the passenger business now held by Trains Nos. 15 and 16, and he thought it reasonable to assume that there would not be much decrease in the number of passengers, in view of the fact that only about sixteen and one-half passengers are handled daily by the two trains.

Mr. Wilson calculated from Page 2 of Exhibit 1 that total revenue for both trains for the first seven months of 1941 averaged twenty-seven hundred and forty-one dollars ($2,741.00), and that these trains operated five thousand seven hundred and sixty passenger train miles per month, thus making a total revenue per passenger train mile of a little in excess of forty-seven cents.

T. L. James, President and General Manager of the Rio Grande Motor Way, testified that this company is owned entirely by The Denver and Rio Grande Western Railroad Company, and that it maintains a daily bus schedule in each direction between Pueblo and Salida; that the Denver-Colorado Springs-Pueblo Motor Way, also affiliated with the railrad company, operates a schedule between Pueblo and Canon City; that the present schedule of the Motor Way from Salida to Grand Junction, via Gunnison and Montrose, connects with Trains Nos. 15 and 16 at Salida. The witness identified Exhibit 4, the first page of which shows a total expense of operating the proposed schedule by bus between Pueblo and Salida of eleven hundred and one dollars and sixty-nine cents ($1,101.69), or an average of a little in excess of eighteen cents per bus mile. Sheet No. 2 of Exhibit 4 identified by the witness shows the proposed schedule between Pueblo and Salida which generally is very close to the schedule now in force by Trains Nos.

15 and 16. Sheets Nos. 3 and 4 show the proposed schedule to Grand Junction both by way of Gunnison and Leadville, both of which are shown to make connections with the proposed bus service at Salida. The applicant proposes to use a bus with a passenger capacity of seventeen, with a mail and baggage compartment in addition, and in the opinion of the witness, this unit would be sufficient for passengers, mail and express carriage, although an additional unit would be added if necessary. A separate unit will operate from Salida to Grand Junction by way of Gunnison, but by way of the Glenwood Springs route, the Pueblo unit will continue on through Salida to Grand Junction. The bus units to be used at present are 1936 models, thirty-three passenger General Motor busses, to be reduced to seventeen passengers, the balance of the space to be used for baggage, express and mail.

C. W. Wiegel, Manager of mail, baggage and express for the railroad company, testified that under the proposed service there would be no change in the mail car itself, and that the plan proposed will meet with the requirements of the Post Office Department, as contained in a letter to him from J. H. Musgrave, the Superintendent of the Department at Omaha. He also testified that the proposed service of Motor Way would satisfy mail and express requirements out of Pueblo to Parkvale, Texas Creek, Cotopaxi, Coaldale and Howard. It appeared from the letter of Mr. Musgrave that the Post Office Department would authorize a mail contract for a sixty-day trial period, and the witness thought that this trial period referred to an on-time operation, and service performed in a satisfactory manner to the department.

Alvin W. Sloan, a railway postal clerk at Pueblo, and a witness for protestants, testified in considerable detail concerning the volume of mail into Pueblo from the East, out of Pueblo to the West, and as to present schedules and methods of handling the mail and as to connections now made. The witness stated under cross-examination that if the proposed schedule were maintained in each direction he could not see why mail ser-

vice would not be just as satisfactory as it is at the present time.

E. A. Bloomquist, an engineer for the Railroad Company, employed since 1910, testified that if Trains Nos. 15 and 16 were discontinued, it would result in the displacement of two engineers and two firemen, while R. H. McDonald, a conductor on the railroad since December, 1919, and also the local Chairman at Pueblo and Vice-Chairman of the General Committee of the Rio Grande System for the Railroad Brotherhood, testified that the discontinuance of these trains would eliminate one conductor and two brakemen.

R. F. Terrall, Manager of the Florence, Colorado branch of the Colonial Poultry Farms, Inc., testified in detail concerning the extent of his business and requirements of train service. His territory covers the entire west and northwest, including the states of Idaho, Wyoming, Colorado, New Mexico, Washington and Oregon, although more business is received from the State of Colorado than from the other states. For the period beginning December 1, 1940, through July 6, 1941, this concern paid four thousand fifteen dollars and fifty cents ($4,015.50) for chicks shipped by express, while the total postage paid by it from December 1, 1940 to August 30, 1941, was nine thousand five hundred thirty-eight dollars and ninety-seven cents ($9,538.97). The witness did not break down his figures, however, to show what proportion of these items paid out for express and mail shipments is properly allocable to Trains Nos. 15 and 16, except to say that he receives more business from the State of Colorado than from any of the other states, and that business is dispatched all over the state, including the Western Slope. He also stated that two-thirds of his business moved by Trains Nos. 1 and 2, and approximately one-third moved out on Train No. 16. The witness admitted, under cross-examination, that if the proposed schedule is maintained, as proposed, he could not see that it would injuriously affect his business.

The next witness for the protestants was Frank Hoag, Jr., of Pueblo, the Assistant Publisher of the Star Journal and Chieftan in Pueblo.

Mr. Hoag read into the record a prepared statement which consisted, in part, of argument on behalf of the protestants, and to which the Commission will give consideration in arriving at its decision, and in part of the unsatisfactory relations between the newspaper and the railroad company with respect to the dispatching of newspapers, both south and west of Pueblo. The witness testified that his Washington correspondent contacted the Post Office Department, through the Second Assistant Postmaster General, and Superintendent of Mails, and was advised that freight train service for mails is generally not satisfactory, and that if it proves to be inadequate, it will be abandoned and star route, or closed pouch service, will be substituted. It was their further opinion that this is not satisfactory for such a large area. The witness further testified that the local express company would not accept express shipments from Pueblo to Grand Junction, Montrose, Delta, Glenwood Springs and other points, except perishable products for transportation on Train No. 15. It later developed that the railroad company was not aware of this situation, and it was ordered corrected prior to the conclusion of the hearing.

D. P. Ducey, the President of the Chamber of Commerce of Pueblo, testified that the entire Board of Directors opposed the abandonment. He was of the opinion that the gradual curtailment of train service from the west, the poor schedules, the poor service, and poor equipment were responsible for the decrease in the company's business. He did not believe that freight train service would be satisfactory, and stated that he based his belief upon the experiences in other sections of the country.

L. E. Maulove, Manager of Codding Brothers, Inc., at Pueblo, testified that he shipped west of Pueblo as far as eastern Utah, and that he did not want to see a passenger train operating for as many years as Nos. 15 and 16 to be eliminated and an experiment tried in light of the fact that he had been informed that that experiment isn't satisfactory. He later stated that if the proposed service was operated exactly on schedule, it would be as satisfactory as the present service, except that the proposed service

would get into Salida a little later.

Guy P. Potterff, Manager of the Colorado Paper Company at Pueblo, and Chairman of the Traffic Committee of the Pueblo Manufacturers' and Distributors', a Bureau of the Chamber of Commerce, testified chiefly with respect to mail service, but stated that the mail service had a direct effect upon the amount of freight traffic shipped out by his company because if he was not in a position to compete and get the order, it would go elsewhere. He stated that he used express service very rarely. This witness had the same experience with an express shipment west as was reported by Frank Hoag, Jr. He also stated that if the proposed service was rendered on schedule, he would not be seriously inconvenienced, except for the delay in Salida and in Grand Junction.

Guy M. Springer, Jr., the Traffic Manager of the Pueblo Chamber of Commerce and Manufacturers' and Distributors' Division, testified that he was authorized by these organizations to appear and oppose the discontinuance of these trains. He stated that as a result of his investigation he was satisfied that if these trains were operated at a deficit, it was caused by inadequate service and equipment and by diversion of traffic to other routes. He said that it was his position that the operation of this railroad had been divided into two distinct operations, and merely because they are losing money on their entire operation is no reason why this road should be penalized if the operations by way of the Royal Gorge are profitable. The witness testified in considerable detail concerning the scheduled connections at Salida and for points west and north, and argued from his testimony that because schedules in the past had been late a great percentage of the time, it would necessarily follow that the proposed schedule could not be operated on time. Page 8 of Exhibit 6 introduced by this witness indicates that twice as much freight and sixty percent more passengers moved during 1941 by way of the Pueblo gateway than by the Moffat Tunnel Route. The witness testified in considerable detail concerning mail connections from Pueblo to points west. This testimony will not

be discussed at this time, in view of the nature of the findings of the Commission.

Sam C. Hartman, County Clerk and Recorder of Gunnison County, Colorado, and Secretary of the Gunnison County Chamber of Commerce, opposed any curtailment of train service, and stated that railroad service had been more satisfactory than substitute bus service. He checked with the Post Office prior to attending the hearing, and found that from August 1, 1941, to September 18, mail arrivals from Salida were late on an average of thirty minutes for thirty-one out of forty-nine arrivals. The witness testified that he was authorized by the Gunnison Chamber of Commerce to oppose the proposed curtailment. He stated that he had had experience with previous substitute bus service, and that it had been disappointing. He said that Gunnison's greatest interest was the mail and express service.

Rial R. Lake, Associate Editor of the Gunnison News Champion, also testified in opposition to the discontinuance of the trains, and stated that previous experiences had been disappointing to Gunnison. He also said, under cross-examination, that Gunnison appeared in the matter because it was interested in the mail service, and that he did not contend that Trains Nos. 15 and 16 were necessary to carry passengers between Pueblo, Salida and Gunnison.

Mrs. C. T. Harris, of Gunnison, retiring President of the Western Slope District of the Colorado Federation of Women's Clubs, testified as to the general poor service of the Rio Grande Motor Way, and that the train service operated by the railroad was much better.

Willard M. Duff, General Manager of Duff-Moyle Dry Goods Company at Canon City, and a Director of the Chamber of Commerce in Canon City, testified that the Chamber of Commerce voted unanimously to oppose the discontinuance of Trains Nos. 15 and 16. He felt that if Trains Nos. 15 and 16 were discontinued, Canon City would be very much handicapped in receiving mail and express at the same time they are receiving it at the present

time. He said he was not concerned by what methods the mail arrived, so long as it arrived as promptly as the train now delivered it. This witness indicated that Canon City was not particularly interested in passenger traffic by rail.

Robert W. Davis, Cashier of the First National Bank of Florence, and a member of the Florence Chamber of Commerce, testified that the Chamber of Commerce unanimously opposed the discontinuance of the trains in question and the substitution of mail by freight service. He said that the business and professional men of Florence were not satisfied that the substitute service would adequately serve the needs of the community. He stated that he did not believe closed pouch service would be satisfactory, and that he was afraid that was the alternative in the event mail by freight train did not prove satisfactory.

W. B. Foshay, Secretary of the Salida Chamber of Commerce, testified that Salida opposed the discontinuance of these trains. The interests of Salida appeared also to be directed chiefly to question of mail service.

There was considerable testimony by Mr. Springer, and others, on behalf of the protestants as to irregularity in the maintenance of present schedules, and assumptions that if present schedules could not be maintained, the proposed schedules, in all probability, would not be maintained. In view of the order which is to be entered, the Commission has not deemed it necessary to go into this testimony in detail.

It is also to be borne in mind that the greater part of the testimony of the protestants related to the assumption that mail service would be impaired under the proposed substitution. There was little testimony concerning the inadequacy of passenger service under the arrangement proposed by the applicant. Most of the protestants agreed that if the proposed operations were maintained on the schedule proposed by the applicant at the hearing, they would not suffer much, either by reason of mail service or express shipments. Throughout the testimony, it appeared that

the protestants did not want any curtailment of train service, even though actual public convenience and necessity did not require the continuance of the same. It was expressed that freight train mail service had been unsatisfactory in other parts of the country, and there was a general fear that it would so prove to be in this instance. In view of the order to be entered herein, we cannot believe that the protestants can justifiably object with respect to these matters.

It is pointed out in the brief of Guy M. Springer, Jr., that three witnesses alone testified that they paid, annually, at least sixteen thousand seven hundred twenty dollars ($16,720.00) for express shipments moved on these trains. Protestants overlook, however, the fact that a considerable portion of these shipments do not terminate at Salida or points west of Pueblo and north of Salida, but is destined to other points by interlining with other carriers.

There was testimony introduced on behalf of the cooperating railroad labor organizations, as before indicated, relative to man hours of labor which would be dispensed with, in the event of the discontinuance of these trains. However, in view of the fact that skilled workmen are short in the railroad industry, and many are being called into the service of the country in the National emergency now existing, it is not believed that this should be a decisive factor. Likewise, the applicants introduced testimony concerning the desires of the Railway Transportation Board to conserve equipment. Very little equipment will be conserved by the proposed substitution, and this matter, likewise, cannot be seriously considered.

While the operation of the mail is exclusively within the jurisdiction of the Post Office Department, and is a matter of contract between that department and transportation agencies, and is not under the jurisdiction of this Commission, yet there is authority for the proposition that the distribution of mails may be considered in connection with the consideration of public convenience and necessity with respect to passenger, ex-

press and freight operations, and the Commission will consider mail service from that point of view.

There seems to be no question whatever, nor was it contended by protestants, but that the operations of the railroad, as a whole, were conducted at a substantial deficit. The company is in receivership. If all operations were conducted at a profit, the Commission might then take the view that, even though a branch operation, or a portion of their operations, was conducted at a loss, still, if public convenience and necessity so demanded, there would be justification for compelling the railroad to continue the branch operation, or such portion of the general operations as were conducted at a loss. However, such is not the case. Likewise, it cannot be seriously considered that forty-seven cents ($.47) revenue per passenger train mile can possibly produce a profit, nor was there any testimony to refute this.

The Commission finds that it is not in the public interest to require the continued operations of The Denver and Rio Grande Western Railroad Company's passenger trains, Nos. 15 and 16, between Pueblo and Salida, Colorado, provided, however, that all of the conditions and requirements of the ensuing order shall be complied with.

O R D E R

IT IS ORDERED:

That Wilson McCarthy and Henry Swan, Trustees of the property of The Denver and Rio Grande Western Railroad Company, be, and they are hereby, authorized to discontinue the operations of Trains Nos. 15 and 16 between Pueblo and Salida, Colorado, effective at 12:01 A.M., January 1, 1942, subject to the following requirements and conditions:

(a) A steel mail car and steel baggage car shall be installed on freight train No. 55 westbound from Pueblo to Salida, as well as on freight train known as the "fruit special" eastbound from Salida to Pueblo, said trains to carry the mail, baggage and express heretofore carried on said Trains Nos. 15 and 16.

(b) Said freight trains between Pueblo and Salida, both east and west bound, shall be operated in strict conformity with the schedules submitted by applicants at the hearing in Pueblo in the instant case, and must be reasonably maintained on schedule so as to effect prompt and expeditious connections with connecting carriers at both Pueblo and Salida.

(c) That said schedules and mail service shall be at all times satisfactory to the Post Office Department of the United States.

(d) That the proposed new bus schedule to be instituted by the Rio Grande Motor Way shall be reasonably maintained in accordance with the schedules proposed at the instant hearing, to the end that prompt and expeditious service shall be rendered, not only between the points served, but with any and all connecting carriers, and that the equipment to be used in said operation shall be adequate and sufficient to properly serve the public needs.

(e) The Commission retains jurisdiction in the instant case for a period of one year, to the end that if any material complaints are received by parties in interest concerning the failure of applicant to properly maintain its substituted mail, baggage and express service, as well as its proposed new and existing bus service, the Commission may reopen said matter for hearing to determine whether or not said Trains Nos. 15 and 16 shall be ordered reinstated, or make such other order or orders as conditions may require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D O Newman

Edward D. Charles

William Knous

Commissioners

Dated at Denver, Colorado,
this 8th day of December, 1941.

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(Decision 18005)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF WALTER GARLITZ, 510 EAST ASPEN, FRUITA, COLORADO, FOR AN EXTENSION OF PRIVATE PERMIT NO. B-1593 TO INCLUDE THE TRANSPORTATION OF FARM PRODUCE, INCLUDING LIVESTOCK, FARM SUPPLIES, FARM MACHINERY AND EQUIPMENT FROM POINT TO POINT WITHIN AN AREA OF FIFTY MILES OF GRAND JUNCTION: ALSO THE TRANSPORTATION OF SAID FREIGHT FROM SAID AREA TO AND FROM OTHER POINTS IN THE STATE OF COLORADO.

APPLICATION NO. 3299-PP-B

December 8, 1941.

Appearances: Walter Garlitz, Fruita, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
L. A. Theobold, Norwood, Colorado, for Theobold Truck Line;
Delbert Farra, Montrose, Colorado, pro se;
Orville Dunlop, Montrose, Colorado, pro se;
Wayne Aspinall, Esq., Grand Junction, Colorado, for J. C. Barker and G. W. Hawthorne.

S T A T E M E N T

By the Commission:

On July 28, 1936, Decision No. 8135, Walter Garlitz, applicant herein, was authorized to operate as a Class "B" private carrier for the transportation of:

> "Farm products (including livestock) from farms within a radius of 10 miles of Loma, Colorado, to Loma, Fruita and Grand Junction; farm supplies, farm machinery and equipment from Fruita or Grand Junction to farms in said area, and farm products in bulk and livestock from farms in said area to Denver and other points in the State of Colorado."

Testifying in his own behalf, applicant stated that he was willing to eliminate from his present application for an extension of the above authority any competition with the certificates of public convenience

and necessity now held by Delbert Farra, Orville Dunlop and G. W. Hawthorne, and any service in what is known as the "Glade Park" area. He was also willing to eliminate from his application the authority to transport farm supplies, machinery and equipment from his proposed area to and from other points in the State of Colorado.

In view of the statement of applicant, all objections to the granting of the extended authority sought were withdrawn.

The evidence further disclosed that the restrictions contained in the original authority granted applicant do not permit him to render the farm service which is needed in the territory in which he is operating, and that it would be in the public interest to grant the additional authority sought as limited by his own testimony.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as restricted by the evidence, the extension sought should be granted.

O R D E R

IT IS ORDERED:

That Walter Garlitz, of Fruita, Colorado, be, and he is hereby, authorized to extend his operations under private permit No. B-1595 to include the transportation of farm products (including livestock), farm machinery and equipment from point to point within a radius of fifty miles of Grand Junction, Colorado, including the right to transport farm produce (including livestock) from said 50-mile area to and from other points in the State of Colorado; provided, however, that applicant is not authorized to render any service in what is known as the "Glade Park" area, or in competition with the operations of G. W. Hawthorne under certificate of public convenience and necessity No. 1216, which authorizes:

> "Transportation of freight from, to and between Grand Junction and Gateway, Colorado, and all intermediate points, save and except no service is authorized between Grand Junction and Whitewater, or Whitewater and Grand Junction, or points intermediate thereto";

or the certificate of Delbert Farra (No. 1068) which authorizes:

> "Transportation of farm products, including wool and livestock, farm supplies, including coal, feed, lumber, farm machinery, farm equipment and furniture from farm to farm, farm to town and town to farm, within a 50-mile radius of Montrose, Colorado; mine props and timber, telephone poles, brick, heavy machinery, farm products in bulk and used household goods and furniture, between, from and to points in said area. Applicant shall not establish a line haul carrier service, nor engage in transportation of commodities between towns served by other scheduled carrier service, nor in a transfer and cartage business in the town of Montrose or other towns within said radius, and his transportation of furniture shall be limited to the movement thereof in conjunction with the moving of farmer and his stock, equipment, machinery, etc., from town to town, town to farm and farm to town";

or the certificate of Orville Dunlop, operating under Certificate No. 876,

which authorizes:

> "Irregular transportation of farm products (including wool and livestock), farm supplies, including coal feed and lumber, farm machinery and equipment, including used furniture, from farm to farm, farm to town, and town to farm, within a 50-mile radius of Montrose, Colorado; new furniture from town to farm in said area and used household goods and furniture from and to points in said area to and from points in the State of Colorado. Applicant shall not engage in hauling of merchandise or commodities ordinarily handled by line haul carriers in competition with Rio Grand Motor Way, Inc."
> Decision 17189-Extension: "Movement of livestock and farm produce to and from points within a 50-mile radius of Montrose, Colorado, on the one hand, and all points in the State of Colorado on the other hand."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of December, 1941.

BH

Original

(Decision No. 18006)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.) CASE NO. 1535

December 6, 1941.

S T A T E M E N T

By the Commission:

On February 5, 1936, and various subsequent dates, the Commission entered its orders prescribing rates, rules, regulations and classification for the transportation of freight by motor vehicle common carriers, and private carriers by motor vehicle competing with such common carriers, which orders became effective on April 1, 1936, and various subsequent dates.

The Commission is now in receipt of a petition from Joe Intermill, Eckley, Colorado, a common carrier operating under P.U.C. No. 1105, requesting that the following rates be prescribed on farm products:

"	.0178	per cwt.	2 miles and under
	.02	" "	2 to 4 miles
	.025	" "	4 to 6 "
	.03	" "	6 to 8 "
	.035	" "	8 to 10 "
	.04	" "	10 to 12 "
	.045	" "	12 to 14 "
	.05	" "	14 to 16 "
	.055	" "	16 to 18 "
	.06	" "	18 to 20 "
	.065	" "	20 to 22 "
	.07	" "	22 to 24 "
	.075	" "	24 to 26 "
	.08	" "	26 to 28 "
	.085	" "	28 to 30 "
	.09	" "	30 to 32 "
	.095	" "	32 to 34 "
	.10	" "	34 to 36 "
	.105	" "	36 to 38 "
	.11	" "	38 to 40 "
	.115	" "	40 to 42 "
	.12	" "	42 to 44 "
	.125	" "	44 to 46 "
	.13	" "	46 to 48 "
	.135	" "	48 to 50 " "

The petition does not set forth the reasons for the proposed rates. However, Mr. Inbenlill in a personal interview with Commissioner Erickson stated that the present rates are too high to promote the local movement of corn, in and around Eckley.

Under the circumstances and conditions, the Commission is of the opinion, and so finds, that a further hearing should be had on the matters and things hereinbefore set forth.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, reopened for further hearing before the Commission at 9:30 o'clock A.M., on the 9th day of December, 1941, at the Court House, Wray, Colorado, for taking of evidence concerning the matters hereinbefore set forth in our statement and findings, at which time and place all interested parties may appear and be heard.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1941.

JE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF U. S. READ, DOING BUSINESS AS U. S. READ TRUCK LINE, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 372 TO THE SOUTHWESTERN TRANSPORTATION COMPANY, AND TO CONSOLIDATE.	APPLICATION NO. 968-A-BB-A

December 8, 1941.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for U. S. Read;
J. D. Blunt, Esq., Canon City, Colorado, for Southwestern Transportation Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

On June 21, 1929, Decision No. 2511, in Application No. 968, John W. Burgner was granted a certificate of public convenience and necessity authorizing the transportation of:

> "Freight and express between Pueblo and Salida, and intermediate points; provided, however, that no freight or express shall be hauled from Canon City or points east thereof to Pueblo, or from Pueblo to Canon City or points east thereof."

Thereafter, in Application No. 968-A, Decision No. 3198, said John W. Burgner was authorized to transfer said certificate of public convenience and necessity to U. S. Read. Thereafter, in Application No. 968-A-BB, Decision No. 15110, dated February 28, 1939, the said U. S. Read was authorized to extend his operations under said certificate by extending his pickup and delivery area at Salida to include points within a radius of ten miles of Salida, except for the transportation, or pickup and delivery in said extended area, of freight originating at or consigned to Canon City, Colorado.

The instant application seeks authority to transfer said certificate of public convenience and necessity, which has been designated No. 572, to Southwestern Transportation Company, with the further prayer that the same may be consolidated by said Southwestern Transportation Company with its present operations conducted under certificate of public convenience and necessity No. 268.

The evidence disclosed that no debts are outstanding against the present operations of U. S. Read; that the consideration being paid for said certificate, including two trucks, as well as the interstate rights of transferor, is the sum of $5,500.00.

It was further disclosed that transferee is now conducting a motor vehicle freight and express business between Denver and Salida, and between Denver, Colorado Springs and Salida, and intermediate points, including Florence, Penrose, Portland, and other localities in the vicinity of Canon City and Florence, as well as between Pueblo and Florence.

The financial standing and operating reliability of transferee were established to the satisfaction of the Commission, and it would appear that the granting of the authority sought herein, as well as the consolidation of transferee's presently established operating rights with the certificate of transferor, would mean operating economies and a fewer number of trucks upon the highways.

No objections were interposed to the granting of the authority sought.

We were requested to make our authority effective upon the same date that the Interstate Commerce Commission authorizes the transfer of the interstate rights from Read to transferee.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That U. S. Read, doing business as U. S. Read Truck Line, be,

and he is hereby, authorized to transfer all of his right, title and interest in and to certificate of public convenience and necessity No. 372 to Southwestern Transportation Company.

That Southwestern Transportation Company may consolidate its operations under certificates of public convenience and necessity Nos. 268 and 372 and conduct such consolidated operations under one certificate No. 268, with the right to furnish through service at through rates.

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

That this order shall become effective at the same time that the Interstate Commerce Commission authorizes the transfer of the interstate rights of U. S. Read to the said Southwestern Transportation Company, provided said authority is received within sixty (60) days from the date hereof, otherwise this order shall become effective within sixty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of December, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF J. R. MARKS, TUDOR J. MARKS, AND RALPH T. STEVENSON, DOING BUSINESS AS J. R. MARKS TRUCK LINE, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PRIVATE PERMIT NO. A-607 TO W. C. HOUGH AND MAY T. HESSELL, DENVER, COLORADO, DOING BUSINESS AS DENVER-PUEBLO TRUCK LINES.	APPLICATION NO. 2221-PP-AAA-A

December 10, 1941.

Appearances: Robert L. McDougal, Esq., Majestic Building, Denver, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

Transferors are now the owners of Permit No. A-607, which authorizes the transportation of freight -

> "Between Denver and Colorado Springs, Pueblo, Fowler, Rocky Ford, Swink, La Junta, Las Animas, Lamar, Springfield, Walsenburg and Trinidad, and from Pueblo to Colorado Springs, Denver, Fowler, Rocky Ford, Swink, La Junta, Las Animas, Lamar, Springfield, Walsenburg and Trinidad, and from Lamar to Holly and intermediate points."

The instant application seeks authority to transfer said permit to W. C. Hough and May T. Hessell, of Denver, Colorado, who propose to do business under the name of "Denver-Pueblo Truck Lines".

The evidence disclosed that the consideration to be paid for said transfer, including three trucks, is the sum of $12,000.00, of which amount $5,000 is to be paid in cash, represented by the transfer of certain real property located in Denver having approximately that value, and the issuance

of a $7,000 note executed by transferees, payable to transferors, at the rate of $100 per month, with interest at six per cent.

It was further disclosed that no outstanding obligations exist against the operations of transferors.

The financial statements of transferees indicate a net worth of $8,100 for W. C. Hough, and $21,850 for May T. Hessell.

The above purchase price also includes the transfer of certain interstate rights now held by transferors.

The operating responsibility and experience of transferee Wesley C. Hough was established to the satisfaction of the Commission. No protests were interposed to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That J. R. Marks, Tudor J. Marks and Ralph T. Stevenson, doing business as "J. R. Marks Truck Line", of Colorado Springs, Colorado, be, and they are hereby, authorized to transfer all of their right, title and interest in and to Private Permit No. A-607 to W. C. Hough and May T. Hessell, of Denver, doing business as "Denver-Pueblo Truck Lines".

The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1941.

BH

(Decision No. 18009)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.	))))	CASE NO. 1585

December 11, 1941

S T A T E M E N T

By the Commission:

On February 5, 1936, and various subsequent dates, the Commission entered its orders prescribing rates, rules, regulations and classification for the transportation of freight by motor vehicle common carriers, and private carriers by motor vehicle competing with such common carriers, which orders became effective on April 1, 1936, and various subsequent dates.

The Commission is now in receipt of a petition from the Motor Truck Common Carriers Association, Inc., as Agent, for account of The Southwestern Transportation Company and the Swena Transfer and Express, for authority to put in force the following rates, such rates to become effective one day after the filing thereof with the Commission:

> "Publish a rate of 30¢ per 100 pounds on shipments of fresh milk from Canon City, Colorado, to Golden, Colorado. Said rate to include the return of empty cans."
>
> "Publish the following rates in cents per can of fresh milk from all stations Wellsville to Texas Creek, inclusive, to Canon City, Colorado:
> 15 cents per 10 gallon can
> 10 cents per 5 gallon can
> Not subject to Rule No. 2 (Minimum charge).
> Rates include return of empty cans."

The Commission, after full consideration, is of the opinion, and so finds, that a further hearing should be had on the matters and things hereinbefore set forth, and that all interested parties should be prepared to testify at said further hearing in order that the Com-

mission may have the benefit of the views of all concerned relative to these matters and things.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, reopened for further hearing before the Commission at 10 o'clock A.M. on the 30th day of December, 1941, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for taking of evidence concerning the matters hereinbefore set forth in our statement and findings, which is hereby made a part hereof, at which time and place all interested parties may appear and be heard.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of December, 1941.

JH

(Decision No. 18010)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

******

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE C. DWINNELL, BENKELMAN,) CASE NO. 16695-Ins.
NEBRASKA, P.U.C. NO. 1166-I)

December 11, 1941.

S T A T E M E N T

By the Commission:

On September 10, 1941, the Commission entered an order, revoking Certificate No. 1166-I for failure to keep on file the necessary insurance required by law and our rules and regulations.

It now develops that respondent George C. Dwinnell had requested of his insurance company to issue policy, and had paid the premium for the necessary insurance in apt time, but through oversight on the part of the insurance company, the certificate was not filed with the Commission.

We have been requested to reinstate said certificate, and after a careful consideration of the record, are of the opinion, and so find, that same should be reinstated.

O R D E R

IT IS ORDERED:

That Decision No. 16695-Ins., dated September 10, 1941, be, and the same is hereby, vacated, and Certificate No. 1166-I be, and the same is hereby, reinstated, effective September 10, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of December, 1941.

BH

(Decision No. 18011)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF W. A. WOODS AND L. C. LAIR, DOING BUSINESS AS FORT COLLINS-LARIMIE-WALDEN TRUCK LINE, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO JACK McCROHAN, DOING BUSINESS AS FROT COLLINS-LARAMIE-WALDEN TRUCK LINE, LARAMIE, WYOMING.

APPLICATION NO. 1564-AAA-A

December 11, 1941.

S T A T E M E N T

By the Commission:

The above matter was called for hearing at Denver, Colorado, on on December 4, 1941.

Neither the proposed transferor, proposed transferee, nor any one representing them, appeared at the hearing, and no evidence was introduced.

The Commission finds that the applicants for the transfer did not sustain the facts alleged in their application, and that the application should be denied.

O R D E R

IT IS ORDERED:

That the above application is denied.

That this application shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of December, 1941.

BH

(Decision No. 18012)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. J. Moberly, d/b/a) PERMIT NO. C-2472
San Miguel Stages)
)

Dec. 11, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. J. Moberly, d/b/a San Miguel Stages of Montrose, Colorado, requesting that his Permit No. C-2472 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2472, heretofore issued to C. J. Moberly d/b/a San Miguel Stages be, and the same is hereby, declared cancelled effective, as of May 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of December 19 41.

G

(Decision No. 18013)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. F; Davis) PERMIT NO. C-11674
)
)

Dec. 11, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. F. Davis of Rt 1, Brighton, Colorado, requesting that his Permit No. C-11674 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11674, heretofore issued to R. F. Davis be, and the same is hereby, declared cancelled effective, as of May 28, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Meader

Thatcher Brinkmeier

Commissioners.

Dated at Denver, Colorado,
this 11th day of December, 19 41.

G

(Decision No. 18014)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. A. Tryon) PERMIT NO. C-11718
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. A. Tryon of Byers, Colorado, requesting that his Permit No. C-11718 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11718, heretofore issued to A. A. Tryon be, and the same is hereby, declared cancelled effective, as of November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Bowman

Edward E. Dunklee

Madeleine Ericksson

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18015)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-5166
Frances Manno)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frances Manno 1604 Maxwell, Cheyenne, Wyoming of , ,

requesting that his Permit No. C-5166 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5166, heretofore issued to Frances Manno be, and the same is hereby, declared cancelled effective, as of November 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward J. Quinby

Madison Brinkman

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41.

G

(Decision No. 18016)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John Durio) PERMIT NO. C-10798
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Durio of Sunset, Louisiana, requesting that his Permit No. C-10798 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10798, heretofore issued to John Durio be, and the same is hereby, declared cancelled effective, as of November 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 1941

G

(Decision No. 18017)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-11056
Harold Johnston)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harold Johnston of 5855 W 11th, Denver, Colo, requesting that his Permit No. C-11056 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11056, heretofore issued to Harold Johnston be, and the same is hereby, declared cancelled effective , as of November 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thorman

/s/ Edward E. Knaebel

/s/ Madalene Ericksen

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18018)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Bert Marshall)
)
)
)

PERMIT NO. C-12414

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Bert Marshall of Box 65, Oak Creek, Colorado, requesting that his Permit No. C-12414 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12414, heretofore issued to Bert Marshall be, and the same is hereby, declared cancelled effective , as of November 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 1941.

G

(Decision No. 18019)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-6841
A. A. Borden)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. A. Borden of 323 So. Weber, Colo. Spgs., Colo., requesting that his Permit No. C-6841 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6841, heretofore issued to A. A. Borden be, and the same is hereby, declared cancelled effective, as of November 16, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41.

G

(Decision No. 18020)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-10491
Miles Brown)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Miles Brown of Miles City, Montana, requesting that his Permit No. C-10491 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10491, heretofore issued to Miles Brown be, and the same is hereby, declared cancelled effective, as of November 16, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward J. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18021)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Frank H Hines & H. B. Hines, d/b/a) PERMIT NO. C-10369
Hines Produce Co.)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank H. Hines and H. B. Hines d/b/a Hines Produce Co of 501 So Pearl, Dallas Texas, requesting that his Permit No. C-10369 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10369, heretofore issued to Frank H. Hines & H. B. Hines d/b/a Hines Produce Co. be, and the same is hereby, declared cancelled effective, a of November 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18022)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13247
Jacob Treffinger)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jacob Treffinger of Gallup, New Mexico, requesting that his Permit No. C-13247 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13247, heretofore issued to Jacob Treffinger be, and the same is hereby, declared cancelled effective, as of November 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Stevenson

Edward E. Dunklee

Malcolm Eriksson

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18025

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. C. Thompson) PERMIT NO. C-11883
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. C. Thompson of Windsor, Colorado, requesting that his Permit No. C-11883 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11883, heretofore issued to J. C. Thompson be, and the same is hereby, declared cancelled effective, as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Brennan

Edward J. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18024)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
George Lee Emerson) PERMIT NO. C-13424
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Lee Emerson of 2645 Argyle St., Denver, Colo., requesting that his Permit No. C-13424 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13424, heretofore issued to George Lee Emerson be, and the same is hereby, declared cancelled effective , as of December 4, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18025)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. M. Cobb) PERMIT NO. A-2495
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. M. Cobb of Spearfish, South Dakota, requesting that his Permit No. A-2495 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-2495, heretofore issued to J. M. Cobb be, and the same is hereby, declared cancelled effective, as of December 4, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41.

