REPORT

of the

PUBLIC UTILITIES COMMISSION

OF UTAH

For the Year ended December 31st, 1918

TO THE GOVERNOR

PRESS OF
THE F. W. GARDINER CO.
SALT LAKE

CONTENTS

TABLE OF CASES REPORTED

To His Excellency, Simon Bamberger,
Governor of the State of Utah.

Sir:

Pursuant to Section 4780, Compiled Laws of Utah, 1917, the Public Utilities Commission of Utah herewith submits its Second Annual Report, covering the period January 1, 1918, to December 31, 1918, inclusive.

RAILROADS SUBJECT TO THE JURISDICTION OF THE COMMISSION

The following railroad which did not appear in the list of railroads under the jurisdiction of the Commission in 1917, was, during the year 1918, found to be a common carrier and subject to the jurisdiction of the Commission:

Little Cottonwood Transportation Co.

FEDERAL CONTROL AND OPERATION OF RAILROADS

In the Commission's first annual report, mention was made of the fact that the Government had taken over the control and operation of the railroads, this having taken effect December 28, 1917. Federal control has continued throughout the entire period covered by this report.

In so far as concerns roads that were under the control of the United States Railroad Administration, this Commission has had no authority to interfere with rates. The Commission has, however, given material assistance to the public in the matter of service in both freight and passenger traffic, and in the matter securing improved facilities and accommodations. Those in direct control of the railroads have been willing to adopt suggestions of the Commission, and we have been of service to the public in various ways. Indeed, an important function of the Commission has been to act in a measure as a clearing house for complaints, and for the adjustment of difficulties between shippers and carriers.

The facilities of the Commission for gathering information have been used by Federal officials during the period of control. For instance, our engineering department compiled a mass of data in regard to cross hauls, and made suggestions that were of value in reducing unnecessary movements of traffic in this territory. This information was transmitted to Honorable Clyde B. Aitchison, of the Interstate Commerce

Commission, the work of compiling it having been done at his request.

The Commission was of assistance to the Railroad Administration in urging capacity loading of freight cars, and in directing the movement of perishable crops, particularly from the fruit districts of the State of Utah. In the matter of fruit movements, representatives of the Commission were assigned, throughout the shipping period, to the special work of aiding both Federal and non-Federal controlled lines in the securing and distribution of proper equipment, and in the prompt and equitable handling of cars, so that there was a minimum loss to the producers and shippers.

Another service that it has been possible to give to the shippers is in notifying them of applications before the Interstate Commerce Commission that would adversely affect the industries of the State.

For a time there was a question as to whether some of the electric lines were under Federal control or not. This was finally decided by a relinquishment order which definitely released these roads from Federal control and reinstated them in their former position under control of the State Commission both as to rates and service.

AUTOMOBILE CORPORATIONS

While some progress has been made during the year in establishing more complete control over automobile stage lines and automobile freight lines, there is still much to be accomplished before the intent of the law under which the Commission operates will be fully realized. In a large measure this is due to the failure on the part of some automobile operators to recognize the authority of the Commission, and to their disregard of the regulations that have been established. The Commission has found it necessary to enter proceedings in the courts to enforce the orders of the Commission and to obtain construction of the law, which it is hoped will result in a decision upholding the authority of the Commission in such cases. If such a decision is rendered it will materially assist in correcting the conditions that in some localities are making it difficult to properly control automobile traffic in the interest of the public.

STATISTICS AND VALUATION

During the period covered by this report the Commission issued its first orders for the valuation of utility

properties. The period during which the valuation was to be made and reported to the Commission extended into the year 1919, and, therefore, we cannot in this report give the results of such valuations.

The closer we approach to this important matter of making valuations of the properties of the various utility corporations, the more clearly does it appear that it will be necessary, at no distant date, to organize a valuation department. This, when it is done, will call for the expenditure of a considerable sum of money by the Commission. The importance of this matter to the public is clearly shown when it is considered that under the present conditions the best that can be done is to order the valuation made by and at the expense of the utility itself, the Commission checking the work so done by the valuation engineers of the utility. While it is possible in this way to secure a fairly accurate valuation, it will not, of course, be so satisfactory to the public as if the work had been done by valuation engineers working under the direction of the Commission. However, funds that have been placed at the disposal of the Commission are altogether inadequate to cover the expense of making independent valuation of utility properties, and for the present, and until additional funds are provided, it will be the policy of the Commission to proceed as indicated herein.

INTERMOUNTAIN FREIGHT RATES

The importance of securing for this State fair and equitable freight rates has engaged the attention of traffic organizations and of railroad and public utility commissions of all intermountain states for a number of years past. This Commission felt that the question was one of such vital importance that it should be associated in a movement looking to the adjustment of these rates. An outgrowth of the agitation was the organization of the Intermediate Rate Association, and this Commission has authorized the entry of its name as a party of record in proceedings before the Interstate Commerce Commission, in which the establishment of equitable rates to the Intermountain territory will be asked. The matter has not yet been brought before the Interstate Commerce Commission, but during the coming year it is expected that an extended hearing will be had.

PUBLIC SAFETY MEASURES

The laws under which this Commission and the Industrial Commission of Utah are operating, seem to place upon

both Commissions the duty of supervising safety measures for the protection of life and property. Inasmuch as there seemed a possibility that duplication of work would result from this dual responsibility, this Commission and the Industrial Commission conferred and decided to work together whenever possible, in order to avoid a duplication of effort. Up to the present time there has been the most amicable relations between the two Commissions, and good results are following the decision to jointly handle matters of this nature.

QUALITY OF GAS

Owing to lack of funds the Commission has not found it possible to organize a department for the testing of gas offered by the various gas corporations to the consuming public within the State, but in order that the public might be protected, tests have been made, under the direction of the Commission, by chemists specially employed. It is designed to continue this service as a means of determining the quality of gas that from time to time is furnished.

WAR SERVICE

Commissioner Warren Stoutnour offered his service to the Government and was accepted as a senior grade lieutenant in the Naval service, and, under a leave of absence from the Commission, was ordered to active duty, May 27, 1918. At the date of the closing of this report he was located in the Fifth Naval District.

COURT PROCEEDINGS

During the year 1918 decisions were rendered by the Supreme Court of the State of Utah in the following cases:

The Denver & Rio Grande Railroad Co.
vs.
Public Utilities Commission of Utah.

Salt Lake City, Murray City, Affiliated Commercial Clubs of Salt Lake County and E. A. Walton,
vs.
Utah Light & Traction Company.

Copies of these decisions will be found under Appendix 5.

STATISTICS

The following is a summary of matters before the Commission during the year 1918:

	Filed	Closed	Pending
Formal Cases	92	80	12

At the beginning of the period covered by this report, there were eight formal cases pending. One case which had been closed during 1917 was reopened on appeal. Five of these cases have been closed and four are still pending.

	Filed	Closed	Pending
Informal Cases	137	118	19

	Issued
Ex-Parte Orders	64
Special Dockets—Reparation	9
Certificates of Convenience and Necessity	26
Grade Crossing Permits	18
Accidents Investigated	30
A classification of these cases shows the following:	
Steam Railroads	149
Electric Railroads	52
Street Railroads	13
Electric Companies	39
Water Companies	