G

(Decision No. 18026)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12592
Sam Sandoval)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sam Sandoval 1401 Grove, Denver, Colo of , ,

requesting that his Permit No. C-12592 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12592, heretofore issued to Sam Sandoval be, and the same is hereby, declared cancelled effective , as of December 5, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41.

G

(Decision No. 18027)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13556
Harry Rucker)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry Rucker of R. F. D., Henderson, Colo, requesting that his Permit No. C-13556 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13556, heretofore issued to Harry Rucker be, and the same is hereby, declared cancelled effective , as of December 5, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18028)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
F. E. Johnson) PERMIT NO. C-12218
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. E. Johnson of Ft. Garland, Colorado, requesting that his Permit No. C-12218 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12218, heretofore issued to F. E. Johnson be, and the same is hereby, declared cancelled effective , as of December 8, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41

G

(Decision No. 18029)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-9857
Ed Waechter)
)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ed Waechter of Pagosa Springs, Colorado, requesting that his Permit No. C-9857 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9857, heretofore issued to Ed Waechter be, and the same is hereby, declared cancelled effective as of December 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edwin J. Mueller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41.

G

(Decision No. 18030)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
G. P. Foy & E. C. Leabo)
d/b/a)
Foy-Leabo Co.)

PERMIT NO. C-11768

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. P. Foy and E. C. Leabo d/b/a Foy-Leabo Co of 828 Santa Fe Drive, Denver, Colo requesting that his Permit No. C-11768 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11768, heretofore issued to G. P. Foy & E. C. Leabo d/b/a Foy-Leabo Co. be, and the same is hereby, declared cancelled effective as of December 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41.

G

(Decision No. 18031)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13400
John W. Phelps)
)

Dec. 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John W. Phelps of Minturn, Colorado, requesting that his Permit No. C-13400 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13400, heretofore issued to John W. Phelps be, and the same is hereby, declared cancelled effective , as of December 12, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomson

Edward E. Keller

Thalcam Ericson

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 19 41.

G

(Decision No. 18052)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF DELTA COUNTY, COLORADO, FOR THE OPENING OF A PUBLIC HIGHWAY OVER THE RIGHT-OF-WAY AND TRACK OF THE DENVER AND RIO GRANDE WESTERN RAILROAD AT A POINT NEAR ESCALANTI AND NEAR MILE POST 586 OF SAID RAILROAD.

APPLICATION NO. 5590

December 12, 1941.

S T A T E M E N T

By the Commission:

On April 11, 1941, the Board of County Commissioners of Delta County filed an application with the Commission for the opening and establishment of a public highway crossing at grade over the right-of-way and track of the Denver and Rio Grande Western Railroad at a point in the Gunnison Valley described as being fifty feet west of Mile Post 586 of said railroad and near the station of Escalanti, Delta County, Colorado.

The application alleged that a county road serving the residents of the Escalanti Canon district, connects with U. S. Highway 50 at this point and to make such connection it is necessary to cross the railroad track at the point designated above. The road is necessary for the necessities and convenience of the residents of the Escalanti Canon district.

A copy of the application was duly referred to the said railroad company, and the General Attorney for The Denver and Rio Grande Western Railroad Company has furnished the Commission with a copy of his reply to the County Attorney under date of May 24, 1941, from which it is learned that the Trustees of said railroad company will interpose no objections to the application, provided the County would grade the approaches to the crossing in accordance with the Commission's specifications and pay the Trustees all costs in the installation of crossing planks and crossing

signs required for the crossing.

Under date of November 24, 1941, the County Attorney of Delta County advised the Commission that the County would comply with the proposed terms of the railroad company for the installation of the crossing, as set out in the letter herein referred to.

Therefore, since it appears that the proposed grade crossing located at the point heretofore described, will be a convenience and necessity for the residents of Escalanti Canon district of Delta County, and since the terms for the cost of the installation of said proposed crossing have been mutually agreed upon by the Trustees of said railroad company and the Board of County Commissioners of Delta County, the Commission finds that the application should be granted and will, without any further proceedings in the matter, make its order in accordance therewith.

O R D E R

IT IS THEREFORE ORDERED, That in compliance with Section 29 of the Public Utilities Act, as amended, a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established across the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point near the station of Escalanti, Delta County, Colorado, and located fifty feet west of Mile Post 586 of said railroad; provided, however, that prior to the opening of said crossing to public travel, it shall be constructed in accordance with the Commission's plans and specifications as provided in Case 879.

IT IS FURTHER ORDERED, That the County of Delta, Colorado, shall construct the approaches to said crossing, including any drainage necessary therefor, and shall bear the expense by the Trustees of said railroad company in the installation of necessary crossing plank or other crossing material and of all railroad crossing sign posts required at the crossing.

IT IS FURTHER ORDERED, That the Trustees of said railroad

company shall notify the Commission when said crossing has been installed and is ready for use by the public.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 1941.

BH

(Decision No. 18033)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED SELL, OF 4408 MILWAUKEE ST.,) PERMIT NO. B-2432
DENVER, COLORADO.)

December 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-named permittee requesting that his Permit B-2432 be suspended for a period of six months.

The Commission finds said request should be granted.

O R D E R

IT IS ORDERED:

That Fred Sell is hereby allowed to suspend his operations under Permit B-2432 for a period of not to exceed six months from December 3, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Dickerson

Dennis E. Keeler

Malcom Erickson

Commissioners

Dated at Denver, Colorado,
this 12th day of December, 1941.

R

(Decision No. 18034)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

PUEBLO CHAMBER OF COMMERCE,

Plaintiff,

-vs-

THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY AND RIO GRANDE MOTOR WAY, INC.,

Defendants.

CASE 4877

December 15, 1941

Appearances: T. R. Woodrow, Esq., Denver, Colorado,
J. D. Preston, Esq., Pueblo, Colorado,
T. A. White, Esq., Denver, Colorado, for the Trustees of the Denver and Rio Grande Western Railroad Company;
J. H. Marsalis, Esq., Pueblo, Colorado, for Cooperative Railroad Brotherhoods;
Guy M. Springer, Jr., Pueblo, Colorado, for Pueblo Chamber of Commerce and the PUeblo Manufacturers' and Distributors' Division.

S T A T E M E N T

By the Commission:

The above matter was called for hearing at Pueblo, Colorado, on September 25, 1941.

Guy M. Springer, Jr., representing the Pueblo Chamber of Commerce, complainant, moved to dismiss the case, without prejudice to the filing of another complaint at any time.

There being no objection to such motion, the Commission finds that it should be granted.

O R D E R

IT IS ORDERED:

That the above-entitled cause be dismissed, without prejudice.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 13th day of December, 1941.

(Decision No. 18035)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. W. WALKER, WRAY, COLORADO,) CASE NO. 4887
PRIVATE PERMIT NO. B-1496.)

December 15, 1941

Appearances: George F. Harsch, Esq., Denver, Colo. (Railway Exchange Building), for Respondent;
E. B. Evans, Jr., Esq., Denver, Colo. for The Public Utilities Commission.

S T A T E M E N T

By the Commission:

It appeared from the testimony that respondent did violate certain rules and regulations of the Commission, both with respect to transportation of commodities beyond the territory included in his authority, and with respect to transporting for customers not listed.

He admitted on the witness stand that, in one or two of these instances, he felt that he was not complying with the rules and regulations of the Commission, but that the circumstances of the individual cases would excuse him. In another instance, he hauled cattle when all of the other trucks in the vicinity were busy hauling portions of the same shipment of cattle. In another instance, he attended a sale, in company with one of his customers, at which his customer purchased cattle, but he did not, because of the price the cattle were bringing. He hauled these cattle, contrary to the regulations of the Commission, on his return home, but stated that he thought he had a right to do so. In other instances, he did not comply with the rules and regulations of the Commission with respect to bills of lading.

He stated that he welcomed the opportunity to be at the hearing, so that he would know what his authority was, and would be able to comply with all rules and regulations in the future.

It appeared from the testimony that he hauled only for his friends and neighbors; that he resided upon a small tract, which was not sufficient to afford him a living, and that the small trucking business which he did was needed to supplement his income.

The Commission believes that respondent was negligent in not acquainting himself with his authority and his rights and obligations thereunder, but in view of his apparently sincere statement that he will not continue operations in the future unless he can abide by all his obligations, the Commission is of the opinion that the case should be dismissed. However, the respondent is warned that, in the event of further violations by him, he will be held to strict accountability, and no further leniency will be shown. Persons operating under the authority of the Commission should, at all times, be conversant with that authority. In this instance, there can be no justification for further violations.

O R D E R

IT IS ORDERED:

That Case No. 4887 is hereby dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1941.

G

(Decision No. 18036)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF WILLIAM M. MOORE, DOING BUSINESS AS COLORADO -NEBRASKA TRANSPORT, GATEWAY, COLORADO, FOR AN EXTENSION OF PRIVATE PERMIT NO. B-2385.

APPLICATION NO. 5128-PP-BBBB

December 13, 1941

Appearances: Lincoln D. Coit, Esq., Grand Junction, Colo., for applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
L. A. Theobold, Norwood, Colorado, for Theobold Truck Line;
Delbert Farra, Montrose, Colorado, pro se;
Orville Dunlop, Montrose, Colorado, pro se;
Oliver Fellin, Ouray, Colorado, for Fellin Brothers;
Wayne Aspinall, Esq., Grand Junction, Colorado, for G. W. Hawthorne, J. C. Barker, Parkinson T & T. Co., et al.

S T A T E M E N T

By the Commission:

William M. Moore, doing business as Colorado-Nebraska Transport, applicant in the instant case, was originally granted Interstate Permit No. B-2385-I, which authorized the transportation of freight as a private carrier, in interstate commerce, between all points in the State of Colorado and the Colorado boundary lines where all highways cross the same.

Thereafter, on October 16, 1939, Decision No. 14173, said permit was extended to include the right to transport coal, in intrastate commerce, from Somerset Mine in Montrose County and the Streeter Mine in Rio Blanco County, to Grand Junction, Colorado. Thereafter, On January 4, 1940, Decision No. 14582, applicant was authorized to extend his operations under said Permit B-2385 to include:

> Transportation of seeds, feeds, grain, potted plants, and seed store merchandise, from and to any point in

> Colorado to and from Grand Junction, Colorado, for the Mile High Seed Company only; provided, however, that applicant shall not conduct any operation in competition with the Uintah Stage Lines between any towns now served by said company.

Thereafter, on May 22, 1941, Decision No. 17158, applicant was authorized to extend his operations under said permit to include the transportation of:

> Ore from mines within a radius of fifty miles of Grand Junction and within a radius of ten miles of Dove Creek, and within a radius of ten miles of Paradox, on the one hand, to mills or shipping points at Uravan, Loma, Gateway, and Grand Junction, on the other hand, including the right to transport grocery supplies and Diesel engine supplies from Uravan, only, to mines located within the above described areas.

The instant application seeks a further extension of said authority to include the transportation of livestock and farm produce, wool, ore, mine and milling supplies and equipment, and furniture, from point to point within a 100-mile radius of Grand Junction, and for the occasional transportation of high grade shipping ore from said area to Denver.

At the hearing, applicant, testifying in his own behalf, stated that he was willing to limit his pickup area upon the new commodities sought to be transported to a 20-mile radius of Gateway, Colorado, and would eliminate any competition with the line haul operations of G. W. Hawthorne, who operates between Gateway and Grand Junction, provided it was understood that the said Hawthorne's pickup territory was limited to customers on his line haul route. Applicant further testified as to various calls he had received to perform the service for which he is seeking authority.

Several witnesses appeared in his behalf and stated that if he secured the extension sought, they would use his service, and that in their opinion there was a need for the proposed service as limited by applicant's testimony.

The only objection interposed was on the part of G. W. Hawthorne, and his certificate was made a part of the instant record. It appears from said certificate that the pickup area of Mr. Hawthorne would be limited to customers on his line haul route, and therefore he can have no

objection to the instant application as any actual competition with his operation is eliminated.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the testimony, the proposed extension should be granted.

O R D E R

IT IS ORDERED:

That William M. Moore, doing business as Colorado-Nebraska Transport, Gateway, Colorado, be, and he is hereby, authorized to extend his operations under Permit No. B-2585 to include the right to transport livestock, farm produce, and wool, ore, mine and milling supplies and equipment, and furniture, from point to point within a 20-mile radius of Gateway, Colorado; provided, however, that no service shall be rendered in competition with the line haul operations of G. W. Hawthorne, and provided further that applicant shall be authorized to transport high grade shipping ore from said 20-mile radius of Gateway to Denver.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1941.

G

(Decision No. 18057)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF HARRY C. FLANDERS, BENNETT, COLORADO, FOR AUTHORITY TO LEASE PUC NO. 426 TO THOMAS HAUGEN, STRASBURG, COLORADO, AND DAVID SMALL, BENNETT, COLORADO.	APPLICATION NO. 1418-A

December 15, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the petitioners; Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of the Colorado Motor Carriers' Association. (Appearance entered only for purpose of receiving copy of order.)

S T A T E M E N T

By the Commission:

The above matter was heard at Denver, Colorado, on December, 4, 1941.

The petitioner, Harry C. Flanders, is the owner of PUC No. 426, by virtue of decision of the Commission, No. 2580, dated October 9, 1929, authorizing the transportation of:

> (a) beans and grain from point to point within the territory situated within a radius of twenty-five miles of Bennett; (b) beans and grain from points within said territory to Denver; (c) livestock to Denver from the territory bounded on the east by a line running north and south three miles east of Bennett, on the west by a line running within ten miles of Bennett, and from the territory lying twenty-five miles south and north of Bennett, provided, however, that the territory on the south shall not extend nearer than five miles of the Colorado and Southern railroad line and in the territory on the north nearer than five miles of the Chicago, Burlington & Quincy railroad line; (d) grain and feed in less than carload lots from Denver to elevators and farmers within a radius of twenty-five miles of Bennett.

He testified that he entered into a lease agreement, subject to the approval of the Commission, dated October 24, 1941, in which he agreed

to lease a portion of his certificate to Thomas Haugen, Strasburg, Colorado, and a portion to David Small, Bennett, Colorado, for a consideration of twelve dollars and fifty cents ($12.50) per month, payable in advance, from each party, for a period ending January 1, 1943, subject to the provisions for cancellation.

He now asks approval of said lease, and also to amend the lease to provide that Thomas Haugen shall operate under said lease in all territory within the authority of PUC No. 426 lying east of Kiowa Creek, and that David Small shall operate in all territory within the authority of PUC No. 426 lying west of Kiowa Creek. The amendment was allowed.

Thomas Haugen testified that he was the owner of PUC 273, and that the terms of said lease, as amended, were satisfactory.

David Small testified that he is the owner of PUC No. 559, and that the terms of said lease, as amended, were satisfactory.

There was no objection to the approval of the lease, as amended.

The Commission finds that said lease should be approved, as amended.

O R D E R

IT IS ORDERED:

That the lease entered into between the petitioner, Harry C. Flanders, first party, and Thomas Haugen, second party, and David Small, third party, and filed with Application No. 1418-A, is hereby approved.

That the authorities so granted to Thomas Haugen and David Small be operated under the certificate numbers of the respective parties.

That PUC No. 426 be suspended during the term of said lease.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of December, 1941.

G

(Decision 18038)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF ARVEL A. HENRIKSON, DOING BUSINESS AS DENVER-LOVELAND TRANSPORTATION COMPANY, LOVELAND, COLORADO, FOR AUTHORITY TO LEASE CERTIFICATE NO. 205 TO FLOYD A. HENRIKSON, DOING BUSINESS AS DENVER-LOVELAND TRANSPORTATION COMPANY, LOVELAND, COLORADO.

APPLICATION NO. 1455-A
447-A

December 15, 1941

Appearances: Sylvester C. Horn, Esq., 959 Cook St., Denver, Colorado, for applicants;
John Love, Esq., Denver, Colorado, and Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of the Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company.

S T A T E M E N T

By the Commission:

Arvel A. Henrikson is now the owner of certificate of public convenience and necessity No. 205, heretofore issued in Application No. 447, which authorizes:

> Transportation of freight between Denver and Loveland, Colorado,

as well as certificate of public convenience and necessity heretofore issued in Application No. 1455, which authorizes:

> Conduct of a transfer, moving and general cartage business in the counties of Boulder, Weld and Larimer, and occasionally throughout the State of Colorado, subject to certain terms and conditions.

The instant application seeks the approval of a lease of said certificates from the said Arvel Henrikson to his son, Floyd A. Henrikson.

The evidence disclosed that said lease terminates on December 31, 1947, and the consideration to be paid for same is the sum of $150.00 per month. The lease may be cancelled at any time by either party on ninety days' notice. In addition to the leasing of the certificates, Lessee is

also purchasing certain equipment from Lessor for a total purchase price of $5,000.00, this being paid at the rate of $125.00 per month.

The interstate rights of Lessor have been transferred to Lessee under date of November 29, 1941.

The financial condition of Lessee and his operating experience and ability were established to the satisfaction of the Commission.

The only outstanding obligations are current bills which Lessee stated would be taken care of by December 10, 1941.

The reason advanced for the proposed lease and purchase of equipment was the fact that Lessor has been for some time in poor health and now is confined to his home a large portion of the time.

Lessee estimates that he will have a net income of approximately $200.00 over and above the monthly payments required under the lease, as well as the equipment purchase obligation.

No protests were interposed to the granting of the authority sought.

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

O R D E R

IT IS ORDERED:

That that certain agreement heretofore entered into between the parties hereto, dated February 28, 1941, insofar as the same affects the leasing of certificates of public convenience and necessity heretofore issued in Applications Nos. 447 and 1455, be, and the same is hereby, approved.

That this order shall become effective on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1941.

G

(Decision No. 18039)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE RIO GRANDE SOUTHERN RAILROAD COMPANY, CASS M. HERRINGTON, RECEIVER.

APPLICATIONS NOS. 3958-R
3958-RR

December 13, 1941

Appearances: Cass M. Herrington, Esq., Denver, Colorado, as Receiver for The Rio Grande Southern Railroad Co., applicant;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company, Rio Grande Motor Way, Inc.;
R. Franklin McKelvey, Esq., Durango, Colorado, for Cannon Ball Stages;
James M. Nolan, Esq., Durango, Colorado, for Veta Mines, Inc.;
Fairlamb and Fairlamb, Esqs., Telluride, Colorado, for the Telluride Transfer Company;
North Allen, Esq., Denver, Colorado, for Moab Garage Company.

S T A T E M E N T

By the Commission:

On October 31, 1941, Decision No. 17841, an order was entered granting Rio Grande Southern Railroad Company, Cass M. Herrington, Receiver, a certificate of public convenience and necessity authorizing certain motor vehicle service by applicant over the highways paralleling the line of applicant's railroad between Ridgway and Durango.

Thereafter, and on November 8 and 10, 1941, petitions for rehearing were filed by protestants, Moab Garage Company and Cannon Ball Stage Lines, respectively, and on December 9, 1941, a petition for rehearing was filed on behalf of applicant, Rio Grande Southern Railroad Company. The letter accompanying the petition for rehearing filed by applicant, stated that said petition "is filed solely for the purpose of having the advantage thereof in event this matter is taken to Court for review by either Moab or Cannon Ball."

The petitions for rehearing filed by Moab Garage and Cannon Ball Stage Lines are somewhat similar in the character of their allegations as to why a rehearing should be granted, and we believe, except for the matters hereinafter mentioned, that said Decision No. 17841 fully discusses and answers the points raised by counsel for protestants.

One of the allegations contained in the petition for rehearing by Cannon Ball Stage Lines is to the effect that our decision is ambiguous when it states that the operations of applicant shall also be limited to one scheduled operation each way for any 24-hour period, and it was alleged that it was our intention to say "shall also be limited to one scheduled operation each way for one piece of equipment for any 24-hour period."

While it is true that the Commission limited the nature of equipment that applicant might use and also limited its operations to one schedule each twenty-four hours, we are not of the opinion that applicant should be limited to the use of one piece of equipment. In all probability, applicant will only use one piece of equipment. However, contingencies might arise whereby the public convenience and necessity would require several pieces of equipment on the same scheduled operation. Having in mind that the public convenience and necessity is paramount, we do not believe the operations of applicant should be restricted any further than has been provided in our original order.

Another point raised by counsel for Cannon Ball Stage Lines is the fact that our original order makes no provision for rates to be charged by the applicant, and it is the contention of said counsel that applicant should be compelled to charge the same rates that are to be charged by other motor vehicle carrier service serving the same points.

In the opinion of the Commission, this would be exactly the situation under our original order. Where a certificate of public convenience and necessity is issued authorizing a motor vehicle carrier operation, the law would require that such operation would have to be conducted under the rates prescribed by the Commission where applicable, and we do not believe any

affirmative statement to that effect is necessary in the original order.

The petition for rehearing filed by the Receiver for applicant company alleges that all restrictions upon the granting of a certificate are illegal and contrary to law. We are also of the opinion that this question has been sufficiently considered in our former decision and requires no further analysis or discussion.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the petitions for rehearing filed herein should be denied.

O R D E R

IT IS ORDERED:

That the petitions for rehearing filed by Moab Garage, Cannon Ball Stage Lines, and Rio Grande Southern Railroad Company, Cass M. Herrington, Receiver, be, and the same are hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1941.

G

(Decision No. 18040)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. J. HAZE, OF 1100 E. 10th AVE.,) PERMIT NO. B-2346
DENVER, COLORADO.)

December 12, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-named permittee requesting that his Permit No. B-2346 be suspended for a period of six months.

The Commission finds said request should be granted.

O R D E R

IT IS ORDERED:

That E. J. Haze is hereby allowed to suspend his operations under Permit No. B-2346 for a period of not to exceed six months from December 1, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Dennis E. Keeler

Malcom Erickson

Commissioners

Dated at Denver, Colorado,
this 12th day of December, 1941.

R

(Decision No. 18041)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-9273
W. R. Ross)
)
)

Dec. 13, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. R. Ross of Wiley, Colorado, requesting that his Permit No. C-9273 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9273, heretofore issued to W. R. Ross be, and the same is hereby, declared cancelled effective, as of December 8, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of Defember, 19 41.

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(Decision 18042)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CONNIE WILL, 235 SOUTH CANOSA, COURT, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5628-PP
SUPPLEMENTAL ORDER

December 13, 1941

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., for the Common Carrier Division of The Colorado Motor Carriers' Association;
B. E. Sweet, Esq., E and C. Bldg., Denver, Colorado, for Bear Creek Transfer Company;
E. J. Trenberth, Idaho Springs, Colorado, for Curnow Livery and Transfer Company;
Harold Swenn, Golden, Colorado, pro se;

S T A T E M E N T

By the Commission:

In the above-styled matter, by Decision No. 17352, the Commission dismissed the application of Connie Will for a permit, for lack of prosecution.

Thereafter, said applicant requested that said order be set aside, on the ground that he had not received notice of hearing.

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

O R D E R

IT IS ORDERED:

That Decision No. 17352 be, and the same hereby is, set aside, vacated, and held for naught.

That said application be, and the same hereby is, set for hearing in Denver, Colorado, at the Hearing Room of the Commission, 330 State Office Building, on the 23d day of December, 1941, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V Thomas
Edward H Arnold
Milton E Friesen
Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1941.

G

(Decision No. 18043)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CHARLES E. HITCHENS, STEAMBOAT SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1359 TO WAYNE BRISTOL, STEAMBOAT SPRINGS, COLORADO

APPLICATION NO. 3012-PP-A

December 15, 1941

Appearances: Raymond B. Danks, Esq., Denver, Colorado, for the applicants;
Marvin Brown, Esq., Steamboat Springs, Colorado, for the applicants;
K. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association, C. I. and Basil Hallquist;
Winston S. Howard, Esq., Denver, Colorado, for C. I. and Basil Hallquist;

S T A T E M E N T

By the Commission:

On February 25, 1936, Charles E. Hitchens was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> farm products from ranch to ranch, from ranches to shipping points, mill and elevators within an area around Steamboat Springs extending west to Milner, north to Glen Eden, east to the county line and south to Oak Creek; coal from mines in said area to his customers residing therein; and livestock from ranch to ranch, from ranches to shipping points within said area, and from said area to Denver, Colorado, with back-haul from Denver of horses and cattle for breeding purposes.

On October 30, 1941, he filed application for authority to transfer said permit to Wayne Bristol.

The matter was heard in Denver, Colorado, notice being given to all parties in interest, except C. I. Hallquist and Basil Hallquist, doing business as "Valley Transfer Company" under certificate of public convenience and necessity No. 1232, said Valley Transfer Company being authorized to operate as common carriers by motor vehicle for hire, on call and demand, for the transportation of:

general commodities between points within that part of Routt County which lies east of the Range Line between Ranges 87 and 88, and to operate a general cartage business in the Town of Steamboat Springs, and to transport farm products, generally, including livestock, and farm supplies, emigrant movables, and new and used farm machinery from point to point within Routt County, and from and to farms in Routt County, to and from points in the State of Colorado, excepting therefrom new machinery from Denver.

At the hearing, Mr. Hitchens testified that, for the most part, his operation had consisted of the transportation of sand, gravel, and grain; that he had hauled an occasional load of livestock more than a year ago; that the operation is free of debt; that the consideration for the transfer of the permit is the sum of three hundred and fifty dollars ($350.00)

Transferee Bristol stated that he had a 1937 Chevrolet; that he had thirteen written contracts on file with the Commission, and proposed to add three more, if the transfer is authorized; that he has had considerable experience in trucking over a period of many years.

Subsequent to the hearing, Valley Transfer Company filed a petition, asking that said matter be reopened, upon the ground that said Valley Transfer Company had not received notice of said transfer proceedings; that if said company had been notified of the hearing, witnesses would have been produced thereat by them who would have testified that transferor had transported only sand, gravel and coal under said permit, and that any other authority therein contained long since had been abandoned and lost through non-user, and that said transferee contemplates, if he acquires said permit, to engage in the transportation of all commodities originally authorized under said permit; that the transportation needs of the community now are being adequately cared for by authorized carriers.

An examination of transferor's reports for period Jan 1, 1938 to date shows he performed no for-hire service thereunder, except transportation of sand and gravel for county and state. Transportation of sand and gravel, except for farmers, is not authorized under the permit.

While the Commission, on a number of occasions, has held that competitors of a carrier seeking to transfer permits or certificates are not entitled, as a matter of right, to notice of the pendency of the proceedings, or to appear and offer testimony thereat in opposition to the granting of said transfer, the Commission, as a matter of courtesy to said certificate-holders, and in order that the Commission may be informed of all matters and things pertaining to transferor's operation, and the fitness of transferee to continue the same, has served competitors and permitted them to intervene, cross-examine witnesses, and present testimony in opposition. In view of the fact that Valley Transfer Company is a common carrier, and is perhaps the chief party in interest, other than applicants, and it appears that applicant's permit may have been abandoned, it would seem to be in the public interest to reopen said matter for further hearing.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said transfer matter should be reopened and set for further hearing.

O R D E R

IT IS ORDERED:

That the above-styled application, No. 3012-PP-A, be, and the same hereby is, reopened for further hearing, and set at 10:00 A. M., December 23, 1941, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1941.

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freight, generally, between Gunnison, Colorado and Lake City, Colorado, and intermediate points, twice each week, over State Highways Nos. 16 and 149 (except between Gunnison and Iola.)

On February 28, 1938, said George Andrews and Roy Andrews obtained authority from the Commission, Decision No. 11476, to transfer said certificate, and the authority granted in the decisions aforesaid, to George Andreatta, Jr., doing business as "Almont Truck Line," Almont, Colorado.

Subsequently, said George Andreatta, Jr., on January 24, 1941, changed his name to "George Anders."

On April 26, 1939, by Decision No. 13596, said Andreatta (Anders), who had acquired said certificate pursuant to the authority aforesaid, was authorized to transfer that portion of said certificate which was granted on July 18, 1933, to Auborn Howard.

Applicant now seeks authority to transfer said certificate, (less authority transferred to Howard) to H. E. Hicks and L. R. Hicks, doing business as "Gunnison Truck Line."

At the hearing it appeared that said Hicks, by authority of the Commission granted in Decisions Nos. 17517 and 17550, are now operating as common carriers by motor vehicle for hire, on call and demand, under the firm name of "Sargents Truck Line," with authority to transport:

freight, except livestock, on call and demand, between points within a radius of fifty miles of Gunnison, Colorado, without the right to transport general merchandise of the nature handled by retail and wholesale stores over Colorado Highway No. 135, Gunnison to Crested Butte, U. S. 50, Gunnison to Montrose, U. S. 50, Gunnison to Salida, subject to conditions expressed in said Decisions Nos. 6850 and 17044, and the transportation of livestock and farm products, on call and demand, between points west of the Continental Divide within a radius of twenty-five miles of Sargents, Colorado, and from and to points in said area, to and from points in the State of Colorado (without the right to haul livestock from and to points in said area, to and from points in the San Luis Valley), and the transportation of ore from points in said area to Leadville, Colorado, pursuant to decisions of the Commission numbered 17550 and 17517.

If the authority sought is granted, they asked permission to

combine their present operations with the Anders' operation, and to conduct the same under PUC 797, as "Gunnison Truck Line."

Protestants Denver and Rio Grande Western Railroad Company and Rio Grante Motor Way, Inc., asked that if said authority to combine said operations is granted, all of said operations be subjected to all the restrictions contained in the several orders granting authority aforesaid. Mr. Jones contended that the restrictions contained in said several orders should apply only to the particular authority granted in the order by which, or to which, said restrictions were imposed.

It also appeared at the hearing that said transferees have adequate equipment to carry on the proposed operation, and are pecuniarily able to purchase more equipment if it is required. Their operating experience and fitness to carry on said operation were established to the satisfaction of the Commission.

It did not appear that there are any unpaid operating obligations outstanding against said Anders operation.

The consideration for the transfer of the certificate and one 1937 Diamont-T truck is the sum of one thousand eight hundred dollars ($1,800.00) in cash.

Upon the record, as made, it would appear that said transfer is in the public interest, and should be authorized. The Commission believes that the conditions and restrictions set forth in the several orders granting authority to applicants and their predecessors in interest, except for the conditions common to all orders, should apply only to the particular authority granted at the time of the imposing of said conditions and restrictions, and that their force should not be extended to apply to authority granted in other orders.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That George Anders, formerly known as "George Andreatta, Jr.,"

be, and he hereby is, authorized to transfer his certificate of public convenience and necessity, PUC No. 683, with authority as heretofore set forth, to H. E. Hicks and L. R. Hicks, co-partners, doing business as "Gunnison Truck Line."

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

That said H. E. Hicks and L. R. Hicks, doing business as "Gunnison Truck Line," be, and they hereby are, authorized to consolidate and combine their said operations heretofore authorized under PUC No. 683 with the operations heretofore conducted by them and authorized under PUC 797, said operations hereafter to be conducted under said number, 797.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1941.

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from said mine and concentrates from said mill to smelter near Leadville.

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

That said application, in all other respects, should be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1941.

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(Decision No. 18044)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF GEORGE ANDERS, DOING BUSINESS AS "ALMONT TRUCK LINE," ALMONT, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 685 TO H. E. AND L. R. HICKS, DOING BUSINESS AS "GUNNISON TRUCK LINE," SARGENTS, COLORADO.

APPLICATION NO. 2091-AA

December 16, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicants;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company, The Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On May 29, 1933, George Andrews and Roy Andrews, co-partners, doing business as "Central Service Station", were authorized to operate as motor vehicle carriers, on call and demand, for the transportation of:

> freight, generally, except small shipments of package freight, from point to point within the territory located within a radius of fifty miles of the Town of Gunnison, and between points within said area and all other points within the State of Colorado, and from all points within the State of Colorado to all points within said territory, with the provisos that for the transportation of freight other than household goods between points in Gunnison County situated on the lines of the Denver and Rio Grande Western Railroad Company and other rail points in the State of Colorado, applicant shall charge rates which shall be as much as twenty percent in excess of those currently in effect and being charged for rail carriage between said points, provided, however, that where the rail mileage exceeds by twenty-five percent the highway mileage between the points between which the freight moves, said requirement shall not obtain.

On July 18, 1933, said authority was extended to include the right to transport:

freight, generally, between Gunnison, Colorado, and Lake City, Colorado, and intermediate points, twice each week, over State Highways Nos. 16 and 149 (except between Gunnison and Iola).

On February 28, 1938, said George Andrews and Roy Andrews obtained authority from the Commission, Decision No. 11476, to transfer said certificate, and the authority granted in the decisions aforesaid, to George Andreatta, Jr., doing business as "Almont Truck Line," Almont, Colorado.

Subsequently, said George Andreatta, Jr., on January 24, 1941, changed his name to "George Anders".

On April 26, 1939, Decision No. 13396, said Andreatta (Anders) who had acquired said certificate pursuant to the authority aforesaid, was authorized to transfer that portion of said certificate which was granted on July 18, 1933, to Auborn Howard.

Applicant now seeks authority to transfer said certificate, (less authority transferred to Howard) to H. E. Hicks and L. H. Hicks, doing business as "Gunnison Truck Line."

At the hearing, it appeared that said Hicks, by authority of the Commission granted in Decisions Nos. 17317 and 17350, are now operating as common carriers by motor vehicle for hire, on call and demand, under the firm name of "Sargents Truck Line," with authority to transport:

> freight, except livestock, on call and demand, between points within a radius of fifty miles of Gunnison, Colorado, without the right to transport general merchandise of the nature handled by retail and wholesale stores over Colorado Highway No. 135, Gunnison to Crested Butte, U. S. 50, Gunnison to Montrose, U. S. 50, Gunnison to Salida, subject to conditions expressed in said Decisions Nos. 6850 and 17044, and the transportation of livestock and farm products, on call and demand, between points west of the Continental Divide within a radius of twenty-five miles of Sargents, Colorado, and from and to points in said area, to and from points in the State of Colorado (without the right to haul livestock from and to points in said area, to and from points in the San Luis Valley), and the transportation of ore from points in said area to Leadville, Colorado, pursuant to decisions of the Commission numbered 17350 and 17317.

If the authority sought is granted, they asked permission to

combine their present operations with the Anders' operation, and to conduct the same under PUC 797, as "Gunnison Truck Line."

Protestants Denver and Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc., asked that if said authority to combine said operations is granted, all of said operations be subjected to all the restrictions contained in the several orders granting authority aforesaid. Mr. Jones contended that the restrictions contained in said several orders should apply only to the particular authority granted in the order by which, or to which, said restrictions were imposed.

It also appeared at the hearing that said transferees have adequate equipment to carry on the proposed operations, and are pecuniarily able to purchase more equipment if it is required. Their operating experience and fitness to carry on said operation were established to the satisfaction of the Commission.

It did not appear that there are any unpaid operating obligations outstanding against said Anders operation.

The consideration for the transfer of the certificate and one 1937 Diamond-T truck is the sum of $1,800.00 in cash.

Upon the record, as made, it would appear that said transfer is in the public interest, and should be authorized. The Commission believes that the conditions and restrictions set forth in the several orders granting authority to applicants and their predecessors in interest, except for the conditions common to all orders, should apply only to the particular authority granted at the time of the imposing of said conditions and restrictions, and that their force should not be extended to apply to authority granted in other orders.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That George Anders, formerly known as George Andreatta, Jr.,"

be, and he hereby is, authorized to transfer his certificate of public convenience and necessity, PUC No. 683, with authority as heretofore set forth, to H. E. Hicks and L. R. Hicks, co-partners, doing business as "Gunnison Truck Line".

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

That said H. E. Hicks and L. R. Hicks, doing business as "Gunnison Truck Line," be, and they hereby are, authorized to consolidate and combine their said operations heretofore authorized under PUC No. 683 with the operations heretofore conducted under said number, 797.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

HENRY S. SHERMAN

EDWARD E. WHEELER

MALCOM ETHERIDGE
Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1941.

(Decision 18045)

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

IN THE MATTER OF THE APPLICATION OF)
LEE AND RUTH TAPP, DENVER, COLORADO,) APPLICATION NO. 5469-PP-R
FOR AN EXTENSION OF PERMIT NO. B-2557.)

December 16, 1941

Appearances: Lee and Ruth Tapp, Denver, Colorado, pro se;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company.

S T A T E M E N T

By the Commission:

Applicants, heretofore, were authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

> dirt, sand, gravel and oil mix between all points within a radius of fifty miles of pits and supply points in the State of Colorado to road construction jobs within said area, excluding service in Boulder, Clear Creek and Gilpin Counties.

By the above-styled application, they seek authority to extend said private carrier permit to include the right to transport mining equipment, machinery and supplies from Denver, and from mines in the vicinity of Jenny Wren Mines, Inc., located near Ward, to said mines; ores and concentrates from mine and mill of said mining company to smelter near Leadville, Colorado, and from said mine to said mill and to railroad loading points of The Colorado and Southern and Denver and Salt Lake Railways; timber from supply points in the mountains west of Boulder to said Jenny Wren Mine.

At the hearing, it developed that applicants have a coal and wool yard in Denver; that they also have a so-called "working interest" in said mine near Ward; that they propose to haul spikes, nails, and

other equipment and supplies from Denver to said mine, when opportunity offers, and second-hand machinery and equipment from mines near said mine, timber, etc., to help pay for the interest they have agreed to purchase. When not engaged in hauling, Applicant Lee Tapp intends to work "single-handed." Mining supplies also would include coal, which they would pick up in the northern Colorado coal fields.

It developed that mining machinery and mining supplies that have been purchased in the Idaho Springs or Central City areas have been handled by Curnow Livery and Transfer, of Idaho Springs, with apparent satisfaction to the mine owners; that a great number of carriers are equipped to, and do, handle mining machinery and supplies out of Denver to all parts of the State; that a number of authorized call and demand carriers also are located at Boulder and Central City.

It appeared that the granting of authority to handle mining machinery, equipment and supplies, except coal and timber would tend to impair the efficiency of said adequate common carrier operations.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority of said applicants under said permit should be extended to include the right to transport timber from timber camps in the mountains west of Boulder, and coal from mines in the northern Colorado coal fields to mine of Jenny Wren Mines, Inc., near Ward; ores from said mine to mill of said mining company, and railroad loading points, and ore from said mine and concentrates from said mill to smelter near Leadville, and that said application, in all other respects should be denied.

O R D E R

IT IS ORDERED:

That Lee and Ruth Tapp, Denver, Colorado, should be, and they hereby are, authorized to extend their operations under Permit No. B-2557 to include the right to transport timber from timber camps in the mountains west of Boulder, and coal from mines in the northern Colorado coal fields to mine of Jenny Wren Mines, Inc., near Ward; ores from said mine to mill of said mining company and to railroad loading points, and ore

(Decision No. 18046)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF WILLIAM K, STEWART, LONGMONT, COLORADO, FOR AN EXTENSION OF PERMIT NO. A-580.) APPLICATION NO. 5363-PP-AB

December 16, 1941

S T A T E M E N T

By the Commission:

William K. Stewart, herein seeks to extend his authority under his Permit A-580, which authorizes the transportation of:

> freight over route described as:
> "Gowanda west and south to Johnstown,"

to include the right to transport sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, and coal from mines in the northern Colorado coal fields to Longmont.

The matter was set for hearing in Denver, and the applicant not appearing, the matter was heard upon the files, which were made a part of the record herein.

No one appeared in oppostion to the granting of the extension sought.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said applicant is pecunarily, and otherwise, able to carry on the proposed operation; that said extended service will not impair the efficiency of any authorized motor vehicle common carrier now serving in the territory sought to be served by applicant thereunder, and that said extended authority should be granted.

O R D E R

IT IS ORDERED:

That William K. Stewart, Longmont, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. A-580 to include the right to transport sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, and coal from mines in the northern Colorado coal fields to Longmont, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1941.

G

(Decision No. 18047)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOHNSON STORAGE AND MOVING COMPANY, INC., DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 335 TO LOUIS J. JOHNSON AND RAYMOND W. JOHNSON, DOING BUSINESS AS "THE JOHNSON STORAGE & MOVING CO.", 221 BROADWAY, DENVER, COLORADO.

APPLICATION NO. 1291-A

December 16, 1941

Appearances: Raymond W. Johnson, Denver, Colorado
for the applicants;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage Company.

S T A T E M E N T

BY THE COMMISSION:

On May 3, 1929, by Decision No. 2159, Johnson Storage & Moving Company, a Colorado corporation, was granted a certificate of public convenience and necessity to operate a motor vehicle system, not on schedule, for the conduct of a transfer moving and general cartage business in the City and County of Denver, and in the Counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado and in each of the Counties thereof, with the provisos that for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant should charge rates which should be as much as twenty percent higher in all cases than those charged by scheduled carriers for the same service, and should not establish branch offices or employ agents in any town or city other than Denver for the purpose of developing business.

Said certificate-holder now seeks authority to transfer said certificate to Louis J. and Raymond W. Johnson, doing business as "The Johnson Storage & Moving Co."

At the hearing, it developed that transferees own all the

capital stock of said corporation; that said transfer has been authorized; that assets of said corporation, which said partnership will acquire by reason of said transfer, less depreciation, amount to approximately forty-five thousand dollars ($45,000.00). Outstanding indebtedness, including reserve for taxes, amounts to nearly seven thousand dollars ($7,000.00) The indebtedness is to be assumed by transferees.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Johnson Storage and Moving Company, Inc., Denver, Colorado, is hereby authorized to transfer PUC No. 535 to Louis J. Johnson and Raymond W. Johnson, doing business as "The Johnson Storage & Moving Co." Denver, Colorado.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thomas

Edward D. Hanes

Walter Sivon

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1941.

G

(Decision No. 18048)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF C. I. HALLQUIST AND BASIL HALLQUIST, DOING BUSINESS AS "VALLEY TRANSFER COMPANY", STEAMBOAT SPRINGS, COLORADO, FOR AN EXTENSION OF CERTIFICATE OF P PUBLIC CONVENIENCE AND NECESSITY NO. 1232.	APPLICATION NO. 3771-BB-AE SUPPLEMENTAL ORDER
RE MOTOR VEHICLE OPERATIONS OF C. I. HALLQUIST AND BASIL HALLQUIST, DOING BUSINESS AS "VALLEY TRANSFER COMPANY," STEAMBOAT SPRINGS, COLORADO.	PERMITS NOS. B-1387 B-2067

December 16, 1941

Appearances: Winston S. Howard, Esq., Denver, Colorado, for the applicants;
Marion F. Jones, Esq., Denver, Colorado, for Leonard Gray;
John Love, Esq., Denver, Colorado, for R. W. and H. M. Greeley, Larson Transportation Company;
J. H. Shepherd, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On October 23, 1941, the Commission entered its decision, No. 17807, in the above-styled matter, granting a certificate of public convenience and necessity to applicants.

Subsequently, said applicants filed their stipulation herein, consenting and requesting that the first paragraph of the Order contained in said Decision No. 17807 be amended to read as follows:

> "immediately after the comma following the word 'moveables' in line 5 thereof: 'and new used farm machinery from point to point within Routt County, and from and to farms in Routt County, to and from points in the State of Colorado, excepting therefrom new machinery from Denver.'"

Inasmuch as said amendment restricts, rather than increases, the authority granted under said order, the Commission is of the opinion,

and finds, that said amendment should be allowed.

O R D E R

IT IS ORDERED:

That the first paragraph of said order contained in said Decision No. 17807 should be, and hereby is, amended to read:

> "That public convenience and necessity require the extended motor vehicle common carrier service of C. I. Hallquist and Basil Hallquist, doing business as "Valley Transfer Company," Steamboat Springs, Colorado, for the transportation of farm products, generally, including livestock, and farm supplies, emigrant moveables, and new and used farm machinery from point to point within Routt County, and from and to farms in Routt County, to and from points in the State of Colorado, excepting therefrom new machinery from Denver, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor."

That said Decision No. 17807, except as herein amended, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1941.

G

(Decision No. 18049)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLEN HUNTINGTON, BLACKHAWK, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE AS) APPLICATION NO. 5816-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

December 17, 1941.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from mine of Monarch Coal Company at Louisville, Colorado, and from Rollinsville, to Blackhawk, Colorado, for A. M. Fairchild, of Blackhawk, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Glen Huntington, Blackhawk, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from mine of Monarch Coal Company at Louisville, Colorado, and from Rollinsville, to Blackhawk, Colorado, for A. M. Fairchild, of Blackhawk, Colorado.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1941.

BH

(Decision No. 18050)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN HANKINS, 19 ELATI STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5815-PP

December 17, 1941.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of fifty miles of Denver to points in said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That John Hankins, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the

State of Colorado within a radius of fifty miles of Denver to points within said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

This order is the permit herein provided for, but it sball not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF ELIZABETH AND JOE GARRAMONE, 2555 WEST SECOND AVENUE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5815-PP

December 17, 1941.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of seventy-five miles of Denver to points in said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicants, the Commission determined to hear, and has heard, said matter forthwith without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Elizabeth and Joe Garramone, Denver, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of 75 miles of Denver to

points in said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1941.

BH

(Decision No. 18052)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF A. L. BARNES, 525 Quinton Street, SHREVEPORT, LOUISIANA, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2641-I TO A. L. BARNES, FRANK SPANO, TONY PAPA, JOE PAPA, DOING BUSINESS AS NATIONAL WHOLESALE PRODUCE COMPANY, 828 PIERRE AVENUE, SHREVEPORT, LOUISIANA.

PERMIT NO. B-2641-I

December 17, 1941.

S T A T E M E N T

By the Commission:

Heretofore, A. L. Barnes, Shreveport, Louisiana, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle in interstate commerce, and Permit No. B-2641-I issued to him.

Said permit-holder now seeks authority to transfer said permit to A. L. Barnes, Frank Spano, Tony Papa and Joe Papa, co-partners, doing business as "National Wholesale Produce Company", Shreveport, Louisiana.

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

After a careful consideration of the record, the Commission is of the opinion, and finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That A. L. Barnes, Shreveport, Louisiana, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-2641-I to A. L. Barnes, Frank Spano, Tony Papa and Joe Papa, co-partners, doing business as National Wholesale Produce Company, Shreveport, Louisiana, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L T O Shuman

Edward D C Charles

Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1941.

BH

(Decision No. 18053)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF H. B. WALKER, AS TRUSTEE IN THE BANKRUPTCY OF S. W. TROGDON, DOING BUSINESS AS "TROGDON TRUCK LINE", LARAMIE, WYOMING, FOR AUTHORITY TO TRANSFER P.U.C. NO. 705-I TO J. G. BRADLEY AND RALPH WAECHTER, DOING BUSINESS AS PLAINS TRUCKING COMPANY, LARAMIE, WYOMING.	P.U.C. 705-I

December 17, 1941.

S T A T E M E N T

By the Commission:

Heretofore, S. W. Trogdon, doing business as "Trogdon Truck Line", Laramie, Wyoming, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle, in interstate commerce, and Certificate No. 705-I issued to him.

On September 23, 1941, by Decision No. 17674, said S. W. Trogdon, doing business as "Trogdon Truck Line", was authorized to suspend his operation under said PUC No. 705-I for a period of not to exceed six months from August 12, 1941, with reinstatement proviso.

Said S. W. Trogdon has since been declared bankrupt, and on November 18, 1941, H. B. Walker, as Trustee in Bankruptcy of S. W. Trogdon, doing business as "Trogdon Truck Line", filed application with this Commission for reinstatement of said PUC No. 705-I, and for authority to transfer the same to J. G. Bradley and Ralph Waechter, doing business as "Plains Trucking Company", of Laramie, Wyoming.

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

O R D E R

IT IS ORDERED:

That P.U.C. No. 705-I is hereby reinstated, as of this date.

That H. B. Walker, as Trustee in Bankruptcy of S. W. Trogdon, doing business as "Trogdon Truck Line", Laramie, Wyoming, is hereby authorized to transfer PUC No. 705-I to J. G. Bradley and Ralph Waechter, doing business as "Plains Trucking Company", Laramie, Wyoming, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1941.

BH

(Decision No. 18054)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLAUDE E. HARRIS, 2406 "A" Street,)
OMAHA, NEBRASKA, FOR AUTHORITY TO) PERMIT NO. A-649-I
TRANSFER PERMIT NO. A-649-I TO)
HARRIS TRUCK LINES, INCORPORATED,)
2406 "A" STREET, OMAHA, NEBRASKA.)

December 17, 1941.

S T A T E M E N T

By the Commission:

Heretofore, Claude E. Harris, Omaha, Nebraska, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle in interstate commerce, and Permit No. A-649-I issued to him.

Said permit-holder now seeks authority to transfer said permit to Harris Truck Lines, Incorporated, Omaha, Nebraska.

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

After a careful consideration of the record, the Commission of the opinion, and finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Claude E. Harris, Omaha, Nebraska, should be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. A-649-I to Harris Truck Lines, Incorporated, Omaha, Nebraska, subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V Thomas
Edward J Dunlap
Walter Upthegrove
Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1941.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF OF JOHN M. ALDERSON, 4600 EAST LOUISIANA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5814-PP

December 17, 1941.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That John M. Aldersen, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points

in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver..

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1941.

BH

(Decision No. 18056)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF WILLIAM A. WALLACE, FORT LUPTON, COLORADO, FOR AUTHORITY TO REINSTATE PERMIT NO. A-1425, AND TO TRANSFER SAME TO ROBERT S. MAYBERRY, FORT LUPTON, COLORADO, FOR CONSOLIDATION WITH PERMIT NO. A-2351.

APPLICATION NO. 2997-PP-A

December 17, 1941

Appearances: William A. Wallace, Fort Lupton, Colorado, pro se;
Robert S. Mayberry, Fort Lupton, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of the Colorado Motor Carriers' Association;
A. G. Gertz, Esq., Denver, Colorado, for Fred Rein;
Carl Borgman, Longmont, Colorado, pro se;

S T A T E M E N T

By the Commission:

On May 14, 1936, William A. Wallace was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

> milk and dairy products from points within a ten-mile radius around his farm situated one and one-half miles south of Fort Lupton, to milk factory at Fort Lupton; farm products and farm supplies between farms in said area and said Town of Fort Lupton.

On December 4, 1940, said permit, No. A-1425, was suspended for a period of six months from said date, said suspension period, thereafter being extended, at his request, for an additional six months from June 4, 1941.

On October 27, 1941, said Wallace filed application to reinstate said permit, and to transfer the same to Robert S. Mayberry, owner of Private Carrier Permit No. A-2351, who further asked for authority to consolidate said operations under said permits.

The application to transfer was opposed by a number of milk haulers operating in the same territory said Wallace is authorized to serve under said permit.

At the hearing, it appeared that said Wallace, prior to suspension of said permit, had been engaged in transportation of milk for approximately thirty-three years; that, on account of ill health and lack of business he, in December, 1940, asked for the suspension aforesaid; that he has continued to haul the milk he produced to the condensery, and had intended if business "picked up", to apply for reinstatement; that five of his old customers have been served by Oscar Herbel since January, 1941; that Mayberry has been serving a number of his customers; that the territory that Mayberry and Wallace serve do not overlap; that the consideration for transfer of said permit is agreement by said Mayberry to purchase a milk cover from Wallace for truck for the sum of ten dollars ($10.00), said cover having cost Wallace twenty dollars ($20.00); that in the past, he has not served west or north of Fort Lupton; that the territory served by him lies southeast of, and not to exceed four and one-half miles from, Ft. Lupton.

It further appeared that Rein, recently, has been operating a truck through, but has not been serving, the territory in question.

In opposition, Fred Rein, who operates under a certificate of public convenience and necessity, stated that he is authorized to serve the territory which is covered by Wallace's permit; that Frank Pless and the Colorado Rapid Transit Company also are authorized to serve a portion thereof; that he fears that if said permit is transferred, said Mayberry will attempt to develop business in territory not heretofore served by Wallace.

The application to reinstate herein was filed within the time designated by our order of suspension. Therefore, the application to reinstate should be allowed.

However, inasmuch as it clearly appeared that applicant, since the issuance of said permit, has conducted a limited operation -- that is, southeast of, and within four and one-half miles of, Fort Lupton, we

believe that his authority under said permit should be limited to that area in the event of transfer.

Upon the record here made, the operating experience and pecuniary responsibility of transferee to conduct said operation having been satisfactorily established by the testimony, said application to transfer should be allowed, transfer, however, to be limited to service under said permit to service of customers residing southeast of, and within four and one-half miles of, Ft. Lupton.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, subject however, to the conditions hereinafter expressed, and further, that it is in the public interest to permit said Mayberry, in the event said transfer is consummated, to consolidate operations under said Permit No. A-1425 and Permit No. A-2351.

O R D E R

IT IS ORDERED:

That the authority sought by William A. Wallace to transfer Permit No. A-1425 to Robert S. Mayberry be, and the same hereby is, granted; authority of Robert S. Mayberry under permit, No. A-1425, to be limited to the transportation of milk and dairy products by motor vehicle for hire from points southeast of, and within a radius of four and one-half miles of, Ft. Lupton, to the condensery in said city, and for the transpertation of farm products and farm supplies between farms in said area and said Town of Ft. Lupton.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.T

This order is made apart of the permit authorized to be transferred, and shall become effective twenty days from date.

That said Robert S. Mayberry be, and he hereby is, authorized to consolidate his operations under said permit, No. A-1425, with his operations under said Permit No. A-2351.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1941.

G

(Decision No. 18067)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

** **

IN THE MATTER OF THE APPLICATION OF JESS WOLFF, FORT COLLINS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APPLICATION NO. 5655

December 17, 1941

Appearances: Temple and Fischer, Esqs., 1st National Bank Building, Ft. Collins, Colorado, for the applicant;
J. C. Street, Esq., and J. Cummings, Esq., C. A. Johnson Building, Denver, Colorado, for The Colorado and Southern Railroad Co;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association, J. B. Tague, Charles Wilson, Jake Schaefer, Howard Thompson, G. L. Harris;
M. S. Weber, 518 8th Ave., Greeley, Colorado, for Union Delivery;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Ralph Yockey, Ft. Collins, Colorado, for Yockey Brothers;
F. A. Henriksen, Loveland, Colorado, for Denver-Loveland Transportation Company.

S T A T E M E N T

By the Commission:

Heretofore, the Commission entered its order and decision, No. 17507, in the above-styled matter, denying application of Jess Wolff for a certificate of public convenience and necessity.

Thereafter, said Wolff filed application for rehearing. Applicant asked that said rehearing be granted because:

> "he has numerous and diverse witnesses that can and will testify as to the public convenience and necessity for additional trucking service as in his application set forth, which witnesses were unavoidably detained at the last hearing herein because of various and sundry reasons, but that if a rehearing be granted, they will be present."

No reasons are assigned or errors or oversight on the part of the Commission in entering said order pointed out, and no objection is taken to the form thereof or the conclusions therein reached. Applicants

do not even point out what witnesses would testify in event of rehearing nor the contents of their testimony except in the most general way.

After a careful consideration of the record and of said application of rehearing, we are of the opinion, and find, that the grounds assigned for rehearing are not sufficient to justify the granting of said petition; that no error was committed in denying said application, and that said application for rehearing should be denied.

O R D E R

IT IS ORDERED:

That said application for rehearing be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1941.

G

(Decision No. 18058)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF CHARLES FINKBEINER, DOING BUSINESS AS "ELK COAL COMPANY," DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-2054 TO ELK COAL CO., INC., DENVER, COLORADO.

APPLICATION NO. 4244-PP-A

December 17, 1941

S T A T E M E N T

By the Commission:

On November 12, 1937, Charles Finkbeiner, doing business as "Elk Coal Company," was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of;

> coal from mines in the norther Colorado coal fields to Denver.

The said Charles Finkbeiner recently died, and his heirs, who succeeded to his business, John C. Finkbeiner, Fred O. Finkbeiner, and Anna V. Finkbeiner, have incorporated "Elk Coal Company, Inc.", to take over said business, and ask that said permit be transferred to said company,

The files of the Commission do not disclose any reason why said authority should not be granted.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That said permit No. A-2054 be, and it hereby is, transferred to Elk Coal Co., Inc., a Colorado corporation.

That the records and files of the Commission be amended and changed to show that said Elk Coal Co., Inc., is the owner of said permit, subject however, to the right of any creditor or other person in interest to reopen

said matter, if they should desire so to do.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1941.

G

(Decision No. 18059)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CARL E. SORLING, 237 STUART STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5632-PP

December 17, 1941

Appearances: Carl E. Sorling, Denver, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Co.;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
Harold E. Swena, Golden, Colorado, for Swena Transfer;
Benjamin E. Sweet, Esq., Denver, Colorado, for Bear Creek Transfer Company.

S T A T E M E N T

By the Commission:

On August 28, 1941, by Decision No. 17567, Carl E. Sorling was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> sand, gravel, and road surfacing materials, and bulk clay, from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area, and coal from mines within said radius to Denver, only.

It now appears that in granting said authority, the Commission overlooked the fact that the authority sought, and the authority which said Commission intended to grant, insofar as sand, gravel and road surfacing materials were involved in the application, was the transportation of said commodities from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points; that said order should be amended accordingly.

After careful consideration of the record, the Commission is of

the opinion, and finds, that the first paragraph of its said order and decision, No. 17587, should be amended to read as hereinafter set forth.

O R D E R

IT IS ORDERED:

That the first paragraph of Decision No. 17587 should be, and the same hereby is, amended to read as follows:

> That Carl E. Sorling of Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and such road surfacing materials as make up the surface of the road, from pits and supply points in the State of Colorado to construction jobs within a radius of fifty miles thereof; bulk clay from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area, and coal from mines within said radius to Denver, only.

That said Decision No. 17587, in all other respects, shall remain in full force and effect.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1941.

G

(Decision No. 18060)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOE MAINORD, PLATTEVILLE, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5540-PP

December 17, 1941

Appearances: Joe Mainord, Platteville, Colorado, pro se;
Truman A. Stockton, Jr., Esq., and John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Co.;
Marion F. Jones, Esq., and Louis Freehof, Esq., Denver, Colorado, for Adolph Bethke;
Carl Bergman, Longmont, Colorado, for Bergman Brothers.

S T A T E M E N T

By the Commission:

By order of the Commission, Permits Nos. A-618 and B-1914, held by Joe Mainord, of Platteville, Colorado, were revoked on November 12, 1940.

Subsequently, said permittee filed applications for reinstatement of said permits.

The applications were set for hearing, and heard, in Denver, Colorado, on December 5, 1941.

Reinstatement was opposed by a number of common carriers now serving the territory which applicant was authorized to serve. The Field Superintendent of the condensery stated that service is satisfactory and adequate.

Witnesses for protestant testified that the reinstatement of said private carrier permits, and operation by said Joe Mainord thereunder, would adversely affect said common carrier operations, and would impair the efficiency thereof.

After a careful consideration of the record, the Commission is of the opinion, and finds, that application to reinstate said permits should be denied.

O R D E R

IT IS ORDERED:

That applications to reinstate said Permits Nos. A-618 and B-1914 should be, and the same are hereby, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th, day of December, 1941.

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF DAVID J. HOLDEN, TOPONAS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-660 TO RAY GRILL, YAMPA, COLORADO.	APPLICATION NO. 5782-PP-A

December 19, 1941.

Appearances: Marion F. Jones, Esq., Denver, and
Louis J. Froehof, Esq., Denver,
for the applicants;
Truman A. Stockton, Jr., Esq., Denver, and
John Love, Esq., Denver, Colorado,
for the Common Carrier Division of
The Colorado Motor Carriers'
Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company.

S T A T E M E N T

By the Commission:

On April 21, 1934, Private Carrier Permit No. A-660 issued to David J. Holden, he being authorized under said permit to transport:

> freight from Denver to Oak Creek, McCoy, Grand Junction, Steamboat Springs, and Toponas, via 40 and 131.

He now seeks authority to transfer said permit to Ray Grill.

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

It also appeared that there are no outstanding unpaid claims, and that the consideration for said transfer is the sum of $1,000.00.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That David J. Holden, Toponas, Colorado, be, and he hereby is,

authorized to transfer Private Carrier Permit No. A-660 to Ray Grill, Yampa, Colorado.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1941.

BH

(Decision No.18062)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
F. M. ODELL, WRAY, COLORADO, FOR AN) APPLICATION NO. 3453-PP-B
EXTENSION OF PERMIT NO. B-1947.)

December 19, 1941.

Appearances: Earl M. Odell, Wray, Colorado,
for the applicant.

S T A T E M E N T

By the Commission:

F. M. Odell, who heretofore has been authorized to operate as a Class "B" private carrier by motor vehicle for hire, herein seeks authority to extend his operations under said permit to include the right to transport buildings between points within a radius of forty miles of Wray, Colorado.

At the hearing, it appeared that, due to abandonment of farming operations by many farmers residing in the territory mentioned, there is considerable demand for services of a contract carrier to move farm homes, granaries, barns, and other buildings, between points in said area; that said applicant is equipped to furnish said service; that similar service is not being furnished by any common carrier serving said area.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That F. M. Odell, Wray, Colorado, is hereby authorized to extend his operations under Permit No. B-1947 to include the right to transport buildings between points within a radius of forty miles of Wray, Colorado.

This order is made a part of the permit granted to applicant,

and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1941.

BH

(Decision No. 18065)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION)
OF JOE CURRO, TRINIDAD, (JANSEN))
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 5799-PP
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

December 19, 1941.

Appearances: Joe Curro, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lime from Pueblo, San Carlos and kilns near Manitou, rock dust from Portland and sand from points along the Arkansas River in Pueblo and Otero counties to Trinidad, Colorado, and coal from coal mines in Las Animas County to Pueblo and points in said Las Animas County. The matter was heard in Trinidad.

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

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

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

O R D E R

IT IS ORDERED:

That Joe Curro, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lime from Pueblo, San Carlos and kilns

near Manitou; rock dust from Portland; sand from points along the Arkansas River in Pueblo and Otero Counties to Trinidad, Colorado, and coal from coal mines in Las Animas County to Pueblo and points in said Las Animas County.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
ERNEST V. BRITTON, LAS ANIMAS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 5711-PP
SUPPLEMENTAL ORDER

December 19, 1941.

Appearances: Ernest V. Britton, Las Animas, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

On September 25, 1941, by Decision No. 17693, applicant herein was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> loose hay and melons between points within a radius of twenty-five miles of Las Animas, Colorado, with the proviso that no melons should be transported between towns on U. S. Highway No. 50.

The Commission is in receipt of a communication from Mr. Britton, asking that his authority to transport melons be cancelled.

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

O R D E R

IT IS ORDERED:

That Decision No. 17693 be, and the same hereby is, amended, by striking therefrom the words "and melons", appearing in the third line

of the order contained in said decision.

That said Decision No. 17693 in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. T. Newman

Edward W. Carle

Madeleine Erickson

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF G. C. PEIRCE, OLNEY SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5762-PP SUPPLEMENTAL ORDER

December 19, 1941.

Appearances: G. C. Peirce, Olney Springs, Colorado, pro se;
Allumbaugh and Williams, Olney Springs, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On November 18, 1941, G. C. Peirce was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> alfalfa to plants of Denver Alfalfa Milling and Produce Company, located at King Center, Ordway and Fowler, from farms within a radius of twenty-five miles of each of said plants; alfalfa meal and empty sacks from plant to plant; farm products between points within a radius of twenty-five miles of Ordway, and from points in said area, to points in Crowley County and to Pueblo, without the right to haul said farm products to Pueblo.

Said Peirce has asked the Commission to cancel his authority to haul farm products.

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

O R D E R

IT IS ORDERED:

That all that part of the first paragraph of the Order contained in Decision No. 17884, of date November 18, 1941, reading as follows:

"farm products between points within a radius of twenty-five miles of Ordway, and from points in said area to points in Crowley County and to Pueblo, without the right to haul said farm products to Pueblo",

be, and the same hereby is, stricken and deleted from said decision.

That said Decision No. 17884, in all other respects, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1941.

BH

(Decision No. 18066)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF JOE, FRANK J. AND PAUL TORTORICE, DOING BUSINESS AS "JOE TORTORICE & SONS", TRINIDAD, COLORADO FOR A CLASS "B" PERMIT TO OPERATE AS PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5798-PP

December 19, 1941.

Appearances: Joe, Frank J. and Paul Tortorice, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicants, Joe, Paul and Frank J. Tortorice, co-partners, doing business as "Joe Tottorice & Sons", Trinidad, Colorado, herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of farm products, including livestock, between points within a radius of five miles of Hoehne, and from and to points in said area, to and from points within a radius of fifty miles thereof; coal, sand and gravel between points within a radius of fifty miles of Hoehne, and lumber from timber camps within a radius of fifty miles of Hoehne, Colorado, to points in said area.

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

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

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Joe, Frank J. and Paul Tortorice, doing business as "Joe Tortorice & Sons, Trinidad, Colorado, should be, and they hereby are,

authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of farm products, including livestock, between points within a radius of five miles of Hoehne, and from and to points in said area, to and from points within a radius of fifty miles thereof; coal, sand and gravel between points within a radius of fifty miles of Hoehne, and lumber from timber camps within a radius of fifty miles of Hoehne, Colorado, to points within said area.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1941.

BH

(Decision No. 18067)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL B. ENGEL, CASTLE ROCK, COLO-)
RADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 2835-PP-A
PRIVATE CARRIER PERMIT NO. A-1366)
TO J. L. HAMMOND, LARKSPUR, COLORADO.)

December 19, 1941.

Appearances: J. L. Hammond, Larkspur, Colorado, for the applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, and
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers Association.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing upon the application of the Common Carrier Division of The Colorado Motor Carriers' Association for rehearing herein.

At said hearing, on December 2, 1941, testimony of applicants was taken, and said protestants stated by their counsel that they had no objection to the granting of the authority sought, that is, the authority granted in our Decision No. 17732.

Therefore, after a careful consideration of the record, the Commission is of the opinion, and finds, that application for rehearing filed herein on October 7, 1941, be denied.

O R D E R

IT IS ORDERED:

That application for rehearing filed in the instant application should be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1941.
BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LEONARD GRAY, COMET MOTOR EXPRESS, AND LARSON TRANSPORTATION COMPANY, Complainants,	)	
v.	)	CASE NO. 4824
STATE-WIDE TRANSPORTATION COMPANY, A Corporation, Respondent.	)	

December 23, 1941.

Appearances: Charles C. Nicola, Esq., E. & C. Bldg., Denver, Colorado, for Respondent;
Marion F. Jones, Esq., Denver, Colorado, for Complainants;
E. B. Evans, Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On March 24, 1941, Decision No. 16875, the Commission entered its order, prescribing the operating authority of Permit B-28. Petition for rehearing was filed by complainants on April 14, 1941, and by respondent on April 3, 1941. By Decision No. 17250, rehearing was granted and same was held at Denver on July 31, 1941.

No further oral evidence was submitted at the rehearing, but it was stipulated that the Commission should take judicial notice of the order of transfer to respondent and of the certificates of public convenience and necessity of Curnow Livery and Transfer Company, Foster Truck Lines, Elbert Transfer, Larson Transportation Company, Weicker Transfer and Storage Company, Oren Hartsel, Leonard Gray and Albert Schwilke.

The allegations of respondent's petition for rehearing are generally to the effect that the Commission has no authority to modify

and restrict a permit where there is no evidence of fraud, waiver or intention to abandon, and that no rights under a private permit may be lost through nonuse as no obligation exists to use such rights.

The petition for rehearing on the part of complainants alleges that the order is in error in permitting service between Denver and all points in the State, it being alleged that the record shows that the only service under said permit by its former owners, so far as Denver is concerned, was between Denver and those points within a twenty-mile radius of Highway No. 85 north of Denver to Rockport.

We believe the matters alleged in respondent's petition have been fully discussed and answered in our original order. A private permit is, after all, only a license or privilege to use the public highways for private business for hire. It conveys no absolute property rights, but in our opinion is at all times subject to the reasonable regulation of the issuing authority. To permit a full and complete operation under a so-called "unrestricted permit" after many years when its original owner or owners had only conducted restricted operations thereunder, would tend to disrupt the transportation system of the State and cause common carrier operators to face new, and perhaps unthought-of competition, with no opportunity to protect their investments. This is clearly not within the public interest.

It would appear that the point raised by complainants' petition for rehearing is well taken. The record is silent as to any operations out of Denver to any points except north and within a 20-mile radius of Highway No. 85.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said original order should be amended to exclude service out of Denver except to points north thereof within a 20-mile radius of Highway No. 85.

O R D E R

IT IS ORDERED:

That the order part of Decision No. 16875, dated March 24,

1941, be, and the same is hereby, amended to read as follows, to-wit:

IT IS ORDERED, That Private Permit B-28 should be, and the same hereby is, modified, and declared to authorize a transportation service, not on schedule, between points within the area extending twenty miles on each side of U. S. Highway No. 85 from Denver to Rockport, and between points in said area and points outside thereof, specifically including Boulder, save that no service shall be rendered out of Denver except between points within the 20-mile area on each side of U. S. Highway No. 85; for service between towns in competition with scheduled common carriers, the holder of Permit B-28 shall charge at least twenty per cent in excess of the prescribed rate of the common carriers.

That State-Wide Transportation Company be, and it is hereby, ordered to cease and desist from rendering any transportation service except for customers residing within the described area north of Denver and in accordance with the above order.

That except as so amended, said original order shall remain in full force and effect.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of December, 1941.

BH

(Decision No. 18069)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF IDA B. COUEY, AS EXECUTRIX OF THE ESTATE OF WILLIAM L. COUEY, DECEASED, 1219 ARIZONA AVENUE, TRINIDAD, COLORADO, FOR AUTHORITY TO TRANSFER P.U.C. NO. 349 TO IDA B. COUEY AND JAMES R. COUEY, CO-PARTNERS, DOING BUSINESS AS "THE COUEY STORAGE AND TRANSFER COMPANY," 427 NORTH CHESTNUT STREET, TRINIDAD, COLORADO.	APPLICATION NO. 1305-A (P.U.C. NO. 349)

December 23, 1941

Appearances: Joseph W. Hawley, Esq., Trinidad, Colorado, for the applicant.

S T A T E M E N T

By the Commission:

On May 3, 1929, the Commission granted a certificate of public convenience and necessity to W. L. Couey, doing business as "Couey Storage and Transfer," said Couey being authorized to engage in a general transfer, moving and cartage business, by motor vehicle, and not on schedule, in the Counties of Las Animas and Huerfano, in the State of Colorado, and occasional service throughout the State of Colorado and each of the counties thereof, with the provises that for transportation of commodities other than household goods between points served singly or in combination by schedule carriers, he should charge rates which should be as much as twenty per cent higher in all cases than those charged by scheduled carriers, and should not establish branch offices or have agents employed in any other town or city, other than Trinidad, for the purpose of developing business.

Said William L. Couey has departed this life, and his widow, Ida B. Couey, him surviving, has been appointed Executrix of his estate by the County Court of Las Animas County, Colorado. All property,

real and personal, subject only to the payment of debts, of the said William L. Couey, was bequeathed to said Ida B. Couey. With the consent of the Court, she, as said Executrix, and under said last will and testament, has transferred said certificate of public convenience and necessity No. 349 to Ida B. Couey and James R. Couey, co-partners, doing business as "The Couey Storage and Transfer Company," and asks that said transfer be approved.

Financial statement attached to the application shows net income for the year ending December 31, 1940, of six thousand, eight hundred thirty-nine dollars and nine cents ($6,839.09), and for the seven months of 1941 ending July 31, 1941, three thousand, nine hundred seventy-seven dollars and ninety cents ($3,977.90). Net assets, there being no indebtedness, amount to thirty thousand, seventy dollars and sixty-one cents ($30,070.61).

After careful consideration of the record, the Commission is of the opinion, and finds, that formal hearing herein would serve no useful purpose, and that said transfer be approved.

O R D E R

IT IS ORDERED:

That the transfer by Ida B. Couey, as Executrix of the Estate of William L. Couey, deceased, of certificate of public convenience and necessity PUC No. 349, to Ida B. Couey and James R. Couey, co-partners, doing business as "The Couey Storage and Transfer Company," Trinidad, Colorado, be, and it hereby is, approved.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1941

JH

(Decision No. 18070)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE CITY OF LA JUNTA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 5619

December 24, 1941

Appearances: Robert R. Sabin, Esq., La Junta, Colorado, and Clyde C. Dawson, Jr., Esq., La Junta, Colorado, for the applicant;
J. W. Preston, Esq., Pueblo, Colorado, and Joseph L. Peterson, Esq., Pueblo, Colorado, for protestant.

S T A T E M E N T

By the Commission:

The City of La Junta, Colorado, Otero County, which since March, 1940, has operated a municipal light and power system, serving the residents of said city, only, herein seeks a certificate of public convenience and necessity to extend its service to certain unincorporated fringe territory adjacent to or in the immediate vicinity of its corporate boundaries, which presently is served by Southern Colorado Power Company under certificate of public convenience and necessity from this Commission and a franchise from Otero County, it thereunder being required to pay two percent of its gross earnings to Otero County for privilege of constructing and maintaining its power lines along the roads and highways of said county.

The power company protested, and the matter was heard in La Junta, Colorado.

A number of motions were filed by protestant in advance of taking testimony, and ruling thereon was reserved.

It appeared that La Junta, a city of seven thousand forty (7,040) people, is in the County of Otero, and is the County Seat, and the center of a substantial Arkansas Valley farming community. The Atchison, Topeka and Santa Fe Railroad Shops are located adjacent to, but not within, the City Limits of La Junta. The railroad supplies its own power and light service. Several thousand people reside in so-called "North La Junta" and balance of fringe territory. La Junta largely is dependent for its continued prosperity on said railroad shops, and on the territory adjacent to it, which largely has been settled by employees of railroad. Until March 14, 1940, protestant served territory extending along Arkansas River from its source as far east as, and including, La Junta. At that time, by contract of purchase, La Junta acquired and took over protestant's distribution system in the city. Protestant then reconstructed and rehabilitated its distribution lines in order to serve the territory involved herein, which city then did not seek to serve, and secured from the city a franchise to maintain and operate its substations in the city, and its distribution lines leading therefrom to the fringe territory in question. Incidental to the changes due to the city's inaugurating its municipal plant, the protestant removed its office for administering the territory which it continued to serve to Rocky Ford, about twelve and one-half miles west of La Junta. La Junta's original plant generating capacity of two thousand kilowatts apparently proved inadequate, and additional generating units of one thousand seven hundred and fifty kilowatt capacity are being installed, the cost of which, like cost of original plant and distribution system, is to be financed by issuance of revenue bonds. In the opinion of the municipal plant manager, capacity of plant will be adequate to care for present and future needs of city and fringe territory city proposes to serve. Protestant serves four hundred and eight users of electricity, residing in the fringe territory.

A number of residents of the area, by petition, and a few in person, supported the application. It appeared that, for the most part,

they did so, not because of any inadequacy in service of protestant, but because the city promised to furnish street lighting in fringe territory free of cost. Petition offered by the city, like counter petition filed by protestant, for a number of reasons, is of little, if any, probative value. While the city attempted to show that servicing of company's lines from Rocky Ford was inconvenient and unsatisfactory, after a great number of witnesses from territory in question testified to uniform, excellent and adequate service of protestant, which was not disputed by the two witnesses from said area who testified for the city. The city, in its brief, admitted that protestant's service to consumers in outside territory is adequate, and stated that city did not attempt, or seek, to establish the contrary, so the city's position, as outlined in Brief of Counsel, generally speaking, now is:

> "That the public convenience and necessity will be served by permitting it to serve this territory, regardless of whether the present service is as adequate as generally furnished by public utilities companies in this territory. *** That, in a broad sense, the public convenience and necessity will be served by permitting it to serve the territory in question, since the interests of the city and of outside territory are identical. *** The interests of La Junta and of the residents of the outside territory cannot be separated. The city has a real interest in not only giving adequate service to this outside territory, but in its development. This, in the opinion of the City Counsel and of the Mayor will best be accomplished by permitting the city to serve this territory."

Protestant maintains that by authority of the Commission it already is in the field which city proposes to serve; that its right to serve should be protected, and before a certificate can issue to the city, it must allege and prove that said territory is not being adequately, efficiently and satisfactorily served; that city concedes service is satisfactory; that it is not the character of the service now being rendered in the fringe territory which prompts the application, but the city is actuated by its desire to get additional revenue at the expense of protestant, and that application should be denied.

Answering the city's contention that fringe territory is a part of the metropolitan area of La Junta, and that the residents of this area, with few exceptions, are either employed in the city, or are dependent upon the prosperity of the city for their livlihood, and as such, are interested in the continued prosperity of the city and its muhicipal activities, counsel quotes from Manager Klein's testimony, that there is very little truck farming done, and there is no material reason to encourage truck farming in North La Junta; that people in fringe territory are not dependent upon city for support; that the major industry which supports both the City of La Junta and the community of North La Junta is the Santa Fe Shops, also located outside the City of La Junta served by neither utility; that the city does not desire to, or propose to, annex fringe territory.

Protestant further contends that a city operating as a public utility outside of the City Limits stands in exactly the same position as any other public utility operated by a private corporation, and possesses no right to occupy the public roads with its poles and lines, or to acquire a certificate of public convenience and necessity, without first having secured a franchise or right-of-way so to do from the Board of County Commissioners, citing Section 36, Chapter 137 of the Public Utilities Act.

Because the city, in its application, has expressed its willingness to buy the properties of the power company in the fringe territory at a fair price to be determined by agreement, or fixed by the Commission or by the Court in condemnation proceedings, it claims that extension sought does not contemplate or mean a duplication of protestant's now adequate service. In this connection, a considerable portion of counsel's brief is devoted to a discussion of the right of the city to condemn property necessary for the construction and operation of its light plant. In the Loveland Case, 79 Colo. 228, the Supreme Court refused to require the city, in condemnation proceedings, to condemn properties of utility within

city limits or to acquire and pay for lines of utility in fringe area, because not needed or required for operation of city municipal plant. The Court held:

> "It cannot force the city to buy or condemn that which it would be a waste of money to acquire, and the city itself is without such right."

While the record here fails to disclose any reasons other than the fact that the city believes it has some excess energy it would like to sell, and should serve the area, the question whether protestant's property is required, or is necessary or useful, if it is, for the continued operation of its light plant and service of city and its residents, and the question of its power or lack of power to condemn, in our opinion, is a judicial question, and are not questions for us to determine. For the purpose of determining question whether certificate should or should not be granted, we take the position or view that the proposed city service would be a duplication of existing service.

In Public Utilities Commission v. Loveland, 87 Colo. 556, the Supreme Court had before it a case where the City of Loveland attempted to extend its lines into territory contiguous to the city already served by Public Service Company without first procuring a certificate of public convenience and necessity, as required by Section 2946, Compiled Laws of 1921 (Sec. 55 PUC Act; Sec. 56, Chapter 137, 1935 C.S.A.). The city claimed the right to extend without a certificate under the exception contained in said section as:

> "An extension into territory contiguous to its facility or line, plant or system not theretofore served by a public utility of like character."

The Court held:

> "The field or territory which the city attempted to monopolize outside of its own municipal boundaries was just as contiguous to the pre-existing facilities of the Public Service Company as to those of the city. The Service Company was first in the field. The very object of the provisions of the statute applicable here was to prevent, in

> the interests of the general public, unnecessary duplication of facilities or systems for furnishing the same customers. When the city became a public utility under the statute, it had no superior right as to territory outside of its municipal boundaries over the rights of any other public utility, private corporation or otherwise, authorized to furnish service."

In Lamar v. Wiley, 80 Colo. 18, 25, the complaint of the Town of Wiley as to rates for power furnished the town by the municipal power plant at Lamar, the Court held:

> "where a municipality, as owner of a public utility, furnishes the commodity in question to its own citizens and inhabitants, consumers within the municipal limits, the city itself, through its proper officers, possesses the sole power to fix rates. When a municipality, whether in its operation of its own public utility it acts in its municipal or governmental, or its proprietary, or quasi public, capacity, or partly in one and partly in the other, and as such furnishes public service to its own citizens and in connection therewith supplies its products to consumers outside of its own territorial boundaries, the function it thereby performs, whatever its nature may be, in supplying outside consumers with a public utility, is and should be attended with the same conditions and be subject to the same control and supervision that apply to a private public utility owner who furnishes like service. *** when the city of Lamar goes beyond its own boundaries, and furnishes its surplus utility product to the town of Wiley, an outside consumer, the city itself does not have the power to fix the rates for such service. That power resides in the State Public Utilities Commission. Both upon authority and reason a municipally owned public utility, as to service furnished consumers beyond its territorial jurisdiction, should be as already stated, subject to the same regulation to which a privately owned public utility must conform in similar circumstances."

Section 19, Chapter 157, 1935 C.S.A. (Sec. 18 Public Utilities Act), in part, provides:

> "No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any respect, either between localities or as between any class of service."

In the event a certificate were granted to the city, it could not, without providing for such service in its tariffs and schedules, furnish free street lighting service to residents of fringe territory. Said schedules, before becoming effective, necessarily, would require our approval. We entertain serious doubts as to legality of such service, and probably would not approve said provisions in schedules, unless compelled to so do. See Re Mtn. States T. & T. Co., 3 Colo. PUC 122, 278; PUR 1913-B, 198, 286. If such service could be furnished legally, it necessarily must be furnished throughout the fringe territory, without discrimination -- that is, all streets and roads in the area must be lighted in the same manner, which would be unpracticable and unduly expensive for the inhabitants of the City of La Junta. Moreover, we doubt the power of the city to furnish such free service to territory outside city and its inhabitants, and believe courts in a proper action would enjoin the city governing body or its Plant Manager from furnishing such free service at the expense of the city and its inhabitants. See 44 C. J. 4045. If schedules for outside service to customers there residing named rates for said service high enough to cover cost of street lighting in the area, it would not be free service.

In view of the foregoing, we are of the opinion, and find that:

1. Before city could extend its lines into territory sought to be served, a franchise from Otero County to use roads and highways for service lines is required. See Section 56, Chapter 137, 1935 C.S.A. (Sec. 55 Public Utilities Act), and Rule IV (a) of our Rules of Practice and Procedure. The cases cited by applicant (Atchison, Topeka and Santa Fe Railway Company v. Public Utilities Commission, 77 Colo. 42, Shields v. Loveland, 74 Colo. 27, and Colorado Central Power Company v. City of Englewood, 89 Fed. (2nd) 233), in our opinion, do not hold to the contrary. However, in the past, at times, we have waived our rule requiring that said consent or franchise be procured in advance of hearing or order. If certificate were granted herein, it could issue, conditioned upon obtaining franchise from the Board of County Commissioners of Otero County, Colorado.

2. The city, without the consent of the Commission, (certificate of public convenience and necessity) cannot extend its system beyond its corporate limits for the purpose of serving outside customers.

3. Where the territory which city seeks to serve, as here, already is served by a utility under certificate from the Commission, another certificate cannot be granted where service of said utility is (as it here is conceded to be) adequate and satisfactory.

4. That company's customers are not unduly inconvenienced because company headquarters are located at Rocky Ford, where company maintains an attendant and branch telephone at La Junta substation, free telephone service to Rocky Ford for customers, if substation service is not available, and two places in Rocky Ford, in addition to substation, where light bills may be paid.

5. If it be conceded that the city has a real interest in the development of fringe territory, and in furnishing adequate electric service therein, and that the interests of La Junta and of the residents of the outside territory are identical, still fact is that protestant is furnishing adequate and satisfactory service, which is all the city could furnish, and said matters, even though established or conceded, do not establish public convenience and necessity.

6. That proposal of La Junta to furnish free street lighting in outside territory cannot be considered in determining whether public convenience and necessity do or do not require the service proposed.

7. That public convenience and necessity do not require the proposed service of applicant herein, and that said application should be denied.

In view of our conclusions herein, we believe disposition of protestant's motions to dismiss the application, or to strike parts thereof, are not important, and we should deny the same.

O R D E R

IT IS ORDERED:

That protestant's motions to dismiss the application, or to

strike parts thereof, be, and the same hereby are, denied.

That public convenience and necessity do not require the proposed service of applicant, and that said application be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. V. Thurman

Edward D. Dressler

Madison Ericson

Commissioners

Dated at Denver, Colorado,
this 24th day of December, 1941.

mm

(Decision No. 18071)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM MT. HARRIS, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.) MISCELLANEOUS DOCKET NO. 162

December 26, 1941

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated December 20, 1941, requesting authority to transport one carload of coal free of charge from Mt. Harris, Colorado, on account of charity.

The shipment in question has been donated by a shipper on the line of The Denver and Salt Lake Railway Company for use of the Goodwill Industries, an agency of the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

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

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Mt. Harris, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Colorado & Utah Coal Company, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of December,
1941.

BF

FORM 1001

Rec. 18071
M. 40. 162
12/26/41

THE DENVER AND SALT LAKE RAILWAY CO.

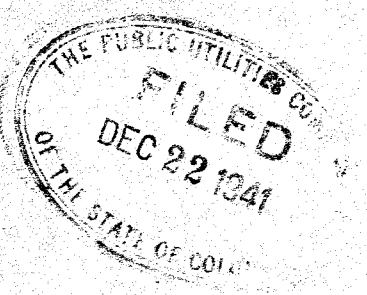
OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

December 20, 1941.

6/



The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Chest Building and for the Goodwill Industries. This car will be consigned to the Denver Community Chest in care of the Colorado & Utah Coal Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B

1

(Decision No. 18072)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. C. FARRIS, DEL NORTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5756-PP

December 31, 1941

Appearances: E. C. Farris, Del Norte, Colorado, pro se;
Conour and Conour, Esqs., Del Norte, Colorado, for Faus Transportation Company, James E. Ashton, E. T. Walker;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., and John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vegetables between farms and sheds within the area extending thirty miles south, thirty miles north, and fifty miles west of Monte Vista, Colorado; potatoes from farms within a radius of twenty miles of Del Norte to storage and loading points in said area; ice from South Fork to sheds between South Fork and Del Norte; timber from timber camps within a radius of fifty miles of Del Norte to Del Norte, and farms within a radius of twenty-five miles of Del Norte; lumber, cedar posts, rock and gravel between points within

a radius of twenty-five miles of Del Norte.

From the testimony of applicant, it appeared that, during the summer months, he chiefly would be engaged in the transportation of vegetables from farms in the area aforementioned to packing sheds, for Twin Mountains Produce Company, with occasional service for so-called "Haney" shed, when it is in operation; that, during the fall, winter and spring months, he expects that his contract to haul potatoes for Evans Produce Company will keep him busy. Ice will move from South Fork to a number of produce packing sheds, to be used in packing vegetables and icing railroad cars. Some of his customers occasionally want timber, lumber, cedar posts, rock and gravel for the construction of barns, sheds, houses, fences, and other improvements on farms. He does not expect to perform any town to town service between points served by motor vehicle line haul carriers operating on schedule.

No testimony was offered by protestants, either as to the adequacy of the service of call and demand motor vehicle common carriers in the area, or relative to the effect the granting of permit might have upon said common carrier operations.

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

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That E. C. Farris, Del Norte, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vegetables from farms extending thirty miles south, thirty miles north, and fifty miles west of Monte Vista, Colorado, to packing sheds in said area; potatoes from farms within a radius of twenty miles of Del Norte to storage and loading points in

said area; ice from South Fork to sheds between South Frok and Del Norte; timber from timber camps within a radius of fifty miles of Del Norte to Del Norte, and farms within a radius of twenty-five miles of Del Norte; lumber, cedar posts, rock and gravel between points within a radius of twenty-five miles of Del Norte, without the right to haul commodities ordinarily handled by motor vehicle carriers serving on schedule between towns served by them.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L T Thomas

Edward D. Edwards

Marion Ericson

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1941.

mw

(Decision No. 18073)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HERMAN A. DE WILD, DACONA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 5510-PP
SUPPLEMENTAL ORDER

December 31, 1941

Appearances: Herman A. DeWild, Dacona, Colorado, pro se;
Raymond B. Danks, Esq., Denver, Colorado, for the Colorado Rapid Transit;
C. D. Young, Denver, Colorado, for Frank LaRoche, Charles Liley and Son, Vane Golden, Ethel Sorenson, Yockey Trucking Company, Blue Eagle Truck Lines, Fred Weiss, J. E. Rawson;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 16476, Herman A. DeWild was authorized to operate as a Class "B" private carrier by motor vehicle for hire. His request to haul coal and building materials under said permit was denied.

Subsequently, he filed petition for rehearing.

The Commission has carefully reviewed and considered the record, including the testimony taken herein, and is of the opinion that no error was committed. While certificate-holder Charles Liley and Sons, PUC No. 872, may not be actively soliciting business in the territory that applicant seeks to serve, the authority under said certificate covers said area.

Moreover, primarily, the application was denied on the testimony of Frank LaRoche, operating under PUC No. 102. It appeared from his testimony, which was not disputed, that he maintains two trucks to handle business in his territory; that business is limited; that his net income received from the business is very small, and that it did not produce an adequate return upon the investment or his efforts; that he needed the coal business which, too, was very limited, to keep going; that most of the coal was hauled by coal miners in trailers or borrowed equipment, this being conceded by applicant. We found from the testimony that to grant the authority sought to transport coal and building materials would impair the efficiency of the now adequate common carrier service of said LaRoche. We are of the opinion that said finding is correct.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said petition for rehearing should be denied.

O R D E R

IT IS ORDERED:

That petition for rehearing filed by applicant on February 7, 1941, in the instant case, should be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1941.

mw

(Decision No. 18074)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN A. ORR, IDAHO SPRINGS, COLORADO, OWNER OF AN UNDIVIDED ONE-HALF INTEREST IN PERMIT NO. A-751, FOR APPROVAL OF MORTGAGE TO HARRINGTON MOTOR COMPANY, 1701 MINER STREET, IDAHO SPRINGS, COLORADO.

PERMIT NO. A-751

December 31, 1941

S T A T E M E N T

By the Commission:

By Decision No. 12069 of the Commission, under Application No. 4564-PP-A, an undivided one-half interest in Permit No. A-751 was transferred to Walter Schmidt, the operations thereafter to be conducted by John A. Orr and Walter Schmidt, as co-partners.

John A. Orr now requests the Commission to approve a mortgage, dated May 2, 1941, to the Harrington Motor Company, of Idaho Springs, Colorado, mortgagee, of his undivided one-half interest in said permit, to secure payment of the sum of six hundred and sixty dollars ($660.00), payable at the rate of fifty-five dollars ($55.00) per month for twelve consecutive months, beginning June 2, 1941.

The Commission finds that said mortgage should be approved.

O R D E R

IT IS ORDERED:

That the mortgage hereinabove referred to, copy of which was filed with the Commission on December 3, 1941, is hereby approved.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1941.

mw

(Decision No. 18075)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUIS GALLEGOS, SAN LUIS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5755-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

December 31, 1941

Appearances: John Love, Esq., Denver, Colorado, and
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
Adolph Arguello, San Luis, Colorado, pro se.

S T A T E M E N T

By the Commission:

On September 19, 1941, applicant filed his application for a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of seasonable farm products between points within a radius of twenty-five miles of San Luis, and from farms in said area to packing sheds at San Acacio.

At the hearing, in Alamosa, on October 16, 1941, with the consent of the Commission, he amended his application to include the request to transport farm machinery, livestock, poultry, and farm products, generally, from points within a radius of twenty-five miles of San Luis, to Denver and Pueblo. However, protestants objected to hearing his application for said amended service, which objection was sustained, and hearing was had as to the service asked for in his petition, as originally filed, only.

According to the testimony of applicant, and his witnesses, Delfino Salazar, Louis Lovato and Phillip Gallegos, service provided by authorized common carriers serving said area is inadequate. No testimony was offered in opposition.

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

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted for the transportation of vegetables between points within a radius of twenty-five miles of San Luis, and from farms in said area, to packing sheds at San Acacio, and that hearing should be reserved on the balance of applicant's request, and said matter set for hearing at some future date.

O R D E R

IT IS ORDERED:

That Louis Gallegos, San Luis, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vegetables between points within a radius of twenty-five miles of San Luis, and from farms in said area, to packing sheds at San Acacio.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1941.

RW

(Decision No. 18076)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY FOR OPENING A PUBLIC HIGHWAY OVER THE RIGHT-OF-WAY AND TRACK OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY AT A POINT 1934 FEET NORTH OF MILE POST 250 OF SAID RAILROAD IN SAGUACHE COUNTY.

APPLICATION NO. 5808

January 3, 1942

S T A T E M E N T

By the Commission:

On November 26, 1941, the Board of County Commissioners of Saguache County, Colorado, filed an application with the Commission for the opening and establishment of a public highway crossing, at grade, over the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point 1934 feet north of Mile Post 250 in Saguache County between Mears Junction and Moffat stations.

The application alleged that the crossing is necessary in order to construct a road from the intersection of U. S. Highway No. 285 with Colorado Highway No. 17, to extend along the south line of Section 36, Township 46 N., Range 9 E. N. M. M. to connect with a road now leading to the C. F. & I. Iron mines at Orient, Colorado, thereby offering a much shorter route for the residents living on the east side of said railroad from their homes on U. S. Highway No. 285 and Colo. Highway No. 17.

A copy of the application was duly served on the Trustees of The Denver and Rio Grande Western Railroad Company for an expression of their attitude towards the application. The Commission is now in receipt of a letter from the General Attorney of the said Trustees, advising the Commission that the Trustees of the Company will interpose no objection to the authorization for the opening and establishment of a crossing, at grade, over the track of the Company as proposed, provided that the County will bear the cost of the construction and maintenance of

the highway, including necessary approaches to the ends of the ties of the track, the Trustees agreeing to bear the expense of installing and maintaining the necessary crossing plank, and standard crossing signs at the new crossing.

The Commission is advised that this apportionment of the costs for opening and maintaining a crossing at the place proposed is satisfactory to the Board of County Commissioners of Saguache County.

Therefore, since there is no objection to the establishment of a crossing, at grade, at the place proposed in the application, and since it appears that said crossing will be a convenience and necessity for the public, and the apportionment of costs for the installation and maintenance of the proposed crossing has been agreed upon by all the parties concerned, the Commission finds that the authority for the establishment of the crossing should be allowed and will without further proceedings make its order accordingly.

O R D E R

IT IS THEREFORE ORDERED, That in compliance with Section 29 of the Public Utilities Act, as amended, a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established over the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point 1934 feet north of Mile Post 250 of said railroad in the County of Saguache, Colorado, and as more fully set out in the application; provided, however, that prior to the opening of said crossing to public travel, it shall be constructed in accordance with the plans and specifications of the Commission as provided in Case No. 879.

IT IS FURTHER ORDERED, That the County of Saguache, Colorado, shall bear the expense for the construction and maintenance of the highway and its approaches up to the ties of the track of The Denver and Rio Grande Western Railroad Company, including all drainage necessary therefor, and the Trustees of The Denver and Rio Grande Western Railroad Company shall bear the expense for the installation and

maintenance of the crossing plank, or other crossing material, and of all necessary grade crossing signs required for the said crossing.

IT IS FURTHER ORDERED, That the Trustees of said railroad company shall notify the Commission when the said crossing is installed and ready for public use.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of January, 1941.

(Decision No. 18077)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF E. M. WOLFF, DOING BUSINESS AS "E. M. SCHEERER", 1001 AKIN AVENUE, FORT COLLINS, COLORADO, PRIVATE PERMIT NO. B-2445.	)	CASE NO. 4889

January 5, 1942

Appearances: E. B. Evans, Esq., Denver, Colorado,
for the Commission;
Jess Wolff, Fort Collins, Colorado,
for E. M. Wolff, Respondent.

S T A T E M E N T

By the Commission:

On November 29, 1941, Decision 17939, the Commission issued an order requiring respondent to show cause why her private permit No. B-2445 should not be suspended or revoked for various violations of law and the rules and regulations of our Commission.

No written answer was filed. However, at the hearing, Jess Wolff, husband of respondent, appeared and testified in her behalf.

Permit No. B-2445 was issued to respondent October 28, 1939, and authorized:

> "transportation of livestock, in lots not to exceed 7200 pounds, from point to point within that part of Larimer County lying north of a line drawn east and west one mile south of Fort Collins, and from and to points in said area to and from Denver and Greeley; grain from and to points in said area to and from Denver and Greeley; grain from fields in said area during harvest season only, to elevators in said area; baled hay from points in Jackson County to points in said area."

The charges against respondent consist of the following: Failure to issue proper bills of lading, or to keep those issued the time required; failure to issue and carry load sheets and manifests; serving customers not listed with the Commission; transporting livestock in excess of 7200 pounds; filing improper monthly reports, and operating as a common

carrier under a private permit.

The evidence disclosed that respondent had not issued bills of lading for any shipments except livestock to the Denver Stock Yards; that he did not issue and carry load sheets and manifests; that he had served some 21 customers whose names were not listed with the Commission; that he had made shipments of livestock in excess of the 7200 pounds permitted under his authority. However, it was also shown that respondent had reported such shipments and paid the full tax due thereon.

Jess Wolff, testifying on behalf of respondent, stated that he was operating the permit for respondent, who is his wife; that he was under the impression that only a common carrier had to keep manifests and load sheets; that he had transported loads of livestock in excess of 7200 pounds, but that it was very difficult always to tell the weight of a load of livestock as no scales were available at loading points. He further stated that the maximum load of livestock for his truck would be 10,000 pounds, and that where he was charged more than that poundage, it meant that he had made more than one trip. He admitted that he had served some customers not listed.

It was further disclosed that some of the charges contained in the show cause order of "overweight" and "out of territory" consisted of grain hauls and not livestock, and that he had been advised by our Law Enforcement Department that he could haul grain during the harvesting season whenever necessary to get the "crop moved".

The Commission is rather impressed with the showing made by respondent's husband that the violations complained of were not willful and intentional, but to some extent resulted from ignorance rather than a desire to break the law. However, the trucking industry has reached a point where ignorance of the law can no longer constitute a complete defense in an action of this kind. We do not feel that respondent should suffer any extreme penalty, but only one that will insure strict compliance with the law in all future operations under her authority.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that Permit B-2445 should be suspended for a period of thirty (30) days, or in lieu thereof, pay a penalty as hereinafter set forth.

O R D E R

IT IS ORDERED:

That the permit of E. M. Wolff, doing business as "E. M. Scheerer", being Permit No. B-2445, should be, and hereby is, suspended for a period of thirty (30) days from January 15, 1942; provided, however, that respondent may, if she so elects, pay to the Revenue Department for the use of the State of Colorado, the sum of $25.00 on or before January 10, 1942, in lieu of said suspension order. In the event of the payment of said sum on or before the time above specified, said suspension order shall stand automatically cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 3rd day of January, 1942

(Decision No. 18078)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Paul Sale) PERMIT NO. C-10022
)
)

January 3, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Paul Sale of Heeney, Colo, requesting that his Permit No. C-10022 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10022, heretofore issued to Paul Sale be, and the same is hereby, declared cancelled effective, as of October 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5d day of January, 19 42

G

(Decision No. 18079)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
George D. Kozuwa) PERMIT NO. C-10174
)
)

January 5, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George D. Kozuwa of Blanca, Colo, requesting that his Permit No. C-10174 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10174, heretofore issued to George D. Kozuwa be, and the same is hereby, declared cancelled effective, as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5d day of January, 19 42

G

(Decision No. 18080)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-4141
)
Jake F. Kloberdanz)
)

January 5, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jake F. Kloberdanz of Box 1022, Sterling, Colo, requesting that his Permit No. C-4141 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4141, heretofore issued to Jake F. Kloberdanz be, and the same is hereby, declared cancelled effective as of December 5, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward J. Keeler

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1942

(Decision No. 18081)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. D. Curtis, d/b/a) PERMIT NO. C-12620
National Banana Co.)
)

January 5, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. D. Curtis, dba National Banana Co of 760 1st Nat'l Bank Bldg., El Paso, Texas, requesting that his Permit No. C-12620 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12620, heretofore issued to J. D. Curtis, d/b/a National Banana Co. be, and the same is hereby, declared cancelled effective as of December 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward E. Keller

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 19 42.

G.

(Decision No. 18082)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. H. Flora, d/b/a) PERMIT NO. C-7504
Monarch Trading Co)
)
)

January 3, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. H. Flora, dba Monarch Trading Co of Leadville, Colorado, requesting that his Permit No. C-7504 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7504, heretofore issued to J. H. Flora, d/b/a Monarch Trading Co. be, and the same is hereby, declared cancelled effective , as of December 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Lewis D. Thorman

Edward C. Keeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of January, 1942.

G

(Decision No. 18083)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John S. Moss) PERMIT NO. 902-I & C-2417
)
)

Jan. 3, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John S. Moss of Menlo, Kansas, requesting that his Permit No. 902-I and C-2417 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit Nos. 902-I and C-2417, heretofore issued to John S. Moss be, and the same is hereby, declared cancelled effective, as of December 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V Duncan

Edmund V Chenoweth

Marlowe Ericson

Commissioners.

Dated at Denver, Colorado,
this 3d day of January, 19 42.

G

(Decision No. 18084)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Martin Yankovich)
)
)
)

PERMIT NO. C-12457

January 3, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Martin Yankovich of Chestnut St., Canon City, Colo., requesting that his Permit No. C-12437 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12437, heretofore issued to Martin Yankovich be, and the same is hereby, declared cancelled effective as of December 9, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Newman

Edward V. Carlson

Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,
this 3d day of January, 19 42

G

(Decision No. 18085)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. J. Heide) PERMIT NO. C-12862
)
)

January 5, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. J. Heide of Harlan, Kansas, requesting that his Permit No. C-12862 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12862, heretofore issued to W. J. Heide be, and the same is hereby, declared cancelled effective as of December 10, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3d day of January, 19 42.

G

(Decision No. 18086)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
M. H. Peck, d/b/a) PERMIT NO. C-9532
M. H. Peck & Co.)
)

January 3, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. H. Peck, d/b/a M. H. Peck & Co of 1805 Arapahoe, Denver, Colo, requesting that his Permit No. C-9532 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9532, heretofore issued to M. H. Peck d/b/a M. H. Peck & Co. be, and the same is hereby, declared cancelled effective, as of December 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thurman

Edward C. Knowles

Miriam Eviston

Commissioners.

Dated at Denver, Colorado,
this 3d day of January, 19 42.

G

(Decision No. 18087)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
P. S. Diel) PERMIT NO. C-5416
)
)
)

January 3, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from P. S. Diel of Box 85, Fairplay, Colo, requesting that his Permit No. C-5416 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5416, heretofore issued to P. S. Diel be, and the same is hereby, declared cancelled effective, as of December 12, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3d day of January, 19 42.

G

(Decision No. 19098)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK E. NICHOLS, GOLDEN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5004-PP

January 5, 1942

Appearances: Harold Swena, Golden, Colorado, for Swena Transfer.

STATEMENT

By the Commission:

This matter was heard at Denver, Colorado, on December 4, 1941.

The applicant did not appear. Harold Swena moved to dismiss the application for lack of prosecution, and stated that this was the second time he had appeared to protest, and that applicant had failed to appear at either hearing.

The files disclose that applicant's first application was set for hearing at Denver, Colorado, on the 14th of October, 1941. Applicant did not appear at that time. He indicated to employees of the Commission that he did not receive notification of his first hearing, and thereafter he filed another application, identical with the first. This application was set for hearing on the 4th of December, 1941. Some time prior to hearing date, the applicant requested that the hearing be conducted at Greeley, Colorado, rather than at Denver, Colorado. This request, however, was not granted, for the reason that it would be unfair to require protestants to attend a hearing at Greeley.

The Commission finds that the application should be dismissed.

ORDER

IT IS ORDERED:

That Application No. 5004-PP of Frank E. Nichols, Golden,

Colorado, is hereby dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3d day of January, 1942.

G

(Decision No. 19088)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF J. P. DAVIS, DECEASED, TO TRANSFER PERMITS NOS. B-1567 AND C-3891 TO ESTELLA G. DAVIS, HIS WIDOW.

APPLICATION NO. [illegible]-RA
PERMIT NO. B-1567
PERMIT NO. C-3891

January 8, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Carl W. Fulghum, Attorney-at-Law, Glenwood Springs, Colorado, stating that Joseph P. Davis, holder of Permits Nos. B-1567 and C-3891, was killed in an automobile accident on November 15, 1941, and asking that said permits be transferred to Estella G. Davis, his sole heir at law. The letter further stated that Joseph P. Davis left no will, and his widow does not intend to apply for administration of her husband's estate.

The financial standing and operating reliability of transferee are established to the satisfaction of the Commission.

The Commission finds that all rights of Joseph Davis under Permits Nos. B-1567 and C-3891 should be transferred from the name of Joseph P. Davis to Estella G. Davis, his widow, subject to rights of any and all persons in or to the estate of the said Jospeh P. Davis.

O R D E R

IT IS ORDERED:

That all rights of Joseph P. Davis under Permits Nos. B-1567 and C-3891 are hereby transferred from the name of Joseph P. Davis, deceased, to his widow, Estella G. Davis, subject to the rights of all persons in or to the estate of said Joseph P. Davis.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3d day of January, 1942.

G

(Decision No. 18990)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

ROY ARMSTEAD, doing business as ARMSTEAD SCENIC COMPANY, SETH ARMSTEAD, doing business as ARMSTEAD TOURS, ORVILLE T. NUTTALL, JR., doing business as PEAK TO PEAK SCENIC LINE, W. P. REES, doing business as DE-LUXE CAB COMPANY, GLELL HINDMAN, doing business as SUBURBAN CAB COMPANY, MR. AND MRS. L. P. HENNIG, doing business as CITY TAXI AND SIGHT-SEEING COMPANY,

Complainants,

vs.

GLACIER ROUTE, INC., and the Surviving Trustees thereof,

Defendants.

CASE NO. 4862

January 5, 1942

Appearances: William R. Arthur, Esq., Boulder, Colorado, and Francis Shallenberger, Boulder, Colorado, for Complainants;
Hodges, Vidal and Gorsa, Esqs., Denver, Colorado, for Rocky Mountain Motor Company, Intervenors;
A. W. Fitzgerald, Esq., Boulder, Colorado, for Defendants.

STATEMENT

By the Commission:

The instant case was predicated upon a complaint filed by various sightseeing operators in the Boulder area, wherein it is alleged that defendant Glacier Route, Inc., has abandoned certificate of public convenience and necessity No. 66 through nonuse; that it has not maintained any equipment for many years last past, and has failed to maintain the insurance required by the Public Utilities Commission. The prayer of the complainants requests that said certificate be declared cancelled and void.

At the hearing, all filed and records of the Commission in

connection with said certificate were made a part of the instant record. Oral testimony was introduced to the effect that defendants had not operated in recent years and had no equipment; that ample equipment now exists in the Boulder area to handle all the business; that this business had decreased slightly in recent years and that a number of operators in the Boulder area had ceased operations on account of the lack of business.

Evidence was further introduced to show that no license plates had been issued to defendant for any equipment during the past eight years, and further evidence was introduced showing that defendant was declared a defunct corporation by the Secretary of State's office on October 14, 1957, and that the charter of said company expired on July 1, 1948. The last annual report of defendant was filed in the Secretary of State's office on March 16, 1956.

It was admitted by defendant that no operations had been conducted in recent years, but it was maintained that said certificate had been kept alive by proper application to the Commission for suspension for operations, which disproved any intention on the part of defendant to abandon its rights.

Our records disclose that on November 24, 1926, in Applications Nos. 255 and 576, Decision No. 1067, The Glacier Route, Inc., was granted a certificate of public convenience and necessity authorizing the transportation of passengers and baggage "between Boulder, Lyons, Allens Park, Nederland, and all other points designated in applicant's Exhibit "A", but not to operate to any point further north than Allens Park and Lyons." Exhibit "A" referred to is a schedule showing numerous trips out of Boulder to various points in the Boulder area.

On May 10, 1928, Decision No. 1749, in Application 908, The Glacier Route Inc., was granted a certificate of public convenience and necessity authorizing the transportation of passengers from Boulder to various scenic attractions in the Boulder region. This certificate was subject to the restrictions that all sightseeing and tourist operations must be round trips without stopover privileges; that no one-way transportation of passengers would be permitted between the city of Boulder and any point

where there existed regular established transportation by either railroad or motor vehicle carriers, or in part by one and in part by the other, and the quantity of equipment used in the operations was limited to 17 automobiles.

The operations conducted by defendants under certificate of public convenience and necessity No. 66 resulted from the authority granted in the above numbered applications.

In connection with Applications Nos. 255 and 579, an order was entered January 25, 1935, Decision No. 11506, authorizing the transfer by Glacier Route, Inc., to Mrs. Nellie Ardourel and W. T. Storey, doing business as "Independent Taxi Company" of that portion of Certificate No. 66 authorizing the operation of two cars.

On July 17, 1940, Decision No. 13884, the Commission authorized The Glacier Route, Inc., to suspend operations under P. U. C. No. 66 for a period of not to exceed one year from June 15, 1940. Thereafter, on May 8, 1941, the Commission received a communication from Mrs. Frances Ullmer, as secretary of defendant, requesting that an additional two months' period of suspension be allowed. However, so far as our records disclose, no reply to this request was made. Later, on June 6, 1941, the Commission was advised by the said Frances Ullmer that defendant desired and requested the privilege of being reinstated:

> "for transportation of passengers on scheduled runs to and from Boulder, Ward, Nederland, El Dora, Brainard's Lake, Stapps Junction and Lodge of Pines, and intermediate points, and round trips which will include the places above named and referred to."

It will be noted that this notice was filed some nine days before the expiration date of the suspension order of July 17, 1940. Upon the same date of June 6, 1941, an application was filed with the Commission to transfer certificate of public convenience and necessity No. 66 to P. H. Bennett, Don Dodge and Glenn H. Sherman, a co-partnership. Proper insurance covering the operation was filed June 7, 1941. This insurance was filed in the names of the defendants as well as in the names of the proposed transferees. The filing of said insurance accompanied by the

written request of The Glacier Route, Inc., for reinstatement of its certificate to a limited extent, complied with the law and the rules and regulations of the Commission, and Certificate No. 66 became a valid outstanding certificate to the extent of the authority which we were requested to reinstate and to that extent, only.

It is true that there have been no operations under this certificate for a considerable period of time. However, the files indicate that it was the intention to keep the certificate alive. The requirements of our order of suspension of July 17, 1940, were fully complied with. The fact that defendant is now a defunct corporation and that its charter has expired, does not prevent the surviving board of directors or trustees from disposing of the assets of the corporation. See Chapter 41-Section 62, Vol. II '35 C. S. A.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the complaint filed herein should be sustained insofar as any operating authority under Certificate No. 66 is concerned, except that hereinafter stated.

O R D E R

IT IS ORDERED:

That the operating rights under Certificate No. 66 shall be limited to the transportation of passengers on scheduled runs to and from Boulder, Ward, Nederland, El Dora, Brainerds Lake, Stapps Junction, Lodge of Pines, and intermediate points, and round trips which will include the places above named and referred to.

That all other operating rights under said certificate No. 66 be, and the same are hereby, declared cancelled.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Johnson

Edward [illegible]

[illegible]

Dated at Denver, Colorado,
this 3d day of January, 1942.

(Decision No. 16091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FIELDS BROTHERS HARDWARE, INC., RIDGWAY, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF LIVESTOCK FROM POINTS WITHIN A FIFTY MILE RADIUS OF RIDGWAY TO DENVER AND PUEBLO, COLORADO.

APPLICATION NO. 5802-PP

January 5, 1942

Appearances: Forrest Binder, Ridgway, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company;
Oliver Fellin, Ouray, Colorado, for Fellin Brothers;
Orville Dunlop, Montrose, Colorado, [illegible];
Delbert Farra, Montrose, Colorado, [illegible];
L. A. Theobold, Norwood, Colorado, [illegible];

S T A T E M E N T

By the Commission:

Testifying in behalf of applicant, Forrest Binder, and officer and one of the owners of applicant company, stated that they had been operating under a Class "C" permit in the transportation of livestock in the Ridgway vicinity; that the buying of the livestock was not satisfactory, either to themselves or to the owners thereof; that no other carrier was authorized to transport livestock in Ouray County, and that their equipment consisted of a 1942 semi-trailer of from two to three tons capacity, equipped with a 22-foot stockrack.

It developed that the charter of applicant did not provide for authority to operate as a for-hire carrier. However, applicant stated that he had been advised by the office of the Public Utilities Commission that if applicant would amend its articles to show such authority if the corporation were granted a permit, he would be given an opportunity of so doing.

He stated that such amendment would be made in the event permit was granted.

Applicant proposed to transport livestock from the Ridgway area to either Denver or Pueblo, and is not seeking any back-haul of any freight for hire. However, he would with the same equipment also operate as a commercial carrier in taking out stock of the corporation and bringing back supplies for the hardware store which applicant conducts in the town of Ridgway.

Two farmers and stockmen in the Ridgway area testified as to the need of the shippers for the service proposed. The delays incident to shipments by rail and the necessity of having full carloads for rail shipment, were emphasized. These witnesses testified that it was not always convenient to obtain full carload shipments, and frequently they desired to ship less than carload lots. They had not attempted to employ the services of any carriers in Montrose County, and felt that the Ouray County district was entitled to a livestock carrier of its own.

To the same general effect was the testimony of a witness living west of Telluride on Wilson Mesa. The distance between the towns of Ridgway and Montrose is approximately 25 miles. The territory which Orville Dunlop and Delbert Farra, who are common carriers, are authorized to serve would overlap some of the territory which applicant is seeking. However, it has always been the policy of the Commission that ample service should be provided for shippers of livestock and farm products even though this might result in some overlapping of authority.

Counsel for the Denver and Rio Grande Western Railroad Company moved that the application be dismissed on the grounds that the Articles of Incorporation of applicant did not authorize the proposed service, and that the operations of applicant would mean the commingling in the same piece of equipment of freight as both a commercial carrier and a for-hire carrier. Any authority granted herein will be subject to the amendment of the Articles of Incorporation of applicant in conformity with the understanding had at the time that application was filed.

It is possible that the Commission may adopt some rule preventing the operations of equipment as both a commercial and for-hire carrier at same time. However, we have no such rule at this time, and we have heretofore granted numerous private permits knowing that commercial carrier operations would be conducted in the equipment to be used thereunder.

It would appear from the record that the portion of Ouray County of which Ridgway is approximately the center, produces a large quantity of livestock, and that adequate facilities for the prompt and expeditious movement of such livestock to market should be provided. Applicant's witness was questioned at considerable length relative to the nature of its operations under its "C" permit. However, we are unable to determine from this record that said operations were not bona fide and in accordance with law.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Fields Brothers Hardware, Inc., be, and it is hereby, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of livestock, only, from points within a fifty-mile radius of Ridgway to Denver and Pueblo, without any right to any back-haul for hire.

That this authority shall not become effective unless applicant shall, within twenty days from the date hereof, file with the Commission a certified copy of an amendment to its Articles of Incorporation showing that it is authorized to conduct a for-hire motor vehicle operation within this State.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

By

Commissioners

Dated at Denver, Colorado,
this 3d day of January, 1942.

(Decision No. 18092)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF HERBERT JAHN, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER HIS PRIVATE CARRIER PERMIT NO. A-179 TO G. N. AND A. L. MILLER, A COPARTNERSHIP, 122 West Laurel Street, FORT COLLINS, COLORADO.

APPLICATION NO. 5535-PP-AA

January 5, 1942

Appearances: Herbert E. Mann, Esq., Greeley, Colorado, for transferees;
Herbert Jahn, Fort Collins, Colorado, pro se;
Carl Borgmann, Fort Collins, Colorado, for Borgmann Brothers;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On November 24, 1941, Decision No. 17906, Herbert Jahn was authorized to transfer to G. N. and A. L. Miller, Permit No. A-179. Said decision also described the operating authority that would be permitted under said Permit No. A-179. This authority authorized the transportation of milk and cream, and our attention has been called to the fact that an error occurred in describing the area authorized to be served.

All parties in interest have been advised of the proposed correction of said error, and no objections have been received against the correction of same. We have been requested to amend our order of November 24, 1941, accordingly.

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

O R D E R

IT IS ORDERED:

That the second paragraph of our order dated November 24, 1941, Decision No. 17906, be, and the same is hereby, amended to read as follows:

That operations under said permit No. A-179 shall be limited to the transportation of milk and cream to Fort Collins from all points contained within the following described boundary lines:

> Starting at Fort Collins, North on Section line between Sections One and Two, T. 7 N., R. 69 West; North to the Northeast Corner of Section Eleven (11), R. 69 W., T. 8 N. West to the Northwest Corner of Section Eleven (11), T. 8 N., R. 70 W., then South to the Southwest corner of Sec. Eleven (11), T. 5 N., R. 70 W., then east to the Southeast corner of Section Eight, T. 5 N., R. 68 W., then north to the Northeast corner of Section Seventeen (17), T. 6 N., R. 68 W., then west to the Southwest corner of Section Seven (7), T. 6 N., R. 68 W., then North to the Northwest Cor. of Sec. Six (6), T. 6 N., R. 68 W., then West to the Southwest Corner of Section Thirty-six (36), T. 7 N., R. 69 W., thence north into Ft. Collins, by way of Highway 87.

That except as herein amended, said original Decision No. 17906 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. T. Thurman

Edward C. Love

Eugene Grimm

Commissioners.

Dated at Denver, Colorado
this 5th day of January, 1942.

(DECISION NO. 18095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

IN THE MATTER OF THE APPLICATION OF MANUEL R. MARTINEZ, DEL NORTE, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-1518.

APPLICATION NO. 5186-PP-B

January 5, 1942.

Appearances: Frank B. Goudy, Esq., Monte Vista, Colorado, for the applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Conour and Conour, Esqs., Del Norte, Colorado, for Faus Transportation Company, James E. Ashton;
John Love, Esq., and Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

BY THE COMMISSION:

Applicant herein seeks authority to extend his operations under his Permit No. B-1518 to include the right to transport lettuce from farms in Mineral County to loading sheds between South Fork and Del Norte.

No testimony was offered in opposition to the granting of the authority sought.

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

O R D E R

IT IS ORDERED:

That Manuel R. Martinez, Del Norte, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-1518 to include the right to transport lettuce from farms in Mineral County to loading sheds between South Fork and Del Norte, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 5th day of January, 1942.

(Decision No. 18094)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE NOTICE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY TO ABANDON ITS SPUR TRACKAGE AT THE IDEAL COAL MINE, EFFECTIVE JANUARY 15, 1942.

APPLICATION NO. 5817

January 5, 1942

STATEMENT

By the Commission:

On December 8, 1941, The Colorado and Southern Railway Company, by its General Manager, filed a notice with the Commission of its proposed intention to abandon and dismantle certain spur tracks to the Ideal Coal Mine near Walsenburg, Colorado, on or after January 15, 1942, the total trackage of side tracks to be abandoned being 7966 feet.

The notice alleges that "the said coal mine is almost all completely caved in, and that, in the opinion of the officers of said Company, the Ideal Coal Company, and others familiar with the territory tributary to said trackage, coal can no longer be profitably mined within said territory." Also submitted with said notice was a statement signed by the secretary and treasurer of the Ideal Coal Company, giving the consent of the coal company for the removal of the aforesaid trackage.

The Commission also sent a copy of the notice to the County Commissioners of Huerfano County, the county in which this trackage is located, to advise the Commission within ten days if they knew of any reason why said trackage should not be removed. No reply has been received, and it is therefore assumed that there is no objection by anyone concerned to the abandonment and dismantlement of the aforesaid trackage.

The Commission, therefore, finds that there is no known reason why said trackage may not be salvaged as desired by the Company, and will make its order accordingly.

O R D E R

IT IS THEREFORE ORDERED, That The Colorado and Southern Railway Company be, and it is hereby, authorized to abandon and dismantle a side track 7553 feet long, and a spur track 413 feet long formerly serving the coal mine of the Ideal Coal Company, near Walsenburg, Colorado, and salvage the material for such use as may be deemed necessary by the Company in the present National emergency, said abandonment to be effective on or after January 15, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 5th day of January, 1942.

bf

(Decision No. 18095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GLACIER ROUTE, INCORPORATED, BOULDER, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 66 TO P. H. BENNETT, DON DODGE AND GLENN SHERMAN, DOING BUSINESS AS GLACIER ROUTE, BOULDER, COLORADO.

APPLICATIONS NOS. 255-A and 909-A

January 5, 1942

Appearances: William R. Arthur and Francis L. Shallenberger, Boulder, Colorado, for The Armstead Tours, Armstead Scenic Company, Walker Mountain Tours, Peak to Peak Scenic Line, Mrs. Lillie Hennig, Serv-U-Cab Company and Deluxe Cab Company;
P. H. Bennett, Boulder, Colorado for applicants;
W. V. Hodges, Jr., Denver, Colorado, for Rocky Mountain Motor Company and Rocky Mountain Parks Transportation Company.

S T A T E M E N T

By the Commission:

The instant application seeks authority to transfer all operating rights under Certificate No. 66 from The Glacier Route, Inc., to P. H. Bennett, Don Dodge, and Glenn H. Sherman, doing business as Glacier Route, a co-partnership.

Written protest was filed, opposing the transfer and alleging some six grounds why the transfer should not be permitted. The material allegations in said protest have heretofore been considered by the Commission in Case No. 4268, and we see no reason to again discuss the same.

In said Case No. 4268, we set forth the operating rights that would be permitted under said Certificate No. 66, and any right of transfer herein granted would be subject to the restrictions placed upon said operation.

Some question was raised in the instant case in regard to the financial ability of transferees to conduct the proposed operation,, However, the evidence disclosed that two of the partners were former drivers for transferor, and at the present time one of them is conducting a small mining supply business in the town of Boulder, and at least one of the others is working for a salary. Transferees actually have been conducting certain scheduled operations under said certificate since June 7, 1941, under lease from transferors.

Testimony of one of the transferees was to the effect that there was public need for said scheduled operations; that the trip up Boulder Canon was made every day and sometimes twice a day, leaving Boulder at 10 A. M. and 4:00 P. M. The so-called "circle Trip" was made on call, only. This witness also testified that the scheduled operation is north from Boulder 14 miles to Ward about four miles to Lodge of Pines, thence back to Boulder by Gold Hill, but no one-way passengers to Gold Hill.

In addition to this scheduled operation, the transferees also desire to operate under the sightseeing authority heretofore granted transferor and which was eliminated from Certificate No. 68 in Case No. 4869. At the time of the hearing, they were conducting the scheduled operation in a 1936 Cadillac car which was being purchased on time payment and in which they had and equity of approximately $150.00. When asked how they expected to make a financial success of the operation when transferors were unable to make the same pay, the reply was that they are now giving the same service with one man and one car that transferor formerly used three men and three cars to take care of, and this is made possible, in the opinion of the witness, by reason of improved highways and shorter highway distances between points.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That the proper officials of The Highway Transit, Inc., be, and

they are hereby, authorized to transfer the right, title and interest of The Glacier Route, Incorporated, in and to certificate of public convenience and necessity No. 68, as limited by our Decision No. 18090 in Case No 4869, and also excluding any one-way passengers from and to Gold Hill, to P. H. Bennett, Don Hodge and Glenn K. Sherman, doing business as Glacier Route, a co-partnership.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V D Sherman

Edward E. Gunter

Miriam Gilman

Commissioners

Dated at Denver, Colorado,
this 5d day of January, 1942.

G

(Decision No. 18096)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY, COLORADO, FOR RELOCATION OF A GRADE CROSSING OVER THE TRACK OF THE UNION PACIFIC RAILROAD COMPANY AT DOVER STATION TO A POINT OF INTERSECTION OF THE NORTH LINE OF SECTION 6, TOWNSHIP 9, RANGE 66 WEST WITH SAID RAILROAD TRACK.

APPLICATION NO. 5805

January 6, 1942

S T A T E M E N T

By the Commission:

On November 21, 1941, the Board of County Commissioners of Weld County, Colorado, filed an application with the Commission for the relocation of the grade crossing across the tracks of the Union Pacific Railroad Company at a station known as Dover, Colorado, to a point where the north line of Section 6, Township 9, Range 66 West of the 6th P. M. intersects the main line track of said railroad.

The application alleged that the Commissioners were making the application in compliance with a petition signed by numerous residents of the adjacent communities of Dover and which they had favorably considered. Said petition was attached to application and set out as reasons for a change in location of the grade crossing at Dover that the change was necessary to have the crossing on the line of the public highway between U. S. Highways Nos. 85 and 87 and extending along the north line of said Township No. 9, Range 66 West of the 6th P.M. so as to avoid the necessity for persons traveling on said public highway to make a detour one-half mile south to the present crossing at Dover station. It was claimed this change in location would be a great convenience to the farmers and ranchers in that section of the state and would also be a great convenience to tourists using the said connecting public highway.

A copy of the application was duly served onthe Union Pacific Railroad Company, and on December 8, 1941, the Commission received from the General

Attorney for the railroad company an answer to the application, copy of which was sent to the County Attorney of Weld County. The answer stated that the Company would have no objection to the relocation of said crossing as desired, provided that the Company would not have to bear any of the expense involved in the change in location of crossing and also that the County provide and maintain an adequate thoroughfare for ingress and egress to and from industries located on the east side of the track at the Dover station.

A reply to the aforesaid letter was received from the County Attorney by the Commission on December 15, 1941, advising the Commission that the County Commissioners of Weld County accepted the stipulation of the Company as to the provisions for adequate public thoroughfares to the industries located on the east side of the track at Dover station. No mention was made in this letter of the matter of the necessary expense required to make the change in the location of the crossing as desired, but as the change in location of the crossing is entirely for the convenience of the public, as stated in the petition and application, it is understood that the County does not question its responsibility in this. At any rate, that would be the opinion of the Commission and will be so specified in the order.

The Commission, therefore, finds that the proposed change in location of the grade crossing at Dover station is a public convenience and necessity and since it appears that all concerned in matters involved in the change are in agreement, the Commission will, without any further proceedings, make its order accordingly.

O R D E R

IT IS THEREFORE ORDERED, That in compliance with Section 29 of the Public Utilities Act, as amended, a change in the location of the grade crossing at the Dover station of the Union Pacific Railroad Company to a point where the north line of Section Six (6), Township Nine (9), Range Sixty-six (66), West of the 6th P. M. intersects the main line track of said railroad, be, and the same is hereby, permitted to be made as desired; provided, however, that prior to the opening of the said grade crossing to public travel in the new location, it shall be constructed in accordance with the Commission's plans and specifications as provided in Case No. 879.

IT IS FUETHER ORDERED, That the County of Weld, Colorado, shall bear all the expense incident to the aforesaid change in location of said crossing.

IT IS FURTHER ORDERED, That the effective date of the change in location of the grade crossing at the Dover station of the Union Pacific Railroad Company shall be made at the convenience of Weld County, and that the said railroad company shall forthwith advise the Commission when the change has been made.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 6th day of January, 1942

(Decision No. 18097)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN RE BETHUNE TELEPHONE AND DEVELOPMENT COMPANY, BETHUNE, COLORADO.	CASE NO. 4890 ORDER TO SHOW CAUSE AND NOTICE OF HEARING.

January 6, 1942.

S T A T E M E N T

By the Commission:

It appears from the records of this Commission that on September 12, 1929, in Application No. 1411, by Decision No. 2479, the Commission granted to the above-named Respondent a certificate of public convenience and necessity for the exercise of certain franchise rights theretofore granted by the Town of Bethune, Colorado, to the Respondent by Ordinance No. 12, dated January 26, 1929, under and by virtue of which Respondent was given a franchise for the operation of a telephone system in the said Town of Bethune for a period of twenty years.

Thereafter, the Respondent constructed and commenced the operation of said telephone system, and for a number of years furnished telephone service to various customers in the said Town of Bethune.

The Commission is now informed and believes, and so alleges the facts to be, that for a number of years last past, the Respondent has ceased to furnish telephone service to the inhabitants of the Town of Bethune, and has ceased to exercise the rights granted to said Respondent in and by said certificate and said ordinance, and has abandoned operation of said telephone system and the furnishing of service to the inhabitants of said Bethune and the customers of said Respondent.

The Commission therefore finds that an investigation should be made and a hearing held by this Commission relative to the service

furnished by Respondent to the inhabitants of said Town of Bethune and the former customers of said Respondent, and as to whether or not said certificate heretofore issued by this Commission in and by Decision No. 2479 should be revoked or rescinded because of abandonment.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had relating to the service furnished by Respondent to the inhabitants of said Town of Bethune and to the customers of Respondent, and as to whether or not said Respondent has abandoned service authorized under said Decision No. 2479.

IT IS FURTHER ORDERED, That Respondent show cause, if any he have, by written verified answer filed with the Commission within fifteen (15) days from the date hereof, why it should not enter an order, because of the foregoing, revoking or rescinding said certificate heretofore issued to said Respondent, or why this Commission should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 22nd day of January, 1942, at ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L T D Schuman

Edward D. C Peabody

Marion Eriksen

Commissioners.

Dated at Denver, Colorado,
this 6th day of January, 1942.

BH

(Decision No. 18098)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF W. A. WOODS AND L. C. LAIR, DOING BUSINESS AS FORT COLLINS-LARAMIE-WALDEN TRUCK LINE, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER P.U.C. TO JACK McCROHAN, DOING BUSINESS AS FORT COLLINS-LARAMIE-WALDEN TRUCK LINE, LARAMIE, WYOMING.	APPLICATION NO. 1564-AAA-A

January 5, 1942.

S T A T E M E N T

By the Commission:

On December 11, 1941, by Decision No. 18011, the above application was denied for lack of prosecution.

The Commission is now in receipt of a letter from the Fort Collins-Laramie-Walden Truck Line, dated December 16, 1941, in which it is stated that they were not notified of the date of the hearing. This letter is unsigned, but it is assumed that someone in authority wrote it.

The Commission finds that Decision No. 18011 should be vacated and set aside, in view of the above representations, and that a hearing should be granted upon said application.

O R D E R

IT IS ORDERED:

That Decision No. 18011 is hereby vacated and set aside, and the above-numbered application is set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on the 15th day of January, 1942, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. J. Newman

Edward D. Beach

Miriam Eyre

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1942.

BH

(Decision No. 18099)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) P.U.C. No. B-1640
)
John R. Hock

January 5, 1942

S T A T E M E N T

By the Commission:

On July 25 19 41, by order of the Commission, Decision No. 17410, John R. Hock of 2222 W 37th Ave., Denver, Colorado was given authority to suspend operations under PUC No. B-1640 from June 21, 1941 for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing private carriers, the Commission is of the opinion and finds that said order of suspension should be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and hereby is, set aside and that PUC No. B-1640 be, and the same hereby is, restored to its active status as of ~~the date of this order~~ December 29, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shoecraft

Edward J. Keeler

Hodson Ericksen

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 19 42

(Decision No. 18100)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John Woolsey &
N. H. Fowler
)
)
)

PERMIT NO. C-13231

January 5, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Woolsey & N. H. Fowler of 410 Produce Row, San Antonio, Texas requesting that his Permit No. C-13251 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13231, heretofore issued to John Woolsey & N. H. Fowler be, and the same is hereby, declared cancelled effective, as of October 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I T Thomas

Edward D. Knowles

Milton Eisen

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 19.42.

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF M. E. ISAACSON, DOING BUSINESS AS SEDGWICK COUNTY ELECTRIC COMPANY, FOR AN ORDER AUTHORIZING TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY GRANTED IN APPLICATIONS NUMBERS 765 and 799.	)	APPLICATIONS NOS. 765-A 799-A

January 6, 1942.

Appearances: McCall and Patterson, Esqs., Golden, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On June 24, 1927, in Application No. 765, Decision 1549, Public Service Company of Colorado was granted a certificate of public convenience and necessity authorizing the exercise of franchise rights for the distribution and sale of electricity within the corporate limits of the town of Ovid, said certificate also including the right to operate as a public utility for the sale and distribution of electricity along the route of its then established transmission lines and territory contiguous thereto, all situate within the County of Sedgwick, Colorado.

On June 24, 1927, in Application No. 799, Decision No. 1551, said Public Service Company of Colorado was granted a certificate of public convenience and necessity authorizing the exercise of certain franchise rights granted to it by the Town of Sedgwick for the sale and distribution of electricity within the corporate limits of said Town of Sedgwick, said certificate of public convenience and necessity also authorizing an operation as a public utility for the sale and distribution of electricity along the transmission line or lines of said Public Service Company and territory contiguous thereto, situate within said County of Sedgwick.

The instant application seeks authority to transfer said certificates of public convenience and necessity to M. E. Isaacson, doing business as "Sedgwick County Electric Company".

The evidence disclosed that transferee is engaged in the farm loan business at Omaha, Nebraska; that the consideration for the transfer of said certificates is the sum of $45,000.00, which amount has been paid in full to transferor; that transferee, in addition to the purchase price of said property, has a working capital of $5,000.00 available; that he expects to continue operations as they have been conducted in the past and is retaining part of the experienced help of transferor in his own operations.

It was further developed that transferor had been obtaining the necessary current to conduct its operation from the Western Public Service Company, a Maryland corporation. This current had been obtained under a written contract dated November 25, 1955, between said Western Public Service Company and transferor. Said contract, which by its terms is assignable, has been transferred to transferee.

The financial statement of transferee indicates a net worth of approximately $100,000.00.

No one appeared at the hearing protesting the granting of the authority sought. However, written protest from the Town of Ovid was received. The allegations of this protest were to the effect that the Town of Ovid had been unable to obtain any satisfactory information as to where transferee expected to obtain his electric energy and whether or not transferee had sufficient financial resources to properly maintain and operate the property. A copy of the financial statement furnished by transferee, was sent to counsel representing the Town of Ovid, with a request that if they had any further objection to the transfer, the Commission be advised, and we have received no further communications from said counsel.

After a careful consideration of the record, the Commission is

of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Public Service Company of Colorado be, and it is hereby, authorized to transfer all of its right, title and interest in and to those certain certificates issued to it on June 24, 1927, in Applications Nos. 765 and 799, and the sale of said certificates by said Public Service Company of Colorado to transferee on October 29, 1941, be, and the same is hereby, approved and confirmed.

That within thirty (30) days from the date hereof, the said M. E. Isaacson shall adopt, ratify and make his own in every respect as if the same had been originally filed and posted by him, all schedules, contracts or other instruments whatsoever, filed with the Public Utilities Commission of the State Of Colorado by Public Service Company of Colorado prior to his possession of the property herein conveyed, in conformity with General Order No. 22, effective November 1, 1916.

That transferee shall file his rate schedules, rules and regulations, set up his books and accounts in agreement with the Uniform Classification of Accounts, and bring all his practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements within twenty days from date.

Failure of transferee to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of January, 1942.

BH

(Decision No. 18102)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM MT. HARRIS, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLO.

MISCELLANEOUS DOCKET NO. 163

January 6, 1942.

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated January 2, 1942, requesting authority to transport one carload of coal free of charge from Mt. Harris, Colorado, on account of charity.

The shipment in question has been donated by a shipper on the line of The Denver and Salt Lake Railway Company for use of Mt. St. Vincent's Home, an agency of the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

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

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Mt. Harris, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Colorado & Utah Coal Company, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1942.

JH

FORM 1001

Dec. 18102
MW. 163.
1-6-41

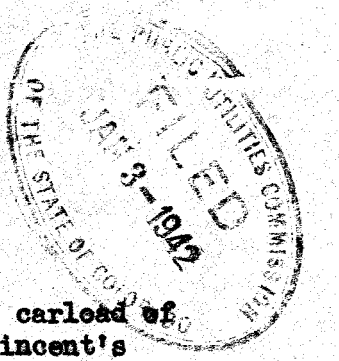
THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

January 2, 1942.



The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of Mt. St. Vincent's Home. This car will be consigned to the Denver Community Chest in care of the Colorado & Utah Coal Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B.

1

(Decision No. 18103)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF PAT BENSON, STERLING, COLORADO, TO TRANSFER CERTIFICATE NO. 588 TO CLIFFORD SHELTON, DENVER, COLORADO.	APPLICATION NO. 1814-BB-AA TRANSFER OF CERTIFICATE AND APPROVAL OF MORTGAGE

January 8, 1942.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On August 15, 1931, Decision No. 3600, L. J. Wernz was granted a certificate of public convenience and necessity authorizing the transportation of freight:

> "*** between Sterling, Willard, New Raymer, Stoneham, Buckingham amd Keota, and between Denver and Keota, Stoneham and Willard, and between Keota and Briggsdale and Greeley."

Said decision further provided that applicant be denied any authority to transport any freight between Briggsdale and Greeley and between Briggsdale and Denver, as well as the transportation of livestock and household goods between Stoneham and Denver.

On July 7, 1934, Decision No. 5823, said Louis J. Wernz was granted an extension of his original authority, which extension authorized:

> "*** the transportation of cream and eggs, only, between Grover and Denver, Colorado, and between Briggsdale and Denver, Colorado."

Thereafter, on December 19, 1940, Decision 16254, a further extension of said certificate of public convenience and necessity was

authorized, as follows:

> "***the transportation of general commodities in intrastate and interstate commerce, between Sterling and a point where the Colorado-Wyoming State Line is intersected by State Highway No. 155, over State Highway Nos. 14 and 155, with the right to serve intermediate points, and between Denver and said point on the Colorado-Wyoming State Line, via U.S. 85, Denver to Greeley, Colorado 57, Greeley to Briggsdale, Colorado 14, Briggsdale to point of intersection of said Colorado 14 with Colorado 155, thence via Colorado 155 to said Colorado-Wyoming state line, with the right to serve points beyond, but not including, Greeley, to the Colorado-Wyoming state line; and also the right to serve in interstate commerce between all points he is authorized to serve in intrastate commerce under said Decisions Nos. 3600 and 5823, on the one hand, and the points sought to be served under this decision on the other hand."

Said Decision No. 16254 also authorized the said L. J. Wernz to transfer the authority granted to him in Decisions Nos. 3600, 5823, and 16254, to Pat Benson.

The instant application seeks authority to transfer said authority, which has been designated as Certificate No. 588 to Clifford Shelton, of Denver, Colorado.

The evidence disclosed that the total consideration to be paid for said transfer was the sum of $1,500.00, which included a 1939 1½-ton Ford truck. $575.00 of this amount is taken care of by the assumption on the part of transferee of a mortgage in that amount on said Ford truck. The balance of $1125.00 is to be paid in monthly installments of $20.00, commencing one year from date of the approval of said transfer by this Commission, and is to be secured by a chattel mortgage on Certificate No. 588. We are asked to approve said mortgage in the instant application.

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

It does not appear that any outstanding obligations exist against the operations of transferor.

No objections were interposed to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Pat Benson, of Sterling, Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to said certificate of public convenience and necessity No. 588 to Clifford Shelton, of Denver, Colorado.

That that certain chattel mortgage dated November 25, 1941, executed by transferee to the said Pat Benson for the principal sum of $1,125.00 and secured by said certificate of public convenience and necessity No. 588, be, and the same is hereby, approved.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1942.

BH

(Decision No. 18104)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. U. YEAROUS, 815 PROSPECT AVENUE,) APPLICATION NO. 2738-PP-B
FORT MORGAN, COLORADO, FOR AN EXTEN-)
SION OF PERMIT NO. B-1236.)

January 8, 1942

Appearances: G. U. Yearous, Fort Morgan, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, and
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on December 12, 1941.

Applicant was heretofore authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> livestock from point to point in Morgan County and the north fifteen miles of Adams County, and from and to points in said area, to and from points in the area bounded on the south by U. S. 40-North, the Colorado State Line on the north and east, and U. S. Highway No. 285 on the west; farm products and farm supplies from point to point in said Morgan County and the north fifteen miles of Adams County, and grain in bulk from points in said area to Denver, Greeley and Fort Collins, with back-haul of coal from northern Colorado coal fields, only.

Applicant seeks an extension of his permit to include authority to transport used household goods and farm equipment to and from all points in the State of Colorado, from and to his present authorized territory, but stated, under cross-examination by Mr. Fregeau, that he only de-

sired to haul used household goods and farm equipment at times when he was moving the entire possessions of a farmer. He stated that he would be willing to have his permit limited to emmigrant movables.

Mr. Fregeau, Mr. Stockton and Mr. Love stated that they would withdraw their objections, if the extension was so limited. However, Mr. Stockton still protested granting of the extension on the ground that the applicant owed the Common Carrier Division of The Colorado Motor Carriers' Association approximately twenty dollars ($20.00) in membership dues.

While we believe applicant should pay his bills, especially operating expenses, failure to pay this account is not a legitimate ground upon which to base the refusal of an extension.

The Commission finds that the application should be granted, as hereinafter limited.

O R D E R

IT IS ORDERED:

That G. U. Yearous, owner of Permit No. B-1236, is hereby authorized to extend his operations under said permit to include the transportation of emmigrant moveables to and from all points in Colorado and to and from his present authorized territory.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1942.

mw

(Decision No. 18105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF CHARLES E. HITCHENS, STEAMBOAT SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1359 TO WAYNE BRISTOL, STEAMBOAT SPRINGS, COLORADO.

APPLICATION NO. 3012-PP-A

January 8, 1942.

Appearances: Marvin L. Brown, Esq., Steamboat Springs, Colorado, for Charles E. Hitchens, Transferor;
Truman A. Stockton, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
Winston S. Howard, Esq., Denver, Colorado, for Wayne Bristol, Transferee.

S T A T E M E N T

By the Commission:

The instant application as filed seeks authority to transfer Permit B-1359 from Charles E. Hitchens to Wayne Bristol.

At the hearing, it was stipulated between counsel present that the transfer could be approved without protest unless transferor advised the Commission within ten days from date of hearing that he desired to dismiss the application, in which event it was stipulated that said application should be dismissed.

We are now in receipt of a communication from counsel representing transferor, which was received within said ten-day period, stating that transferor desires to dismiss the application.

In view of the stipulation made at the time of the hearing, and after a careful consideration of the record, the Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby,

dismissed by stipulation of all parties in interest.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1942.

BH

(Decision No. 18106)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF FREDA COX, KERSEY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF PRODUCE (MOSTLY POTATOES) FROM POINT TO POINT WITHIN A 25-MILE RADIUS OF GREELEY, COLORADO.	APPLICATION NO. 5612-PP

January 8, 1942.

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Colorado Transfer and Warehousemen's Association and the Common Carrier Division of The Colorado Motor Carriers' Association, and Union Delivery Company of Greeley;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

When the instant application was called for hearing, no appearance was entered on behalf of applicant, although our records disclose that due notice thereof had been mailed to him.

Motion was made that said application be dismissed for lack of prosecution.

As the Commission is without any word from applicant as to why he failed to appear at the hearing, we are of the opinion, and so find, that motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V D Thurman

Edward C. C. Clarke

Madeleine Erickson

Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1942.

BH

(Decision No. 16107)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF J. F. HANEY, AULT, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF POTATOES AND ONIONS FROM FARMS WITHIN A 50-MILE RADIUS OF AULT, COLORADO, TO GREELEY.

APPLICATION NO. 5811-PP

January 8, 1942.

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company and Union Delivery Company of Greeley;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association and the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

When the instant application was called for hearing, no appearance was entered on behalf of applicant, although our records disclose that due notice had been mailed to him.

Motion was made that said application be dismissed for lack of prosecution.

As the Commission is without any word from applicant as to why he failed to appear at the hearing, we are of the opinion, and so find, that said motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1942.
BH

(Decision No. 18106)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

******

IN THE MATTER OF THE APPLICATION OF JOHN O'CONNELL, 731 EAST SIXTH, LEADVILLE, COLORADO, FOR AN EXTENSION OF PERMIT B-2426 TO INCLUDE THE TRANSPORTATION OF MINING AND MILLING SUPPLIES FROM DENVER, PUEBLO AND COLORADO SPRINGS TO LEADVILLE, COLORADO.

APPLICATION NO. 5116-PP-B

January 8, 1942.

Appearances: T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
T. A. Stockton, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Ass'n;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

When the instant application was called for hearing, no appearance was entered on behalf of applicant, although our records disclose that due notice thereof had been mailed to him.

Motion was made that said application be dismissed for lack of prosecution.

As the Commission is without any word from applicant as to why he failed to appear at the hearing, we are of the opinion, and so find, that said motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1942.

BH

(Decision No. 18109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF TILLER CASH COAL AND FEED COMPANY, ARVADA, COLORADO, FOR AN ORDER AUTHORIZING TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 897 TO FRANK TILLER AND SARAH TILLER, DOING BUSINESS AS "TILLER CASH COAL AND FEED COMPANY," 212 WADSWORTH AVENUE, ARVADA, COLORADO.

APPLICATION NO. 2677-A

January 8, 1942

Appearances: Howard Roepnack, Esq., Equitable Building, Denver, Colorado, for the applicants;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On March 25, 1936, in Application No. 2677, by Decision No. 7394, the Tiller Cash Coal and Feed Company, a corporation, was granted a certificate of public convenience and necessity, authorizing the transportation, not on schedule, of:

> "used furniture and household goods, farm products, sand, gravel, rock and dirt, from point to point within a radius of ten miles of Arvada, Colorado, (excepting that part of said area which lies within the City Limits of Denver) and from and to points in said area, to and from points in the State of Colorado (except Denver and Golden), and further excepting any transportation service in competition with the services of John T. Schmitt, doing business as Schmitt-Arvada Transfer, and Harold Swena, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; provided, however, that for

> the transportation of all freight other than farm products in bulk, live stock, used furniture and household goods, between points served by scheduled motor vehicle or railroad common carrier service, applicant shall charge rates which in all cases shall be at least twenty percent in excess of those charged by said scheduled carriers, and its rates for the transportation of furniture and household goods shall not be less than those provided by the Colorado Transfer and Warehousemen's Association now or hereafter on file with the Commission."

In the instant application, authority is sought to transfer said certificate of public convenience and necessity, which has been designated as "No. 897", to Frank Tiller and Sarah Tiller, co-partners, doing business as "Tiller Cash Coal and Feed Company."

The evidence disclosed that the present holder of said certificate, a corporation, is to be dissolved; that it has no outstanding debts, and that proper corporate records have been made to authorize the sale of said certificate to transferees.

It was further developed that transferees have an approximate net worth of thirteen thousand dollars ($13,000.00), which includes five units of equipment.

No objections were interposed to the granting of the authority sought, and the financial standing and operating reliability of transferees were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That The Tiller Cash Coal and Feed Company, a corporation, be, and it is hereby, authorized to transfer all of its right, title and interest in and to certificate of public convenience and necessity No. 897, heretofore issued in Application No. 2677, to Frank Tiller and Sarah Tiller, co-partners, doing business as "Tiller Cash Coal and Feed Company."

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferees until changed according

to law and the rules and regulations of this Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1942.

mw

(Decision No. 18110)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. H. SCHUBERT, OF 4444 NEWTON) PERMIT NO. B-1748
ST., DENVER, COLORADO.)

January 8, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that Permit No. B-1748 be suspended for a period of six months from January 1, 1942.

The Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That E. H. Schubert should be allowed to suspend his operations under Permit No. B-1748 for a period of not to exceed six months from January 1, 1942.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1942.

R

(Decision No. 18111)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF GRANT SIMONTON, OF HAYDEN, COLORADO.) PERMIT NO. B-1302

January 8, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that Permit No. B-1302 be suspended for a period of six months from December 17, 1941.

The Commission finds said request should be granted.

O R D E R

IT IS ORDERED:

That Grant Simonton should be allowed to suspend his operations under Permit No. B-1302 for a period of not to exceed six months from December 17, 1941.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1942.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF BYRON S. BUNKER FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 405 TO ROY E. JOHNSON, ARRIBA, COLORADO.

APPLICATION NO. 1889-AA

January 9, 1942.

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for applicants;
A. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Frank W. Miller, Denver, Colorado, pro se.

STATEMENT

By the Commission:

Byron S. Bunker is the owner of certificate of public convenience and necessity No. 405, which authorizes the following service:

> "Transportation of freight between Arriba and within a radius of 50 miles north, 6 miles east, 7 miles west thereof, and Denver."

Authority is sought in the instant case to transfer said certificate to Roy E. Johnson.

The evidence disclosed that transferee is now the owner of Private Permit No. B-1104, which authorizes:

> "Transportation of farm products from an area around Arriba, Colorado, described as follows: 6 miles east thereof; 10 miles south, 6 miles west and 25 miles north; to markets at Stratton, Hugo and Limon; livestock from points in this area to markets at Pueblo and Denver; household goods from point to point in said area and occasional trips outside thereof to points within a radius of 150 miles of Arriba; and to transport coal from Arriba to Shaw, Colorado."

In answer to a direct question whether he proposed to cancel his "B" permit if transfer was granted, transferee stated that he would not, as it covered different territory. He further stated that he owns one 1½-ton

Chevrolet truck, and that he proposes to conduct his operations under his "B" permit, as well as under the certificate sought to be transferred, with the same piece of equipment.

The evidence further disclosed that the consideration to be paid for said certificate is the sum of $100.00.

No evidence was introduced indicating whether or not transferor had any outstanding obligations. However, transferee stated that he would assume any of such debts to the extent of $90.00, as he had already paid $10.00 down.

Frank Miller, protestant, testifying in his own behalf, stated that he objected to the transfer on the ground that the certificate had been abandoned several years ago and no operations conducted thereunder, and for the further reason that transferee would be operating as both a common and private carrier with the same equipment.

The road reports of transferor were made a part of the instant record. These reports disclose that in 1940 some freight was transported by transferor in the months of March and November, only. No operating whatever was done during the year 1941 up to December 1st.

Rule 11 of our Rules and Regulations Governing Motor Vehicle Carriers, effective June 15, 1937, provides as follows:

> "(a) No motor vehicle carrier having received from the Commission a certificate of public convenience and necessity shall abandon operations thereunder without first making application in writing to the Commission for permission to do so, and submitting evidence, giving reasons for same, and receiving an order based thereon, permitting such discontinuance and revoking and cancelling said certificate.
>
> "(b) Discontinuance of service for a period of five consecutive days without written notice to and approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of order or permission to operate issued by the Commission; provided, however, that the Commission may permit the resumption of operation after five such days on proper showing that the carrier was not responsible for the failure to give service."

The record is silent as to whether transferor has actually

abandoned service under said certificate, or whether his failure to conduct any business was due to a lack thereof. However, the fact that transferor did file monthly reports even though no business was transacted, would be indicative of the fact that he did not intend to abandon his operations. On the other hand, it is hardly conceivable that transferor would not have been offered some business in the year 1941 up to December 1st if he had been actually engaged in operations under said certificate and the shipping public were advised of that fact. We believe, in view of the fact that no operations under said certificate had been conducted for a period exceeding one year, as shown by the road reports of transferor, that the burden of proof was upon transferor to explain to the Commission why this service had not been operated.

As to the second objection raised by protestant that the operation, if transfer is permitted, will result in the use by both a common and private carrier of the same piece of equipment, we believe this objection is worthy of consideration. Transferee takes the position that his authority under his private permit covers different territory than that authorized to be served under the common carrier certificate in question. However, an examination of the two authorities discloses that this is not altogether true. Household goods and livestock could be transported from an area around Arriba to Denver under either the permit or the certificate.

The general rule is that one may not operate as both a private and a common carrier over the same route at the same time, with the same equipment and under the same trade name. This rule was affirmed in the case of McKay v. Public Utilities Commission, et al., 104 Colo., page 402. Would the general shipping public in the Arriba section know whether they were dealing with transferee as a private or common carrier if he were permitted to operate as both a common and private carrier in this area?

In view of the lack of any operations under this certificate, it is rather apparent that the public convenience and necessity do not require

the operation and has not required same for some time past. By this, we do not mean to say that the question of public convenience and necessity will be considered in all transfer matters, although there is some trend in recent decisions indicating that it is an entirely proper matter to consider.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that it is not in the public interest to grant the authority sought in the instant application.

O R D E R

IT IS ORDERED:

That the authority sought in the instant application be, and the same is hereby, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 1942.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

******

IN THE MATTER OF THE APPLICATION OF CONNIE WILL, 255 So. CANOSA COURT, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	))))	APPLICATION NO. 5628-PP

January 9, 1942.

Appearances: Connie Will, 255 S. Canosa Court, Denver, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Curnew Livery and Transfer Company, the Common Carrier Division of The Colorado Motor Carriers' Association, and The Colorado Transfer and Warehousemen's Association;
Ben E. Sweet, Esq., by T. A. Stockton, Esq., Denver, Colorado, for Bear Creek Transfer;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Harold Swena, Golden, Colorado, pro se.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he was willing to eliminate oil mix and like construction material from his application, and he also desired to include slabs from Granby, Pine, Buffalo and Green Mountain, to Denver, as well as coal from the northern Colorado coal fields to Denver. He was also willing to eliminate any transportation service in Clear Creek County so far as ore was concerned.

In view of the above restrictions, all objections to the granting of the authority sought were withdrawn, and no objections were interposed to the additional authority requested.

The evidence disclosed that applicant owns a 1941 1½-ton dump truck, in which he has an equity of approximately $1,000.00. His financial standing and operating reliability were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the testimony, the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Connie Will, of Denver, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ore from point to point within a radius of fifty miles of Denver, except that no service shall be performed in Clear Creek County; coal from the northern Colorado coal fields to Denver, only, and slabs from Granby, Pine, Buffalo, and Green Mountain, to Denver.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ [illegible]

[illegible]

[illegible]

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 1942.

BH

Original

(Decision No. 18114)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.) CASE NO. 1585

January 8, 1942

Appearances: Joe Intermill, Eckley, Colorado;
Paul Hickman, Yuma, Colorado;
Ray Mercure, Otis, Colorado;
C. Dale Woolery, Eckley, Colorado;
Robert A. Theobold, Esq., and Lois C. Clark, Esq., E. & C. Bldg., Denver, Colorado;
James A. Schaeffer, Schaeffer Truck Line, Denver, Colorado;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
A. M. Hays, Denver Sheet Steel Distributors, % Hendrie & Bolthoff, Denver, Colorado;
W. H. McMullen, Cope, Colorado;
J. R. Shirley, Anton, Colorado;
J. Stanley Blunt, Southwestern Transportation Co., Canon City, Colorado;
T. S. Wood, Rate Expert, for the Commission.

S T A T E M E N T

By the Commission:

On December 9, 1941, a hearing was had at Wray, Colorado, relative to the rates on farm products. This hearing was on a petition from Joe Intermill, Eckley, Colorado.

On December 16, 1941, a hearing was had upon a petition from James A. Schaeffer, doing business as Schaeffer Truck Line, seeking an increase of 15 per cent in its class rates, except that on shipments subject to a minimum weight of 10,000 pounds, it requests an increase of 20 per cent. At the hearing the request for a 20 per cent increase on shipments of 10,000 pounds was withdrawn and in lieu thereof petitioner requested a straight 15 per cent increase in all of its rates, irrespective of weight.

Its operation is between Denver, on the one hand, and the following named points, on the other hand: Loveland Pass, Keystone, Montezuma, Dillon, Frisco, Breckenridge, Wheeler, Kokomo and Climax, and between Leadville and Climax, Kokomo, Wheeler, Frisco, Dillon and Breckenridge.

Also a petition from W. H. McMullen, d.b.a. the McMullen Truck Line of Cope, Colorado, requesting that the following rates, per can, on cream, to Denver be prescribed:

	5 Gal. Can	8 Gal. Can	10 Gal.Can
Distances less than 100 miles	20	25	25
" 100 miles and over	20	25	30

Rates to include return of empty cans. Not subject to any prescribed minimum charge.

On December 30, 1941, a hearing was had upon a petition from the Motor Truck Common Carriers Association, Inc., as Agent, for account of the Southwestern Transportation Company and the Swona Transfer and Express, for authority to put in force the following rates, viz.:

> "A rate of 30 cents per 100 pounds on shipments of fresh milk from Canon City, Colorado, to Golden, Colorado, said rate to include the return of empty cans."
>
> "To publish the following rates in cents per can of fresh milk from all stations Wellsville to Texas Creek, inclusive, to Canon City, Colorado:
> 15 cents per 10-gallon can
> 10 cents per 5-gallon can
> Not subject to Rule No. 2 (Minimum charge).
> Rates include return of empty cans."

At the hearing had at Wray, Colorado, Petitioner Joe Intermill proposed a scale of rates for distances up to fifty miles, which were somewhat lower than the present prescribed rates for distances up to 35 miles. On cross-examination he stated that he was not aware that his proposed rates were higher than the present rates for distances over 35 miles, and that it was not his intention to have any rates higher than the present scale.

Mr. Paul Hickman testified that, in his opinion, the present rates up to eight miles are all right, but for distances over eight miles up to 35 miles, the present rates are probably a little too high. He further testified that his operating costs are about nine cents per running mile.

Mr. Dale Woolery testified that for the distances which he hauls these products, namely, twenty miles as being the longest distance, and one mile being the shortest distance, it was impossible for the "for hire" carriers in the territory around Eckley to get any hauling at the present rates.

Some of the carriers attending this hearing seemed to be of the opinion that the proposed rates are somewhat low on the minimum weight of 10,000 pounds, and that if such rates were to be made applicable they should be subject to a minimum weight of at least 15,000 pounds.

Also, there were some discussions relative to a different rate where the corn or grain had to be scooped. However, we do not feel that two sets of rates would be satisfactory, as on one occasion a farmer might pay one rate and on another, pay another rate, and naturally such a situation would create confusion among the farmers in the community.

We believe that the proposed rates on the basis of a minimum weight of 15,000 pounds will return to the carriers something more than their out-of-pocket costs, thereby enabling them to secure some of the traffic and have use for their equipment, which might otherwise lie idle.

At the hearing on December 16, 1941, witnesses for the Schaeffer Truck Line testified that if they are to continue their operations and render a satisfactory service, it would be absolutely necessary for them to secure additional revenue. An exhibit of record for the period January through November, 1941, shows that the net profit for these eleven months was $373.05; that wages of drivers have been raised 25 per cent, and office help, 16 1/2 per cent during the past three months; that the prices of tires and tubes have advanced 9 per cent, and of auto parts, 9 per cent, except, on batteries there has been a 20 per cent advance, and that mechanical labor has been advanced 20 per cent.

A printed statement of the U. S. Department of Labor, Bureau of Labor Statistics, showing wholesale prices for the week ended November 15, 1941, reveals that the index of wholesale prices of approximately 900 price series rose 0.7 per cent during the week ended November 15, 1941, to a new high.

> "At 92.3 per cent of the 1926 average, the index is 0.7 per cent above a month ago, and more than 36 per cent above a year ago."

Mr. Schaeffer stated that in his contact with the merchants whom he serves at the various cities and towns, it appeared to him that they were more interested in service than they were in the level of the rates. The territory served by the Schaeffer Truck Line is very mountainous and in the distance of one hundred miles between Denver and Climax his line is obliged to traverse two mountain passes nearly 12,000 feet high. During six months of the year these passes are, on many occasions, rendered virtually impassable to normal vehicular traffic, which has a tendency to cause an unusual depreciation of equipment.

Mr. Hays, representing the Denver Sheet Steel Distributors, testified that the carload rate on Iron and Steel Articles from Chicago, Ill., to Utah Common Points, had recently been reduced ten (10) cents per 100 pounds, which reduction reflected back to Grand Junction and just west of Leadville.

In reducing the Chicago-Grand Junction rate without reducing the Chicago-Denver rate the Denver jobber is required to reduce its selling price ten cents in competing with the Utah or Grand Junction jobber.

It was Mr. Hays' position that in the face of the request of the rail carriers for a general increase, the instant petition was premature and that same should not be granted at this time.

It is the Commission's opinion that the record is insufficient to support the position taken by Mr. Hays.

It appears to us that under all the circumstances and conditions surrounding this operation, the requested increase should be granted.

In regard to the petition of W. H. McMullen for the prescription of the rates set forth in our order of December 4th, 1941, Decision No. 17988, Mr. McMullen testified that these rates had been in effect for a considerable length of time and that no objection had ever been made in regard to same; that upon receipt of a copy of the Commission's Decision No. 17325 dated November 5, 1941, wherein a rate of 40 cents per 8 or 10-gallon can, and 35 cents per 5-gallon can, on cream, from farms located in authorized territory of the Air Line Express to Denver, Colorado (empty cans to be returned free), he was under the impression that said prescribed rates were intended to replace rates which he had in effect. It is true the Air Line Express traverses the same territory that McMullen's line does that is, along U. S. Highway No. 36. However, the Air Line Express has an area on each side of the said highway which McMullen does not have. It appears that it was the intention of the Air Line Express to make its rates as hereinbefore set forth applicable only from farms located off U. S. highway No. 36. However, the order of the Commission did not so limit it. The rate from a farm located on U. S. Highway 36 would be subject to the 40 or 35-cent rate, according to the size of the can.

It appears that inadvertently the Air Line Express was not furnished a copy of our order assigning this matter for hearing. After the hearing, the rate department of the Commission sent a copy of said order to the Air Line Express with a request that it advise us its reaction to same. We are now in receipt of a letter signed by Mr. Henry of the Air Line and Mr. McMullen setting forth the rates which both of these carriers are willing to have established.

The proposed rates are the same as those proposed by Mr. McMullen, up to 135 miles. For distances over 135 miles, they propose a flat rate of 30 cents per can, regardless of size, which will have the effect of increasing McMullen's rates on 5 and 8-gallon cans, only, at Idalia, Colo.

There was no objection offered at the hearing relative to McMullen's proposal, and we believe that inasmuch as these two carriers are agreeable to the establishment of the same rates along this highway, it will be in the best interests of all concerned for the Commission to prescribe same. By the establishment of these rates along U. S. Highway No. 36, the Air Line Express will still have the rates prescribed under our Decision No. 17825 from the farms located in its territory which are not located on U. S. Highway No. 36.

At the hearing of December 30, 1941, relative to the rates on fresh milk from Canon City to Golden, Colorado, and from Wellsville to Texas Creek, inclusive, to Canon City, Stanley Blunt testified that the fresh milk (whole milk) which he contemplated hauling will not stand any higher transportation charge than the rate which he has proposed; that the community around Canon City is endeavoring to build up a dairy business, and that the Chamber of Commerce at Canon City is lending its aid and encouraging the farmers in their attempt; that the commodity is very perishable and where it moves into Canon City it has to be placed in storage, said storage charges being defrayed by the Chamber of Commerce of Canon City; that in order to assist in this movement he is agreeable to the establishment of these low rates; while they are sub-normal he feels that they will pay the out-of-pocket costs. Due to the nature and perishability of the commodity, he will not be competing with the railroads as this product does not move in the form in which he proposes to move it in baggage-car service, nor would he be competing with any other motor carriers.

No objection was entered to the proposed rates, and we feel that the carriers should be permitted to establish the rates they are seeking.

After full consideration of all the facts in the instant petitions and the record as a whole, the Commission is of the opinion, and so finds, that the rates and provisions set forth in Supplement No. 3 to Appendix C-2, Supplement No. 6 to Appendix D, and Supplement No. 1 to Appendix H-1, attached hereto and made a part hereof, are, and for the future will be, just, fair, reasonable and sufficient maximum and minimum rates, and just, reasonable and proper rules and regulations, exceptions and provisions for all motor vehicle common carriers, and minimum rates, rules, regulations, exceptions and provisions for all private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service.

O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding, statements of its findings of fact and conclusions thereon; that on said dates the Commission entered its orders to give effect to said conclusions:

IT FURTHER APPEARING, That, after further consideration of all the evidence and facts, the Commission has on the date hereof made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates, are hereby referred to and made parts hereof:

IT IS ORDERED, That the order heretofore entered in said proceedings in Case No. 1585 on February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented, or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified, the above stated order, as amended, shall continue in full force and effect.

IT IS FURTHER ORDERED, That all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are effected, be, and they are hereby,

notified and required to cancel all schedules in conflict with the rates, rules, regulations, exceptions and provisions prescribed in the aforesaid statement on further consideration, on January 15, 1942, upon notice to this Commission and to the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, and Section 10, Chapter 120, Session Laws of 1931, as amended.

IT IS FURTHER ORDERED, That this order shall become effective on the 15th day of January, 1942, and that the rates, rules, regulations, exceptions and provisions prescribed and approved in the aforesaid statement, on further consideration shall be published by all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, and Section 10, Chapter 120, Session Laws of 1931, as amended, and that on and after said date said motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates and bases of rates herein prescribed; and private carriers by motor vehicle shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than those prescribed and approved in the aforesaid statement.

IT IS FURTHER ORDERED, That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a common carrier.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end juris--

diction is retained to make such further and additional orders as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty (20) days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1942

GENERAL APPENDIX

Supplement No. 3 to Appendix C-2 (Class Rates)

Exception No. 4 to Distance Scale of Class Rates

Between	And	Class Rates in Cents per 100 Pounds Less than Truckload 1st	2nd	3rd	4th
Denver, Colo.	Loveland Pass, Colo.	92	77	64½	49½
	Keystone, "	98	83	68	53
	Montezuma, "	101	86	70	57½
	Dillon, "	101	86	70	57½
	Breckenridge, "	108	92	76	60
	Frisco, "	106	90	73½	58½
	Wheeler, "	108	92	76	60
	Kokomo, "	110	94½	78½	60
	Climax, "	112½	97	83	64½
		Minimum Weight 5,000 Pounds			
Denver, Colo.	Loveland Pass, Colo.	68	57½	47½	37
	Keystone, "	73	62	51	39½
	Montezuma, "	75½	65	53	42
	Dillon, "	75½	65	53	42
	Breckenridge, "	80½	69	56½	43½
	Frisco, "	78	66	55	43
	Wheeler, "	80½	69	56½	43½
	Kokomo, "	82	70	58	45
	Climax, "	83½	71½	59	46
		Minimum Weight 10,000 Pounds			
Denver, Colo.	Loveland Pass, Colo.	46	39	33	24½
	Keystone, "	51	43	35½	27½
	Montezuma, "	53	45½	37	29½
	Dillon, "	53	45½	37	29½
	Breckenridge, "	56	47½	39½	31
	Frisco, "	54	46	38	30
	Wheeler, "	56	47½	39½	31
	Kokomo, "	57½	49	40½	31
	Climax, "	58	49½	41	31½

Between	And	Class Rates in Cents per 100 Pounds Less Than Truckload 1st	2nd	3rd	4th
Leadville, Colo.	Climax, Colo.	61	52	41½	33½
	Kokomo, "	62	53	42½	34½
	Wheeler, "	65½	55	46	37
	Frisco, "	72½	61	50½	39
	Dillon, "	72½	61	50½	39
	Breckenridge, "	78	66½	55	42½
		Minimum Weight 5,000 Pounds			
Leadville, Colo.	Climax, Colo.	44½	37½	31	24
	Kokomo, "	45	38	32	25½
	Wheeler, "	47½	40	33½	26½
	Frisco, "	52½	44½	37½	28½
	Dillon, "	52½	44½	37½	28½
	Breckenridge, "	57½	49½	40	31

Class Rates in Cents per 100 Pounds
(Continued)

Between	And	Minimum Weight 10,000 Pounds 1st	2nd	3rd	4th
Leadville, Colo.	Climax, Colo.	27½	23	19½	15
	Kokomo, "	28½	24	20	15½
	Wheeler, "	30	25½	20½	16½
	Frisco, "	33	27½	23	18
	Dillon, "	33	27½	23	18
	Breckenridge, "	35½	30½	25½	19½

Supplement No. 6 to Appendix D (Milk and Cream)

From points located on U. S. Highway No. 36 east of a point ten (10) miles east of Byers, Colorado, including off-line points of Thurman and Kirk to Denver, Colorado, apply the following rates on cream:

	Rates in Cents per Can 5-Gal.	8-Gal.	10-Gal.
Distances less than 100 miles	20	25	25
Distances 100 miles but not exceeding 135 miles	20	25	30
Distances over 135 miles	30	30	30

(Rates include return of empty cans.)
(Not subject to any prescribed minimum charge.)

Fresh Milk (Whole Milk) from Canon City, Colorado, to Golden, Colo., 30 cents per 100 pounds of milk. Empty cans to be returned free.

Fresh Milk (Whole Milk) from stations Wellsville to Texas Creek, inclusive, to Canon City, Colorado:

15 cents per ten (10) gallon can (See Note)
10 " " five (5) " " (1)

Note 1 - The above rates are proportional rates and will apply only on traffic destined to Golden, Colo.

Not subject to any minimum charge and includes the return of empty cans.

Supplement No. 1 to Appendix H-1

Exception No. 2. On the commodities named in Appendix H-1, for local application in Yuma County between points located within thirty (30) miles of Eckley, Colorado. Subject to a minimum weight of 15,000 pounds per shipment.

Distance	Rate in Cents per 100 pounds.	Distance	Rate in Cents per 100 pounds
2 miles and under	1.78	18 miles and over 16	5.5
4 " " over 2	2.00	20 " " " 18	6.0
6 " " " 4	2.50	22 " " " 20	6.5
8 " " " 6	3.00	24 " " " 22	7.0
10 " " " 8	3.50	26 " " " 24	7.5
12 " " " 10	4.00	28 " " " 26	8.0
14 " " " 12	4.50	30 " " " 28	8.5
16 " " " 14	5.00		

(Decision No. 16115)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF OREN A. HARTSEL, FOR AN EXTENSION OF HIS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 565 TO INCREASE HIS TERRITORY.

APPLICATION NO. 1789-BB

IN THE MATTER OF THE APPLICATION OF OREN HARTSEL FOR SUPPLEMENTAL CERTIFICATE OF CONVENIENCE AND NECESSITY.

APPLICATION NO. 1848-BB

January 9, 1942

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
W. V. Hodges, Jr., Esq., Denver, Colorado, for Chicago, Rock Island and Pacific Railroad and its Trustees;
J. Russell Miller, Esq., for Woodward Truck Line;
Frank W. Miller, Denver, Colorado, for Denver-Limon-Burlington Truck Line;
Charles D. Young, Denver, Colorado, for The Colorado Trucking Association;
Raymond B. Danks, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company.

STATEMENT

By the Commission:

On January 31, 1941, the Commission entered its order and decision, No. 16607, in the above-styled matter, denying application of Oren Hartsel for a certificate of public convenience and necessity.

Subsequently, said applicant filed petition for rehearing.

The Commission has carefully considered each and every assignment of error, and has reviewed the record in said matter, and is of the

opinion, and finds, that no error was committed in denying said application, and finds that said petition for rehearing should be denied.

O R D E R

IT IS ORDERED:

That petition for rehearing filed by applicant in the instant application be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1942.

mm

(Decision No. 18116)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Wesley Loper) PERMIT NO. C-5162
)
)

January 9, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wesley Loper of 147 Main, Montrose, Colo, requesting that his Permit No. C-5162 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5162, heretofore issued to Wesley Loper be, and the same is hereby, declared cancelled effective as of November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 19 42

G

(Decision No. 18117)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Harry A. Peters) PERMIT NO. C-5003
)
)

January 9, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry A. Peters of Grand Valley, Colo, requesting that his Permit No. C-5003 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5003, heretofore issued to Harry A. Peters be, and the same is hereby, declared cancelled effective, as of November 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 19 42

G

(Decision No. 18118)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Ben Veltri, d/b/a) PERMIT NO. C-12482
Veltri Creamery Co.)
)

January 9, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ben Veltri, d/b/a Veltri Creamery Co of Trinidad, Colo, requesting that his Permit No. C-12482 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12482, heretofore issued to Ben Veltri, d/b/a Veltri Creamery Co. be, and the same is hereby, declared cancelled effective, as of November 29, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 19 42.

G

(Decision No. 18119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Clarence Johnson) PERMIT NO. C-7365
)
)

January 9, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence Johnson of 900 So 12th, Canon City, Colo, requesting that his Permit No. C-7365 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7365, heretofore issued to Clarence Johnson be, and the same is hereby, declared cancelled effective , as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Doherty

Edward J. Keller

Malcolm Ericsson

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 19 42.

G

(Decision No. 18120)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. K. Bailey d/b/a)
Mesa Farm Dairy)
)

PERMIT NO. C-2994

January 9, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. K. Bailey, dba Mesa Farm Dairy of Hayden, Colorado, requesting that his Permit No. C-2994 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2994, heretofore issued to H. K. Bailey, d/b/a Mesa Farm Dairy be, and the same is hereby, declared cancelled effective as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 19 42.

G

(Decision No. 18121)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Fred F. Snider) PERMIT NO. B-2598 and C-13021
)
)

January 9, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred F. Snider of 113 Union Blvd., Colo Spgs., Colo requesting that his Permit No. B-2598 and C-13021 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2598 & C-13021, heretofore issued to Fred F. Snider be, and the same is hereby, declared cancelled effective, as of December 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 19 42.

G

(Decision No. 18122)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Rufard Warner & Harland Stowers) PERMIT NO. C-6682
)
)

January 9, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Rufard Warner and Harland Stowers of 1248 Walnut, Boulder, Colo, requesting that his Permit No. C-6682 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6682, heretofore issued to Rufard Warner & Harland Stowers be, and the same is hereby, declared cancelled effective, as of December 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 19 42.

G

(Decision No. 18123)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-5397
Robert Bangerter)
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert Bangerter of 3 Oak, Clayton, New Mexico, requesting that his Permit No. C-5397 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5397, heretofore issued to Robert Bangerter be, and the same is hereby, declared cancelled effective, as of December 4, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42

G

(Decision No. 18124)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-6231
Frank Bathrick)
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Bathrick of Grand Lake, Colorado, requesting that his Permit No. C-6231 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6231, heretofore issued to Frank Bathrick be, and the same is hereby, declared cancelled effective as of December 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42.

G

(Decision No. 18125)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Adolph Fiorina & Joe Zontine) PERMIT NO. A-2586 and C-2916
)
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Adolph Fiorina & Joe Zontine of 710 W 1st St., Florence, Colo, requesting that his Permit No. A-2586 and C-2916 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No A-2586 & C-2916 heretofore issued to Adolph Fiorina and Joe Zontine be, and the same is hereby, declared cancelled effective, as of December 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 43

G

(Decision No. 18126)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-10913
Harry Graham)
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry Graham of Rt 1, Boulder, Colorado, requesting that his Permit No. C-10913 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10913, heretofore issued to Harry Graham be, and the same is hereby, declared cancelled effective as of December 10, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry L. Doherty

/s/ Edward J. Knaebel

/s/ Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42.

G

(Decision No. 18127)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. Will Shurtz) PERMIT NO. C-9801
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. Will Shurtz of 2420 5th Ave., Pueblo, Colo, requesting that his Permit No. C-9801 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9801, heretofore issued to J. Will Shurtz be, and the same is hereby, declared cancelled effective , as of December 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42

G

(Decision No. 18128)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Joe Cary) PERMIT NO. C-12625
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Cary of Rt 5, Grand Junction, Colo, requesting that his Permit No. C-12625 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12625, heretofore issued to Joe Cary be, and the same is hereby, declared cancelled effective, as of December 12, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42.

G

(Decision No. 18129)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
G. H. Groover) PERMIT NO. C-9936
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. H. Groover of Haxtun, Colorado, requesting that his Permit No. C-9936 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9936, heretofore issued to G. H. Groover be, and the same is hereby, declared cancelled effective, as of December 12, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42.

G

(Decision No. 18130)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. S. Johnson) PERMIT NO. C-13335

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. S. Johnson of Box 579, Rt. 7, Denver, Colo., requesting that his Permit No. C-13335 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13335, heretofore issued to E. S. Johnson be, and the same is hereby, declared cancelled effective, as of December 13, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42.

G

(Decision No. 18131)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
S. E. Close) PERMIT NO. C-12058
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from S. E. Close of Ford, Kansas, requesting that his Permit No. C-12058 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12058, heretofore issued to S. E. Close be, and the same is hereby, declared cancelled effective, as of December 13, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42

G

(Decision No. 18132)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Henry P. Schlagel)
)
)

PERMIT NO. C-12877

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Henry P. Schlagel of R F D #2, Longmont, Colo, requesting that his Permit No. C-12877 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12877, heretofore issued to Henry P. Schlagel be, and the same is hereby, declared cancelled effective, as of December 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Schlagel

Edward C. Dunklee

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19.42.

G

(Decision No. 18133)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Leo W. Harris) PERMIT NO. C-5499
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leo W. Harris of Rt 1, Box 459, Arvada, Colo., requesting that his Permit No. C-5499 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5499, heretofore issued to Leo W. Harris be, and the same is hereby, declared cancelled effective, as of December 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1942.

G

(Decision No. 18134)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. C. Jones) PERMIT NO. C-1543
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. C. Jones of Box 22, Gunnison, Colo, requesting that his Permit No. C-1543 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1543, heretofore issued to E. C. Jones be, and the same is hereby, declared cancelled effective, as of December 16, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1942.

G

(Decision No. 18135)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12195
)
Charles Hammond)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles Hammond of Burlington, Colo, requesting that his Permit No. C12195 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12195, heretofore issued to Charles Hammond be, and the same is hereby, declared cancelled effective , as of December 17, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42.

G

(Decision No. 18136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Ford O. Davis) PERMIT NO. C-9123
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ford O. Davis of Creede, Colo, requesting that his Permit No. C-9123 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9123, heretofore issued to Ford O. Davis be, and the same is hereby, declared cancelled effective, as of December 17, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42

G

(Decision No. 18137)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
F. S. Cunningham) PERMIT NO. P Appl & C-4354
)
)

January 12, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. S. Cunningham of 720 No Arcadia, Colo Spgs., Colo, requesting that his Permit No. P Appl. and C-4354 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. P Appl. and C-4354, heretofore issued to F. S. Cunningham be, and the same is hereby, declared cancelled effective, as of December 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Stevens

Dwight D. Keller

Malcom Ericson

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 19 42

G

(Decision No. 18138)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-3429
Herman Hose)
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herman Hose of Rt 1, Brighton, Colorado, requesting that his Permit No. C-3429 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3429, heretofore issued to Herman Hose be, and the same is hereby, declared cancelled effective, as of December 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1942.

G

(Decision No. 18139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Marshall Bros. Service Station) PERMIT NO. C-3301
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Marshall Bros. Service Station of Swink, Colo, requesting that his Permit No. C-3301 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3301, heretofore issued to Marshall Bros. Service Station be, and the same is hereby, declared cancelled effective, as of December, 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 19 42

G

(Decision No. 18140)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Frank L. Bunten) PERMIT NO. C-6879
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank L. Bunten of 1412 Molino Ave., Long Beach, Calif. requesting that his Permit No. C-6879 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6879, heretofore issued to Frank L. Bunten be, and the same is hereby, declared cancelled effective , as of December 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Shawcroft

Edward J. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1942.

G

(Decision No. 18141)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Armando Martinez) PERMIT NO. C-12198
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Armando Martinez of Antonito, Colorado, requesting that his Permit No. C-12198 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12198, heretofore issued to Armando Martinez be, and the same is hereby, declared cancelled effective, as of December 25, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 19 42.

G

(Decision No. 18142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Ellis L. Hayes) PERMIT NO. C-1756
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ellis L. Hayes of 2715 No. Speer Blvd., Denver, Colo requesting that his Permit No. C-1756 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1756, heretofore issued to Ellis L. Hayes be, and the same is hereby, declared cancelled effective, as of December 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edwin E. Linsley

Malcolm Ericksson

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 19 42

G

(Decision No. 18143)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Carl Atkerson)
)
)

PERMIT NO. C-13145

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl Atkerson of Platteville Colo, requesting that his Permit No. C-13145 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13145, heretofore issued to Carl Atkerson be, and the same is hereby, declared cancelled effective as of December 29, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 19 42.

G

(Decision No. 18144)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Mrs. Bertha Greenfield) PERMIT NO. C-6826
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Bertha Greenfield of Brighton, Colo, requesting that his Permit No. C-6826 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6826, heretofore issued to Mrs. Bertha Greenfield be, and the same is hereby, declared cancelled effective as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 19.42.

G

(Decision No. 18145)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Weldon Rogers)
)
)
)

PERMIT NO. C-13299

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Weldon Rogers of % Draper Ross, Amarillo, Texas, requesting that his Permit No. C-13299 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13299, heretofore issued to Weldon Rogers be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Neal Commissioners

Dated at Denver, Colorado,
this 13th day of January, 19 42

G

(Decision No. 18146)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* **

RE MOTOR VEHICLE OPERATIONS OF)
ARMORED MOTORS OF COLORADO, INC.)

PERMIT NO. A-958

January 9, 1942

S T A T E M E N T

By the Commission:

Armored Motors of Colorado, Inc., has heretofore been granted a Class "A" permit, which has been designated as "A-958". We are now in receipt of a communication from said corporation stating that they have adopted the trade name of "Armored Motors Service," and requesting that we change our records to conform therewith.

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

O R D E R

IT IS ORDERED:

That the records of the Commission be amended to show that Permit No. A-958 is the property of Armored Motors of Colorado, Inc., doing business as "Armored Motors Service."

This order shall take effect on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Shearman

Edward C. Dunklee

Walter Ericson

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1942.

mm

(Decision No. 18147)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WESTERN COLORADO POWER COMPANY TO DISCONTINUE ITS SERVICE TO CERTAIN DISTRIBUTION LINES IN THAT PORTION OF THE RURAL AREAS LOCATED IN THE COUNTY OF DELTA, HERETOFORE SERVED BY IT.

APPLICATION NO. 5640

January 10, 1942

Appearances: Moynihan, Hughes and Sherman, Esqs., Montrose, Colorado, for the applicant;
Bryant and Stubbs, Esqs., Montrose, Colorado, for protestants.

S T A T E M E N T

By the Commission:

The Western Colorado Power Company, applicant herein, under certificate of public convenience and necessity from this Commission, operates and maintains lines for distribution of electrical energy in certain rural areas of Montrose and Delta Counties, by means of which it furnishes electric service to families in said territory.

Delta-Montrose Rural Power Lines Association is organized under Colorado statutes, providing for organization of cooperatives. Apparently, as yet, it has not been subject to our jurisdiction. It is financed by R.F.C., through R.E.A. It has constructed, or under construction, approximately five hundred and fifty miles of line, and now serves about eleven hundred and fifty customers in portions of the rural areas of the counties of Ouray, Montrose, Delta and Gunnison. Some of its transmission lines, as now constructed or to be constructed, in part, parallel lines heretofore constructed by Western Colorado Power Company in the

rural areas served by it. The association buys its energy at wholesale from Western Colorado Power Company.

Applicant, believing that it is not desirable to continue to serve the areas served, or which can be served, by the association, has entered into a contfact for the sale and transfer of a part of its distribution lines to the association, which proposes to serve fifteen customers now served by applicant, and twenty-two or more farmers not served by either the association or the power company, said sale and abandonment of service to areas served by said lines being contingent upon our approval, which is here sought, said lines being small segments of system totaling 4.61 miles (after eliminating area "C") as shown by said contract of sale, being Exhibit "A" attached to the application.

The matter was heard in Montrose, the application being opposed by seven of the fifteen customers of applicant immediately affected by the proposed change. Eight customers, residing in areas marked "A" and "B" on Exhibit B attached to the application, did not appear. Protestants live within a short distance north and south of the section line between Sections 15 and 22, Township 51-North, Range 10-West, New Mexico P.M., said area being marked "D" on Exhibit B.

Exhibits 1 and 2 offered at the hearing, and Exhibit B, show lines of applicant and association now constructed, location of lines which association proposes to construct, poles in some instances being indicated as in place, places of residence of protestants and seventeen farms west of area "B" and five farms in Sections 21 and 22, Township 51-North, Range 10-West, New Mexico P.M., that would be served by association under extension contemplated, if instant application is granted, contracts having been signed for service about three years ago. "D" area where protestants reside involves 1.85 miles of line, and is at end of, or ties on to, transmission line extending southerly along west side of Section 15. No provision is made for sale of any part of line north of southwest corner of Section 15. The five farmers last mentioned never have applied to

applicant for service, although applicant's lines now extend to approximately the northwest corner, northeast quarter, Section 28, and to the southwest corner of Section 15, said farms being from one-fourth to one and one-fourth miles distant from power line.

Mr. Hughes, counsel for power company, stated that application was filed by the power company in line with its desire to cooperate with R.E.A. in every way, so "that as large a number of families in the valley could be energized and receive energy" as possible, power company believing that it could not serve some neighborhoods on account of sparsity of customers which association can reach with its lines and is willing to serve; that a number of years ago an agreement was effected between the association and the power company to transfer a large amount of lines to the association; that application was withdrawn, following strenuous objections on the part of customers served by power company; that, in the meantime, power company and association have agreed upon the proposal here made, which will involve as few customers as possible and still permit the elimination of some contemplated duplicating lines and some duplicating lines already constructed. Also, farms not now connected to either system will be served.

Mr. Stubbs, for protesting customers of applicant, stated that his clients were in accord with the general policy of power company and the association to furnish electric energy to all persons residing in the California-Mesa area; that application should be allowed as to Sections A and B, unless the customers there residing indicate a desire to the contrary; that the application as to Section D should be denied, because it is economically feasible for Western Colorado Power, not only to continue to serve them, but to serve the five persons mentioned not served who reside in Sections 21 and 22; that protestants are wholly satisfied with the Western Colorado Power Company's service that they are now receiving, and desire to continue to receive that service.

Applicant's witnesses testified that protesting customers were

being served at a profit; that it probably could extend and profitably serve the five customers south of area "D" seeking service, but applicant does not want to invade association territory or attempt to serve farmers "signed up" by association; that to serve said area, it would be necessary for Western Colorado Power to purchase a line of poles between Sections 21 and 22 already installed by association (which association probably does not want to sell).

Association does not propose to extend its lines from its transmission line now extending north and south along east boundary line of Sections 15 and 22, westerly to connect with line of poles mentioned. Donald S. Mitchell, the association superintendent, testified that it proposes to construct line from terminus of its line near the northwest corner of Section 29 easterly to pole line now extending to southwest corner of Section 22, which, as shown by Exhibit B attached to the application, means paralleling applicant's line extending into Sections 28 and 29 (which lines and service to farmers adjacent thereto, W.C.P. Company Superintendent Bullock stated, applicant did not contemplate transferring); that pole line along west line of Sections 15 and 22, and line of poles in Section "B" were constructed three years prior to hearing, but line was not completed on account of paralleling applicant's lines, and farmers then signed still are without service; that if application is not granted, association, nevertheless, will proceed with construction of connecting links, in order to complete its trunk lines, "hook up" some other areas, and serve the parties now signed, and others, who are without service; that, "it isn't a matter of going in for spite work to connect those lines through there. These customers, if they want to remain with the power company and they object to the R.E.A., we would be more than pleased to let them remain there. We don't want them if they are satisfied with the power company. It is all right for them to remain there. We are not trying to force anyone to our lines. It is just a matter of proper economic construction policy we are trying to follow, and if

we can serve them by absorbing this line and continuing on with the construction of the plan which we made three years ago, why that's what we want to do. If they are not satisfied with the service they get there, if they are not satisfied with our service, we don't try to force anyone to stay on the line, any mile of the line;" that service to protestants, in the event application is allowed, will be furnished for same rates now charged by Western, or on R.E.A. rates, at option of customer; that there is not individual liability on part of association members.

J. A. Bettes, Harley Eckert, W. E. Rody, Joseph Catch, and Joe Kloberdanz, the five customers protesting, in person, or by stipulation, testified that Western Colorado Power service is excellent; that it is foolish to exchange good service for service that may not be satisfactory; that minimum charges of Western Colorado Power are lower than association minimum; that, in their opinion, power company is better able to serve; that they are assured of good service if they continue with the power company; that rates will not be subject to change at discretion of R.E.A.; that they now have Public Utilities Commission's protection, and want to retain it; that if connected with R.E.A. lines, it perhaps might be necessary to re-wire houses and barns. In addition, Mr. Eckert stated that if authority sought is granted, he will "cut off."

Witness for Ryan Estate testified that estate property is located in Section 21, about one-fourth mile from Western Colorado Power line, south of protesting customers; that house is wired, and they want service, and would connect with Western Colorado Power or association lines, if either is extended.

It appears that lines of applicant and association are in parallel in area "A". Association pole line is installed in area "B" to serve seventeen customers, but a connection with association's lines from south, east or north would parallel applicant's lines. Area "C" was eliminated from application. No objections were interposed by applicant's customers in areas "A" and "B" to transfer. Applicant is to retain its

line and its customers as far south as the southwest corner of Section 15. Purchase of D" area between Sections 15 and 22 would permit association to tie into its "Coal Creek-Spring Mesa" line along east side of Sections 15 and 22, if it so desired, although according to its superintendent, it contemplates an extension to area "D" from the south, where one of the two connections (meter) is made with applicant's "Highline," the other being near Delta. This line will parallel applicant's line southwest of area "D". Farmers south of this area not now served will be connected to said line. Applicant, without paralleling association's lines as now constructed, and probably with less cost than cost to association, could connect from the south, and serve said farmers.

All associations in the State of Colorado operating under direction of R.E.A., to date, have taken the position that they are non-profit cooperatives, and as such, are not subject to jurisdiction of The Public Utilities Commission. The Commission has been, and still is, of the opinion that question of our jurisdiction is one of law and, at this time, we should not disapprove a contract by a public utility to sell a portion of its electric utility property to Delta-Montrose Rural Power Lines Association on the ground that it is not, or that it contends that it is not, subject to our jurisdiction. See Re Tenn. P.S.C., 5 P.U.R. (N.S.) 499.

While approval of this Commission is necessary before a sale or merger of electric utility company properties can be accomplished, the Commission may not lawfully interfere with the management and control of the utility beyond what is reasonably necessary to secure to the public adequate service at fair and reasonable rates. See Mo. Ex Rel S.W. Bell Tel. Co. v. P.S.C. 262, U.S. 276, 289; 43 S.Ct. 544; P.U.R. 1923 C, 193.

The primary question here presented is not whether the proposed sale will be in the interest of The Western Colorado Power Company or the association, but how will it affect service, accommodation and convenience of the public, as a whole, and, in this connection, if sale is made, will the users of electricity in the territory now served by applicant

which is to be transferred continue to get proper rates and service under association ownership and management, their interests, however, to be subordinate to the interests of the public, generally. See Re Tenn. P.S.C. (Supra) and No. Penn. Power Co., et al v. P.U.C.)Penn.) 2 At. 866; 24 P.U.R. (N.S.) 443.

The transfer contemplated would tend to settle question whether association or applicant will serve several rural areas long in controversy, and perhaps remove a continuing "bone of contention" and insure friendly relations between applicant and the association. Many farms now without electrical service, some of whom applicant apparently does not desire to serve, will be served through completion or extension of association lines, although in this connection, it should be pointed out that association intends to construct and extend lines whether application is or is not allowed to area southwest of "D". Such extension would mean duplication of facilities and unnecessary use of now valuable and sorely needed materials. If not extended, five customers southwest of area "D" would be without service, unless applicant extended its lines, which it admits could be done profitably. This, however, would serve no useful purpose, unless association abandons contemplated construction of link along north side of Sections 29 and 28, and sells its pole line along west side of Sections 21 and 22 to applicant, which apparently has not been contemplated by parties — at least such arrangement has not been submitted to us for our consideration.

It is evident, upon the record, as made, that we should approve contract submitted, as it relates to sale of facilities in sections "A" and "B". Customers of applicant residing in said areas did not protest the application, and it appeared that association's service is satisfactory, and is now enjoyed by approximately eleven hundred and fifty farmers.

The proposed sale of facilities in area "D" presents a more difficult question. Answering protestants' objections, the association's superintendent stated that the association members have no liability, except to pay for energy consumed at association rates; that they could re-

ceive energy, if they wished, at Western Colorado Power Company rates, including power company minimum, and expressed the opinion, not controverted, that association rates, in higher brackets, are lower than applicant's rates; that association never had required customers to rewire homes already wired. We realize that customers of applicant residing in area "D" desire to continue their very pleasant and satisfactory relations with Western Colorado Power Company, but considering the matter from the standpoint of the public interest, and the benefits that probably will accrue to rural residents of California Mesa as a whole by the inclusion of these segments in association's system, and in view of the fact we believe that present conditions, including applicant's rates, which protestants concede to be reasonable, can be maintained by the association, and that said power company customers in area "D" will continue to receive adequate and satisfactory service at proper rates under association operation, we are of the opinion that said proposed sale by The Western Colorado Power Company is in the public interest, and should not be disapproved by us.

We, therefore, find that public convenience and necessity require the proposed transfer and sale by The Western Colorado Power Company of the facilities, except those in area "C", mentioned in Contract No. A-5, being Exhibit "A" attached to the complaint (Exhibit "3" at hearing) upon the terms and conditions set forth in said contract, and discontinuance of service by applicant on lines so sold if, when, and after the customers served by it through said facilities are connected with and served by the lines and facilities of the association.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the transfer and sale by The Western Colorado Power Company of the facilities, except those in area "C", mentioned in Contract No. A-5, being Exhibit "A" attached to the complaint (Exhibit "5" at hearing) to Delta-Montrose

Rural Power Lines Association, upon the terms and conditions set forth in said contract, and that said applicant be allowed to discontinue service on lines so sold if, when, and after the customers served by it through said facilities are connected with and served by the lines and facilities of the association.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Shuman

Edward J. Bowles

Walter Ericson

Commissioners

Dated at Denver, Colorado,
this 10th day of January, 1942.

mw

(Decision No. 18148)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.	CASE NO. 1585

January 9, 1942

STATEMENT

By the Commission:

On February 5, 1936, and various subsequent dates, the Commission entered its orders prescribing rates, rules, regulations and classification for the transportation of freight by motor vehicle common carriers, and private carriers by motor vehicle competing with any such common carriers, which orders became effective on April 1, 1936, and various subsequent dates.

The Commission is now in receipt of a petition from the Motor Truck Common Carriers Association, as agent for and on behalf of Leonard Gray, doing business as Gray Truck Line, requesting the "removal of the application of the Plains Scale of rates on farm products in that territory located on U. S. Highway No. 40 between Steamboat Springs, Colorado, and the Colorado-Utah State Line."

"Mr. Gray, in his letter requesting the filing of this application, stated that:

> "'While this road is oiled, it is still a slow road due to so many hills and the expense of operating a truck is more than in the Plains territory.'
>
> "Also, this matter was presented to this Association's Intrastate Standing Rate Committee at its last meeting and was approved. This meeting was attended by Mr. Stanley Larson of the Larson Transportation Company, and, as the Committee Member from the Steamboat Springs Territory, Mr. Larson approved the proposed change."

Under all the circumstances and conditions, the Commission is of the opinion, and so finds, that the above-entitled case should be reopened and further testimony taken in the matters and things hereinbefore set forth.

O R D E R

IT IS THEREFORE ORDERED, That this matter be and the same is hereby, reopened for further hearing before the Commission, at 10 o'clock A.M., on the 21st day of January, 1942, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for taking of evidence concerning the matter hereinbefore set forth, at which time and place all interested parties may be heard.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1942.

JH

(Decision No. 18149)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Clarence L. Jones) PERMIT NO. C-13336
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence L. Jones of 112 E Cucharras, Colo Spgs. Colo, requesting that his Permit No. C-13336 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13336, heretofore issued to Clarence L. Jones be, and the same is hereby, declared cancelled effective, as of December 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 19 42

G

(Decision No. 18150)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Jacob Severin) PERMIT NO. B-2670
)
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jacob Severin of 519 West St., Ft. Morgan, Colo, requesting that his Permit No. B-2670 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2670, heretofore issued to Jacob Severin be, and the same is hereby, declared cancelled effective, as of December 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1942.

G

(Decision No. 18151)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-6823
Earl Weil, d/b/a)
Overhead Door Co of Colo., Inc.
)

January 13, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Earl Weil, d/b/a Overhead Door Co. of Colorado, Inc. of 129 W. 3d Ave., Denver, Colo., requesting that his Permit No. C-6823 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6823, heretofore issued to Earl Weil, d/b/a Overhead Door Co. of Colorado, Inc. be, and the same is hereby, declared cancelled effective , as of December 31, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Edward E. Dunklee

Theodore Ericson

Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1942.

G

(Decision No. 18152)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM OAK HILLS, COLORADO, AND PINNACLE, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.	MISCELLANEOUS DOCKET NO. 164

January 12, 1942

S T A T E M E N T

By the Commission:

This matter is before the Commission upon letters from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated January 6, 1942, and January 8, 1942, requesting authority to transport one carload of coal free of charge from Oak Hills, Colorado, and another carload of coal free of charge from Pinnacle, Colorado, on account of charity.

The shipments in question have been donated by shippers on the line of The Denver and Salt Lake Railway Company for use of the Young Women's Christian Association, an agency of the Denver Community Chest, a charitable institution, and are to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

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

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Oak Hills, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the United Fuel and Equipment Company, Denver, Colorado, and on one carload of coal from

Pinnacle, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the United Fuel and Equipment Company, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1942

JH

FORM 1001

M.D. 167
Dec. 18152
Jan. 12-1942

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

THE PUBLIC UTILITIES COMMISSION
FILED
JAN 7 - 1942
OF THE STATE OF COLORADO

F. J. TONER
TRAFFIC MANAGER

January 6, 1942.

The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Young Women's Christian Association. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Oak Hills, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B.

1

FORM 1001

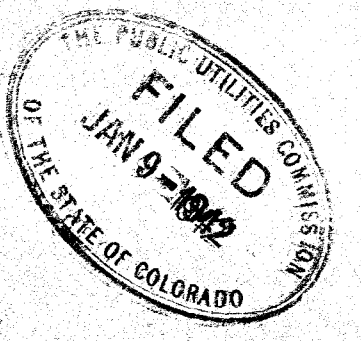
THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

January 8, 1942.



The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Young Women's Christian Association. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Pinnacle, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B

1

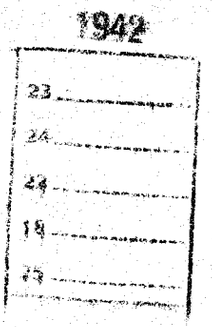
(Decision No. 18153)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Brighton Lumber Co.)
)
)

PERMIT NO. C-6728



January 16, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Brighton Lumber Co of 622 1st Nat'l Bank Bldg., Denver, Colo requesting that his Permit No. C-6728 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6728, heretofore issued to Brighton Lumber Co be, and the same is hereby, declared cancelled effective, as of January 7, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward J. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 19 42

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF J. D. PERRY AND IRENA HENDERSON, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 5681
IN THE MATTER OF THE APPLICATION OF THE COLORADO SPRINGS BUS COMPANY, COLORADO SPRINGS, COLORADO, FOR AN EXTENSION OF CERTIFICATE NO. 631.	APPLICATION NO. 1963-BB
IN THE MATTER OF THE APPLICATION OF DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., FOR AN EXTENSION OF CERTIFICATE NO. 48.	APPLICATION NO. 1753-B
IN THE MATTER OF THE APPLICATION OF J. R. MARKS, RALPH T. STEVENSON, AND TUDOR J. MARKS, COPARTNERS, DOING BUSINESS AS "J. R. MARKS TRUCK LINE," FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 5733

January 16, 1942.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicants in Application No. 5681;
T. A. White, Esq., Denver, Colorado, for the applicant in Application No. 1753-B, Denver and Rio Grande Western Railroad Company, and Rio Grande Motor Way, Inc.;
Strachan and Horn, Esqs., Colorado Springs, Colorado, for the applicant in application No. 1963-BB;
Joel Stone, Esq., Denver, Colorado, and John G. Dier, Esq., Denver, Colorado, for applicants in Application No 5733;
J. A. Carruthers, Esq., Colorado Springs, Colorado, for Yellow Cab Company of Colorado Springs, Broadmoor Hotel, Inc., operating the Broadmoor Hotel Sightseeing Company, Pikes Peak Automobile Company, operating the Greyline Motor Tours;

H. T. McGarry, Esq., Colorado Springs, Colorado, for Yellow Cab Company of Colorado Springs, Antlers Livery and Taxicab Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Weicker Transfer and Storage Company, Wandell and Lowe Transfer and Storage Company, City Transfer Company, Cowan Transfer Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Ben S. Wendelkin, Esq., Colorado Springs, Colorado, for the city of Colorado Springs;
John L. Moffat, Esq., Denver, Colorado, for Intermountain Freight Lines;
Harold A. Newrock, Esq., Lafayette, Colorado, and
C. E. Everett, for A-1 Truck Line;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
John P. Beck, Esq., Denver, Colorado, for Goldstein Refrigerator Lines;
Guy M. Springer, Jr., Pueblo, Colorado, for the Pueblo Chamber of Commerce, and the Manufacturers' and Distributors' Division thereof, in Application No. 1753-B.

S T A T E M E N T

By the Commission:

The above matters were heard at Colorado Springs, Colorado, on September 10, 1941.

Since that hearing, the United States has become involved in the World War, and the Commission has recently been advised, both through the newspapers and semi-authoritative sources, that the United States government now proposes to begin the construction of an Army camp in the vicinity of Colorado Springs at an early date, and to maintain the same thereafter as an army cantonment for the training of selectees.

At the time of the former hearing, Captain Daniel A. Richards, an officer of the Constructing Quartermaster Corps, in charge of preliminary arrangements for the construction of such cantonment, testified that final plans had not been completed by the United States Government, nor had final decision been made as to the exact location of the camp. He stated that a six months period had been set for construction, and that upon

completion, the cantonment would contain approximately thirty-four Thousand (34,000) men. He further stated that there were tentative plans to have the main entrance to the camp on Highway No. 115, and also access to the camp from Highway No. 85; that there would be approximately thirty-six miles of roads within the camp, and the circle trip throughthe camp would be a maximum of five miles. All of these plans, however, were tentative.

The four applicants for authority to serve the camp testified, among other things, as to their financial standing and responsibility, and as to the prospects then existing for obtaining equipment for the rendering of passenger bus service from Colorado Springs to the camp. In view of uncertain business conditions, National Defense needs, and priorities, this testimony necessarily was indefinite in many respects.

It is the opinion of the Commission that, prior to the entering of a final order in this matter, the Commission should be further advised and the latest information and evidence available with respect to the above indicated matters should be before it.

The Commission finds that a further hearing in the above-entitled matters is in the public interest, and that upon such hearing, the evidence to be submitted should be limited to the following:

1. All additional evidence and information which can be supplied concerning the construction of said cantonment, the location thereof, the entrances and accesses thereto, and exits therefrom, the type, quantity, and quality of service required, and all other evidence which may assist the Commission in arriving at a proper decision in the matter.

2. The present ability of the four applicants to procure and place in operation the necessary and proper equipment for the proposed service.

3. The changes, if any, in the financial standing and responsibility of the applicants.

O R D E R

IT IS ORDERED:

That a further hearing be had in the above-entitled matters, and that at such hearing, the evidence to be submitted shall be restricted to the matters recited in the findings heretofore made, together with such other evidence as shall be relevant to such matters.

That said hearing shall be held at the City Hall, Colorado Springs, Colorado, on the 30th Day of January, 1942, at 10:30 o'clock, A. M.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of January, 1942.

G

(Decision No. 18155)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JOE INTERMILL, ECKLEY, COLORADO.) PUC NO. 1105

January 19, 1942

S T A T E M E N T

By the Commission:

On May 14, 1941, the above-styled certificate, PUC No. 1105, was suspended for a period of not to exceed six months from May 6, 1941, with privilege of reinstatement upon usual terms, said suspension being upon request of said certificate-holder, dated May 6, 1941, wherein he asked to have said certificate suspended until harvest.

Applicant, with the beginning of the harvest season, in late June or July, 1941, resumed operations under his certificate, and, so he claims, notified the Commission that he had returned to Colorado and was operating. During the whole of said period, he had effective insurance on file with the Commission.

On November 6, 1941, the six months time having elapsed since said suspension was allowed, permit was marked "Cancelled" on our files.

Following a rate hearing at Wray, Colorado, on December 10, 1941, Mr. T. S. Wood, of the Commission's Rate Department, informed Mr. Intermill that his certificate had been cancelled. He immediately wrote the Commission, stating that said cancellation should not have been effective, inasmuch as he had written the Commission between July 4, 1941 and July 15, 1941, requesting reinstatement.

Inasmuch as certificate-holder, at all times, had effective insurance on file covering his said certificated operation, and requested

suspension only until harvest season of 1941, and apparently wrote the Commission, notifying the Commission of his return and resumption of operations under the certificate, the Commission believes that said cancellation order should be set aside and said certificate reinstated, and so finds.

O R D E R

IT IS ORDERED:

That said cancellation upon our records be, and the same hereby is, set aside, and said certificate, PUC No. 1105, reinstated, as of date November 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1942.

mw

(Decision No. 18156)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MIKE PECORARO, RURAL ROUTE 2, TRINIDAD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 5810

January 19, 1942

Appearances: Mike Pecoraro, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, on call and demand or on schedule, for the transportation of milk and cream from farms within the area extending fifteen miles north and east of Hoehne, Colorado, and ten miles south and west of said village, with backhaul of empty cans, whey, and farm supplies from Trinidad to said farms, without the right to serve between points served by motor vehicle common carriers operating on schedule.

At the hearing, it appeared that the area aforedescribed includes most of the irrigated farming territory and a part of dry farm section east of Trinidad; that, recently, farmers living in said area have purchased many milch cows, and are now shipping milk and cream to creameries, cheese factories, and distributors of dairy products in Trinidad; that said area is not served by a motor vehicle or rail common carrier; that applicant and one Raymond Pusedu now have private carrier permits to serve in the territory; that one or more Commercial Carriers also are buying milk in the section; that common carrier service not only is desirable, but probably is essential, if milk production is to be increased; that, occasion-

ally, farmers require some supplies; that, in view of lessened use of motor vehicles by them, they are desirous of obtaining for-hire service. Necessarily, empty cans and whey are returned to them.

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

Applicant proposes to use a 1936 Ford pick-up, of the value of three hundred and fifty dollars ($350.00) in his operation, and has a one and one-half ton truck, which can be used, if the demands of the business require it. His net worth is approximately one thousand dollars ($1,000.00).

It further appeared that said Mike Pecoraro was heretofore, by Decision No. 17707½, granted authority to operate as a Class "B" private carrier by motor vehicle for hire.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed motor vehicle common carrier operation of applicant, and that certificate of public convenience and necessity should issue therefor; and further, that authority granted to said applicant in Decision No. 17707½ be cancelled.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the operations of applicant as a common carrier by motor vehicle for hire, on call and demand or on schedule, for the transportation of milk and cream from farms within the area extending fifteen miles north and east of Hoehne, Colorado, and ten miles south and west of said village, with back-haul of empty cans, whey, and farm supplies from Trinidad to said farms, without the right to serve between points served by motor vehicle common carriers operating on schedule, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of

this Commission within twenty days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

In the event applicant operates on schedule, he shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

That authority heretofore granted said applicant by Decision No. 17707½ is hereby cancelled.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1942.

mw

(Decision No. 18157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF SERVICE BY THE WOODS TRUCK LINE BETWEEN DENVER, COLORADO, AND STERLING, COLORADO.

APPLICATION NO. 1436-AB, et al.

January 19, 1942.

Appearances: Worth Allen, Esq., Denver, Colorado, for applicant;
Raymond Danks, Esq., Denver, Colorado, for the Northeastern Motor Freight;
John C. Street, Esq., Denver, Colorado, for the Colorado, Burlington and Quincy Railroad Company;
E. G. Knowles, Esq., Denver, Colorado, for the Union Pacific Railroad Company;
Marion F. Jones, Esq., Denver, Colorado, for Pat Benson;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
T. A. White, Esq., Denver, Colorado, for the Denver and Rio Grande Western Railroad Company;
Richard Conour, Esq., Del Norte, Colorado;
T. S. Wood, Denver, Colorado, for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 28, 1940, Ralph H. Woods, doing business as Woods Truck Line (hereinafter referred to as petitioner), filed petition with the Commission for an order requiring him to transport freight between Denver, Colorado, and Sterling, Colorado, on the basis of through rates, computed via the short route between said cities.

The matter was set for hearing and heard in Denver, Colorado.

The Northeastern Motor Freight, Inc., filed a protest and appeared in opposition to the request of the petitioner.

The Union Pacific Railroad Company, and the Colorado, Burlington and Quincy Railroad Company, through counsel entered appearances, stating that they had not filed protests, but desired to state their positions when the time comes. Both have filed protests since the close of the hearing.

The history of petitioner's certificates of public convenience and necessity is as follows, viz:

On October 11, 1928, Decision No. 1951, Application No. 1011, C. H. Woodin was authorized to transport freight between Akron and Sterling and intermediate points, and to transport agricultural products, including livestock,only, from a territory extending thirty (30) miles south, ten (10) miles east, fifteen (15) miles north and ten (10) miles west from the town of Akron into the town of Akron, and from said territory directly into Sterling.

On March 7, 1930, Decision No. 2772, Application No. 1436, C. H. Woodin was authorized to transport freight between Sterling, Otis, Yuma, Eckley, Wray and intermediate points.

On August 25, 1929, Decision No. 2446, Application No. 844, Dale Resler was granted authority to transport freight from Akron to Denver, and from Denver to Akron, but not between any intermediate points, and to transport furniture and agricultural products, including livestock, from and to a certain territory described from Akron as follows: South, thirty (30) miles, East, ten (10) miles, North, fifteen (15) miles, West, ten (10) miles, and from said territory directly into Denver and return.

On October 4, 1930, Decision No. 3082, Application No. 844-A, the certificate issued to Dale Resler was transferred to C. H. Woodin.

On October 16, 1951, Decision No. 3699, Application No. 1836, C. H. Woodin was authorized to transport freight between Denver, Colorado, and Wray, Colorado.

On June 20, 1932, Application 2030-I, C. H. Woodin was granted authority to transport freight between Denver, Sterling, Akron and Wray, Colorado, and the Colorado-Nebraska State line where State Highway No. 54, east of Wray, crosses same, and between intermediate points and said line, in interstate commerce.

On January 8, 1935, in Decision No. 6130, all of the above authorities were transferred from C. H. Woodin to R. M. Woods, doing business as Woods Truck Line.

On December 2, 1939, Decision No. 14416, Application No. 1456-AB, R. H. Woods was authorized to extend his operations to include the transportation of freight in intrastate commerce between the City of Denver, Colorado, and the towns of Otis, Yuma and Eckley, and between Brush, Colorado, and all points east thereof on U. S. Highway No. 34 (which is through Akron and Wray.)

A summary of these authorities gives the petitioner the following intrastate line haul operations:

A) Between Sterling, Colorado, and Akron, Otis, Yuma, Eckley and Wray, Colorado, and intermediate points.

B) Between Denver, Colorado, and Akron, Otis, Yuma, Eckley, and Wray, Colorado, and between Brush, Colorado, and all points on U. S. Highway No. 34 east of Brush, Colorado.

The record shows that applications for transfer, or for general operating rights or extensions thereof, and orders authorizing or granting same did not request, authorize or require the linking of said authorities in through operations or through rates, and petitioner does not claim that any showing has ever been made for a certificate of public convenience and necessity, except for the separate authorities that have been granted. It is his position that such a showing is not necessary as the law requires common carriers to establish through routes, and just and reasonable rates. and that such requirement applies where several connecting operating rights are owned by an individual as well as where they may be owned by a number of persons.

It is a generally recognized fact that the law requires common carriers to establish through routes and just and reasonable rates applicable thereto. However, it does not follow that a motor vehicle common carrier having secured two or more separate certificates of public convenience and necessity may proceed to unite said certificates and establish a through service without first having secured a certificate for such through operations.

The Public Utilities Act (Section 2946, C. L. 1921) forbids any

public utility from beginning the construction of a new facility, plant, or system, or any extension of its facility, plant, or system, without first having obtained from the Commission a certificate that the present or future public convenience and necessity require or will require such construction. This section contains a provision: "That this section shall not apply to steam railroads."

The record contains considerable testimony pertaining to the fact that the railroads establish through routes and joint rates, and that, generally speaking, a circuitous line between two common points meets the rates of the short direct line.

In the face of the provisions of Section 2946, we fail to see how the practices of the railroads has any bearing on the question in the instant case.

An exhibit of record, (which is an excerpt from proceedings in Application No. 1436-AB, heard before the Public Utilities Commission, on August 16, 1939), shows, in substance, that then petitioner did not claim any rights to combine his certificates, and thereby establish a through service between Denver and Sterling, and that said petitioner was agreeable to a prohibition being inserted in the order sought against any combination of operating rights then sought with his outstanding certificates to provide such a service.

While the Commission did not specifically include such a prohibition in its order granting the certificate, inferentially the findings in said decision does contain such a prohibition.

The record shows that the Northeastern Motor Freight, Inc., is a common carrier of freight, operating between Denver and Sterling on a daily (except Sunday) schedule; that it has five tractors, four semi-trailers, two additional trailers and eleven trucks; that said equipment is not being used to its capacity, there being one semi-trailer and one tractor that are perhaps used not more than once a week; that there have been no complaints as to service, or demands for transportation service that the said Northeastern

Company had been unable to meet; that any additional certificate granted in that territory would be detrimental to said company's interest in serving the public, because it would necessarily cut its revenues; that approximately sixty-five (65) per cent of its revenue is derived from its Denver-Sterling operation.

No showing has been made herein by petitioner as to the public convenience and necessity for an operation between Denver and Sterling.

Generally speaking, we have held that before we will authorize a second motor vehicle line to duplicate the service of another, some showing of the fundamental inadequacy of the carrier service already in the field must be made. Otherwise, the competition between the two carriers serving between the same cities may result in neither of them being able to serve the public adequately.

The petitioner herein has never performed any service between Denver and Sterling, and until his petition was filed (or, perhaps, immediately preceeding the filing of same) had no intention to do so, at least on the basis of a through route, and on through rates computed on the short line distance between said points.

On the record made herein, the Commission is of the opinion, and so finds that the separate certificates of the petitioner, Ralph H. Woods, d/b/a Woods Truck Line, cannot be combined to make up a through service for the purpose of applying through rates to be computed on the basis of the through short line distance between Denver and Sterling, or any other points on its line between Akron and Sterling, and that its petition herein should be denied and an order issued discontinuing these proceedings.

O R D E R

This proceeding being at issue on a petition of Ralph H. Woods, doing business as Woods Truck line, and having been duly heard and submitted, and full investigation of the matters and things involved having been held, and the Commission, on the date hereof, having made and filed a statement containing its findings of fact and conclusions thereon, which statement

is hereby referred to and made a part hereof.

IT IS ORDERED, That the petition herein, be, and the same is hereby denied, and this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. V. Thomas

Edward D. Charles

Susan Erickson

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1942.

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE MOTOR BUS LINE FOR THE TRANSPORTATION OF PASSENGERS, BAGGAGE, MAIL, EXPRESS, AND NEWSPAPERS BETWEEN DENVER, COLORADO, AND THE UNITED STATES ARMY POST AT FORT LOGAN, COLORADO, AND INTERMEDIATE POINTS.

APPLICATION NO. 523-B
and
CROSS APPLICATION NO. 1626-BB
(Denver Tramway Corporation)

January 20, 1942.

Appearances: T. A. White, Esq., Denver, Colorado, for Denver-Colorado Springs-Pueblo Motor Way, Inc.;
W. A. Alexander, Esq., Denver, Colorado, for The Denver Tramway Corporation;
North Allen, Esq., Denver, Colorado, for Harry A. Taylor;
Harold H. Davies, Esq., Englewood, Colorado, for Maurice E. Hill, doing business as Englewood Cab Co., and also representing the City of Englewood;
E. W. Gillespie, P.O. Box 4153, South Denver Station, for Westwood Civic Association.

S T A T E M E N T

By the Commission:

On December 28, 1940, the Denver-Colorado Springs-Pueblo Motor Way, Inc., filed its application with the Commission seeking authority to transport passengers, baggage, mail, express, and newspapers, between Denver, Colorado, and the United States Army Post at Fort Logan, Colorado, and intermediate points. Thereafter, on January 25, 1941, The Denver Tramway Corporation filed a cross application seeking approximately the same authority for itself.

Objections and protests to the original application were filed by Harry A. Taylor and Maurice E. Hill, and a resolution of the City Council of the City of Englewood, opposing the original application, was also received.

Petitions signed by over two hundred residents of the Loretto Heights district seeking bus service between Fort Logan and Denver, via South Federal Boulevard, were accepted for filing.

At the hearing, the Denver-Colorado Springs-Pueblo Motor Way, Inc., withdrew its application, stating that the same was withdrawn principally because of circumstances not within their control and the fact that the cross-application had been filed, and the belief upon their part that the cross-applicant had "greater ability" to render the service.

The Commanding Officer of the Fort Logan Post testified as to the need for more direct and cheaper transportation into Denver on the part of the soldiers at the fort. At the time of the hearing, these numbered approximately 1700, but we understand unofficially that this number has been greatly augmented and a still greater increase is anticipated.

The president of Loretto Heights College testified as to the needs of said college for more direct and cheaper transportation into Denver. At the present time, the college has been compelled to install a service of its own, which undoubtedly will be discontinued if more adequate bus service is provided by common carriers. Five or six residents of the Loretto Heights district testified as to the needs of the residents of said district for bus service along South Federal Boulevard into Denver. The fact that new tires would no longer be available for individually owned passenger cars, was brought out, and in the opinion of some of the witnesses, this would materially increase the business available for a bus line.

On behalf of protestants, it was developed that at the present time cab service is available by both the Taylor and Hill lines from Englewood, and in addition thereto, Taylor operates a scheduled service between Englewood and Fort Logan. It was the contention of Mr. Taylor that the present service was adequate to meet the needs of the situation, except in so far as a bus along South Federal Boulevard is concerned. A cooperative spirit was displayed at the hearing, and it was generally recognized that the people at the Fort should have whatever service was reasonably necessary.

The present fare on the bus between Englewood and the Fort is 15 cents, and the minimum fare on taxicabs is 30 cents, so that two or three passengers can ride the taxicabs as cheaply as they can ride the bus.

The position taken by Mr. Hill was to the effect that he or his predecessors had applied for a scheduled service between Englewood and the Fort, which application had been denied, although the Commission retained jurisdiction in the matter. This was in 1938, and counsel for Mr. Hill stated that in their opinion said former application should receive consideration before any new authority was granted.

It was further disclosed that the Tramway Company served the territory in question from 1924 to 1938, but operated the same at a loss and was permitted to discontinue its operations. It was the position of the Tramway Corporation that if the Commission found that the public convenience and necessity required additional service, they would be willing to render the same for a trial period of from three to four months, although they did not concede that the territory was not adequately served at the present time by existing facilities.

The Commission is of the opinion that the record, as a whole, discloses that the present public convenience and necessity requires additional direct service to Denver, not only from Fort Logan but also from the South Federal Boulevard territory.

While we believe the record clearly demonstrates this fact, we are also of the opinion that it may be due to emergency conditions which will disappear, and we further believe that the request of the Tramway Corporation that the certificate be issued for a trial period, only, is a reasonable one. We recognize that the Englewood operators have been giving service for a long period of time and under more or less trying conditions, but we are further of the opinion that this fact, or the fact that Englewood desires the patronage which will accrue to the City by reason of such service, cannot be considered

by the Commission in reaching a decision in the instant matter, The rights of the public as a whole must be paramount.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the establishment by The Denver Tramway Corporation of a bus service from Fort Logan down Hampden Avenue to Federal Boulevard, thence north along said Federal Boulevard to its intersection with Alameda Avenue, and thence into Denver by whatever route or routes the Tramway Corporation may deem the most advantageous, said operation to be conducted upon such schedules as the Tramway Corporation may at this time consider adequate to properly take care of the needs of the traveling public in said area.

O R D E R

IT IS ORDERED:

That The Denver Tramway Corporation be, and it is hereby, autherized and directed to establish a bus service between Fort Logan and Denver for the transportation of passengers, baggage, mail, express, and newspapers, from, to and between Fort Logan and Denver, and intermediate points, via Hampden Avenue to Federal Boulevard, thence north along said Federal Boulevard to its intersection with Alameda Avenue, and thence into Denver via whatever route or routes said Tramway Corporation may determine to be most feasible, and upon such schedules as it may determine to be necessary to adequately take care of the traveling public in the areas to be served, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That upon and after a trial period of four (4) months from the date hereof, said Tramway Corporation may apply to the Commission to discontinue said service if it is found that the same is unprofitable or is not needed to meet the public convenience and necessity.

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

That applicant shall operate its carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That an emergency exists, and this order shall take effect within five days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of January, 1942.

BH

(Decision No. 18159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM MT. HARRIS AND PINNACLE, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.	MISCELLANEOUS DOCKET NO. 165

January 19, 1942

S T A T E M E N T

By the Commission:

This matter is before the Commission upon letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, one dated January 15, 1942, requesting authority to transport one carload of coal free of charge from Pinnacle, Colorado, and the other, dated January 16, 1942, requesting authority to transport one carload of coal free of charge from Mt. Harris, Colorado, on account of charity.

The shipments in question have been donated by shippers on the line of The Denver and Salt Lake Railway Company, one for use of the Goodwill Industries, the other for use of Mt. St. Vincent's Home, agencies of the Denver Community Chest, a charitable institution, and are to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

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

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Pinnacle, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the United Fuel and Equipment

Company, Denver, Colorado, and a free rate on one carload of coal from Mt. Harris, Colorado, to Denver, Colorado, consigned to the Colorado and Utah Coal Company.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1942.

JH

FORM 1601

Dec. # 18159
1-19-42
M. LD 165

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO
FILED
JAN 17 1942

F. J. TONER
TRAFFIC MANAGER

January 16, 1942.

The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Mt. St. Vincent's Home. This car will be consigned to the Denver Community Chest in care of the Colorado & Utah Coal Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B.

1

FORM 1001

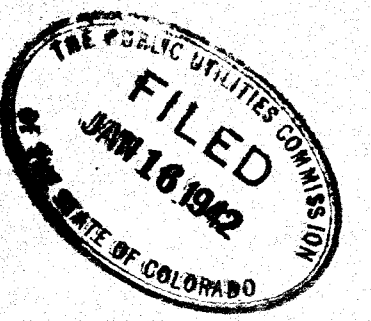
THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

January 15, 1942.



The Public Utilities Commission,
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Goodwill Industries. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Pinnacle, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B

1

(Decision No. 18160)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. P. SAUL AND D. R. GOODLOE,)
DOING BUSINESS AS "SAUL & GOODLOE,") APPLICATION NO. 4598-PP-BB
927 INCA STREET, DENVER, COLORADO,)
FOR AN EXTENSION OF PERMIT NO.)
B-2249.)

January 21, 1942

S T A T E M E N T

By the Commission:

On May 26, 1938, by Decision No. 11982, B. P. Saul and D. R. Goodloe, co-partners, doing business as "Saul & Goodloe," Denver, Colorado, were authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

> sand and gravel from pits and supply points within the State of Colorado to road construction jobs within a radius of fifty miles thereof,

and Permit No. B-2249 issued to them.

Thereafter, on October 27, 1939, by Decision No. 14240, said permittees were authorized to extend their authority under said Permit No. B-2249 to include the right to transport:

> sand and gravel from pits and supply points within a radius of twenty-five miles of Denver, to construction jobs in said area, and road and bridge-building materials, including cement, from rail heads, and other supply points within said area, in connection with movement of sand and gravel, to road construction jobs, only, without the right to haul steel and bridge timbers, and excluding service between points served by line haul motor vehicle common carriers.

By the instant application, said Saul and Goodloe seek authority to further extend their operations under said Permit No. B-2249 to include

the right to transport coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of authority, limited to the service herein sought to be performed by applicants, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That B. P. Saul and D. R. Goodloe, doing business as "Saul & Goodloe," Denver, Colorado, are hereby authorized to extend their operations under Permit No. B-2249 to include the right to transport coal from mines in the northern Colorado coal fields to Denver.

This order is made a part of the permit granted to applicants, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18161)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. R. MORROW, 2143 SOUTH PENNSYLVANIA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5823-PP

January 21, 1942

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to points in said fifty-mile radius, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That J. R. Morrow, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the

transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to points in said fifty-mile radius, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18162)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED L. TORREY, TORRINGTON, WYOMING, FOR AUTHORITY TO TRANSFER PUC NO. 1369-I TO CLARENCE E. MANGUS AND GEORGE E. MANGUS, DOING BUSINESS AS "MANGUS COMPANY," LANCE CREEK, WYOMING.	PUC NO. 1369-I

January 21, 1942

S T A T E M E N T

By the Commission:

Heretofore, Fred L. Torrey, Torrington, Wyoming, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle in interstate commerce, and PUC No. 1369-I issued to him.

Said certificate-holder now seeks authority to transfer said certificate to Clarence E. Mangus and George E. Mangus, co-partners, doing business as "Mangus Company," Lance Creek, Wyoming.

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

The Commission finds that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Fred L. Torrey, Torrington, Wyoming, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1369-I to Clarence E. Mangus and George E. Mangus, co-partners, doing business as "Mangus Company," Lance Creek, Wyoming, subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18163)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TOM FREEMAN, BOX 18, STONE CITY,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 5828-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

January 21, 1942

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from Canon City to Stone City, Colorado, over U.S. Highway No. 50 and county road, and from Canon City to Pueblo, Colorado, over U.S. Highway No. 50.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Tom Freeman, Stone City, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from Fremont County coal fields to Stone City, Colorado, over U.S. Highway No. 50 and county road, and to Pueblo, Colorado, over U.S. Highway No. 50.

All operations hereunder shall be strictly contract operations,

the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18164)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LE ROY PALMER, 813 SOUTH WEBBER STREET, COLORADO SPRINGS, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5827-PP

January 21, 1942

STATEMENT

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from City Coal Mine, over Colorado Highway No. 189, to Colorado Springs, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

ORDER

IT IS ORDERED:

That LeRoy Palmer, Colorado Springs, Colorado, is hereby authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from City Coal Mine, over Colorado State Highway No. 189, to Colorado Springs, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit

deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Thomas

Edward J. Donnelly

Milton Eisen

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mm

(Decision No. 18165)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES W. PORTER, 15 ALSACE WAY, COLORADO SPRINGS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 5679

January 21, 1942

Appearances: Robert H. Schaper, Esq., Colorado Springs, Colorado, and John Nolan, Esq., Manitou Springs, Colorado, for the applicant; Edgar B. Bensberg, 321 East Costilla Street, Colorado Springs, Colorado, for Colorado Bus Lines.

S T A T E M E N T

By the Commission:

Charles W. Porter herein seeks authority to operate as a motor vehicle carrier, on schedule, for the transportation of light express and packages between Colorado Springs and Cragmor, Pike View and Woodman, El Paso County, Colorado.

The matter was set for hearing, and heard, in Colorado Springs, Colorado, Edgar B. Bensberg appearing in opposition for The Colorado Bus Lines, and Yellow Cab Company of Colorado Springs, Antlers Livery and Taxicab Company and Cragmor Foundation, Inc., filing objections, in writing, to issuance of said certificate.

At the hearing, it appeared that said points now are being, and for many years last past have been, served by protestant, Colorado Bus Lines, Inc., under certificate of public convenience and necessity, No. 148; that prior to the issuance of said certificate, and since the year 1918, said bus line, or its predecessor in interest, has served the points

mentioned in the application, except Cragmor, which has been served since 1921; that protestant's schedules are operated approximately the same hours or time proposed by applicant; that Pike View is served on all trips; that a 1941 Willys Sedan is used in the service, said operator having a 1939 Buick in reserve; that superintendents of Cragmor and Woodman Sanitariums are satisfied with their line haul service; that they maintain an office in Colorado Springs, where packages are left for transportation to points sought to be served by Mr. Porter; that applicant does not have a tariff on file, and is not authorized to haul packages and express, but hauls them without charge as an accommodation; that evening schedule out of Woodman for Colorado Springs is 6:30 P.M., earlier schedule not being maintained on account of the fact that employees could not leave at earlier hour; that, at one time, Colorado Bus Lines operated two twenty-one-passenger busses in its passenger service; that, on account of dwindling population at Woodman and Cragmor, it now is difficult to maintain one five-passenger car in such service, Witness stated that if the business were divided, he would be compelled to stop operations; that, at one time, the bus line had the mail contract, but was under-bid by applicant, who now seeks to obtain its passenger business. Protestant has had only one accident since 1929.

Applicant stated that he has a contract to carry United States Mail between Pike View and Woodman; that applicant now operates, and for a period of more than seven years prior to filing of the application herein has operated, a Star Mail Route by motor vehicle between Colorado Springs, Pike View and Woodman; that until recently, he also served Cragmor that Colorado Bus Lines, Inc. is authorized to, and does, furnish passenger service between Colorado Springs, Cragmor, Pike View and Woodman; that said bus lines is not authorized to, and does not, haul light express, packages, and newspapers between said points for hire; that applicant frequently has been requested to handle said commodities for hire; that on numerous occasions, people residing at said Woodman and Cragmor Sanitariums

have asked applicant to ride with him in his mail car, and they believe that he should be authorized to furnish said service for hire; that he frequently has allowed said people to ride with him without charge, they, at times, handing him some small gratuity for the service.

Mrs. Ora Campbell, who resides at Woodman, and Mrs. Cole, of Pike View, stated that they, occasionally, rode with Mr. Porter. Mrs. Campbell said that she did not know whether public convenience and necessity require the proposed operation; that "I guess it would be all right."

Upon the record, as made, we cannot see that the service of Colorado Bus Lines, Inc., is inadequate. It appears that if additional passenger service were authorized, said carrier would not be able to continue operating. It does not appear that there is any authorized package, light express and newspaper service. Probably such service should have been furnished by Colorado Bus Lines, but no request has been made for said authority. It would seem from the record that such service is necessary, and should be authorized.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed motor vehicle carrier operations of applicant for the transportation of package freight, express and newspapers between Colorado Springs, Cragmor, Pike View and Woodman, and that certificate of public convenience and necessity should issue therefor, and that said application, in all other respects, should be denied.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the motor vehicle common carrier operations of applicant, on schedule, for the transportation of package freight, express and newspapers between Colorado Springs, Cragmor, Pike View and Woodman, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The 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 date.

The applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That the instant application, in all other respects, is hereby denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18166)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VERLE MUSTOE, 1819 WOODBURN STREET, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5825-PP

January 21, 1942

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in El Paso and Fremont Counties to Colorado Springs, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Verle Mustoe, Colorado Springs, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in El Paso and Fremont Counties to Colorado Springs, Colorado

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this per-

mit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18167)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DENNIS CRAIG, 111 SOUTH NEWTON STREET, DENVER, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-2671.

APPLICATION NO. 5770-PP-B

January 21, 1942

S T A T E M E N T

By the Commission:

On October 14, 1941, by Decision No. 17765, Dennis Craig, applicant herein, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to construction jobs within said fifty-mile radius, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver.

By the instant application, said Dennis Craig seeks an extension of said authority, Permit No. B-2671, to include the right to transport sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in Colorado to jobs within one hundred miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of authority, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Dennis Craig, Denver, Colorado, is hereby authorized to extend his operations under Permit No. B-2671 to include the right to transport sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in Colorado to jobs within one hundred miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18168)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. D. HATCHER, 225 MAIN STREET,)
PUEBLO, COLORADO, FOR A CLASS "B") APPLICATION NO. 5824-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 21, 1942

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from point to point within a radius of seventy-five miles of Pueblo, Colorado, in the State of Colorado, only.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That L. D. Hatcher, Pueblo, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from point to point within a radius of seventy-five miles of Pueblo, Colorado, only.

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

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V D Thurman

Edward D. Charles

Mabel Eminger

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1942.

mw

(Decision No. 18169)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
George Ruyle)
)
)
)

PERMIT NO. C-11355

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Ruyle of Greeley, Colorado, requesting that his Permit No. C-11355 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11355, heretofore issued to George Ruyle be, and the same is hereby, declared cancelled effective, as of November 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thornburgh

/s/ Edward E. Keller

/s/ Walter Ericson

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42

G

(Decision No. 18170)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-8676
Andy Metz and H. H. Goldman)
d/b/a)
Metz Feed & Grocery)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Andy Metz and H. H. Goldman dba Metz Feed & Groceryf 10229 E Colfax, Aurora, Colo., requesting that his Permit No. C-8676 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8676, heretofore issued to Andy Metz and H. H. Goldman, d/b/a Metz Feed & Grocery be, and the same is hereby, declared cancelled effective, as of December 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42

G

(Decision No. 18171)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Bernarr De Priest)
)
)
)

PERMIT NO. C-9726

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Bernarr De Priest of Romeo, Colorado, requesting that his Permit No. C-9726 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9726, heretofore issued to Bernarr De Priest be, and the same is hereby, declared cancelled effective, as of December 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. A. Elkins) PERMIT NO. C-610
)
)
)

January 21, 1942.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. A. Elkins of 1611 Eudora, Denver, Colo, requesting that his Permit No. C-610 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-610, heretofore issued to L. A. Elkins be, and the same is hereby, declared cancelled effective, as of December 16, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12983
Lamar Alfalfa Milling Co.)
)
)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lamar Alfalfa Milling Co of Lamar, Colorado,

requesting that his Permit No. C-12983 be cancelled.

After careful consideration, the Commission is of the opinion,

and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12983, heretofore issued

to Lamar Alfalfa Milling Co be,

and the same is hereby, declared cancelled effective , as of December 19, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18174)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. E-8899
W. L. McCracken)
)
)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. L. McCracken of 728 So First, Montrose, Colo, requesting that his Permit No. C-8899 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8899, heretofore issued to W. L. McCracken be, and the same is hereby, declared cancelled effective, as of December 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward D. Dwyer

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18175)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Ben Zion Cohen & Marvin Dinner) PERMIT NO. C-10563
)
)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ben Zion Cohen and Marvin Dinner of 412 W 17th, Cheyenne, Wyoming, requesting that his Permit No. C-10563 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10563, heretofore issued to Ben Zion Cohen and Marvin Dinner be, and the same is hereby, declared cancelled effective, as of December 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18176)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Vernert Vonburg) PERMIT NO. C-10056
)
)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Vernert Vonburg of Clifton, Colorado, requesting that his Permit No. C-10056 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10056, heretofore issued to Vernert Vonburg be, and the same is hereby, declared cancelled effective, as of December 28, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1942.

G

(Decision No. 18177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-11717
Reeb Auto Exchange)
)
)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Reeb Auto Exchange of 914-10th Ave., Greeley, Colo, requesting that his Permit No. C-11717 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11717, heretofore issued to Reeb Auto Exchange be, and the same is hereby, declared cancelled effective, as of December 29 , 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Tom E. Saunders)
)
)
)

PERMIT NO. C-696

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tom E. Saunders of 4733 Clay, Denver, Colo, requesting that his Permit No. C-696 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-696, heretofore issued to Tom E. Saunders be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18179)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-1506
Gibson Lumber and Mercantile Co
)
)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gibson Lumber & Mercantile Co. of Grand Junction, Colo, requesting that his Permit No. C-1506 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1506, heretofore issued to Gibson Lumber & Mercantile Co. be, and the same is hereby, declared cancelled effective as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. A. Schoech) PERMIT NO. C-1574
)
)
)

January 21, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. A. Schoech of Golden, Colorado, requesting that his Permit No. C-1574 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1574, heretofore issued to A. A. Schoech be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 19 42.

G

(Decision No. 18181)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. C. Adams) PERMIT NO. C-5855
)
)
)

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. C. Adams of 712 Fifth Ave., Greeley, Colo requesting that his Permit No. C-5855 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5855, heretofore issued to C. C. Adams be, and the same is hereby, declared cancelled effective , as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward J. Keating

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 22d day of January, 19 42

G

(Decision No. 18182)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
M. Salem) PERMIT NO. C-4984
)
)

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. Salem of Hoisington, Kansas, requesting that his Permit No. C-4984 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4984, heretofore issued to M. Salem be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,
this 22d day of January, 1942.

G

(Decision No. 18183)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. E. Story)
)
)
)

PERMIT NO. C-10550

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. E. Story of Box 351, Cortez, Colorado, requesting that his Permit No. C-10550 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10550, heretofore issued to A. E. Story be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Thomas
Edward J. Keller
Malcolm Ericson
Commissioners.

Dated at Denver, Colorado,
this 22nd day of January, 19 42.

G

(Decision No. 18184)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-10689
Joe Avis, d/b/a)
Elati Coal Co.)
)

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Avis, d/b/a Elati Coal Co of 321 Elati, Denver, Colo., requesting that his Permit No. C-10689 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10689, heretofore issued to Joe Avis, d/b/a Elati Coal Co. be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of January, 19 42.

G

(Decision No. 18185)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Donald Bullock)
)
)
)

PERMIT NO. C-11024

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Donald Bullock of Bennett, Colorado, requesting that his Permit No. C-11024 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11024, heretofore issued to Donald Bullock be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

/s/ Edward D. Buell

/s/ Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 22d day of January, 19 42.

G

(Decision No. 18186)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12535
George Ruff)
)
)

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Ruff of 1126-17th, Denver, Colo, requesting that his Permit No. C-12535 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12535, heretofore issued to George Ruff be, and the same is hereby, declared cancelled effective, as of January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

/s/ Lucas D. Miller

/s/ Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 22d day of Jannary, 19 42.

G

(Decision No. 18187)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-4535
R. R. Icabone)
)
)

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. R. Icabone of 408 State, Trinidad, Colo, requesting that his Permit No. C-4535 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4535, heretofore issued to R. R. Icabone be, and the same is hereby, declared cancelled effective, as of January 2, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of January, 19 42.

G

(Decision No. 18188)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-10692
Wayne L. Hubbell)
)
)

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wayne L. Hubbell of Boulder, Colo, requesting that his Permit No. C-10692 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10692, heretofore issued to Wayne L. Hubbell be, and the same is hereby, declared cancelled effective , as of January 2, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry R. Shores
Edward E. Chandler
Neal E. Logan
Commissioners

Dated at Denver, Colorado,
this 22d day of January, 1942.

G

(Decision No. 18189)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Lee Bartholomew) PERMIT NO. C-11123
)
)

January 22, 1942

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lee Bartholomew of Bayfield, Colorado, requesting that his Permit No. C-11123 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11123, heretofore issued to Lee Bartholomew be, and the same is hereby, declared cancelled effective , as of January 4, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Edward J. Keller

Thurman Ericson

Commissioners.

Dated at Denver, Colorado,
this 22d day of January, 19 42.

G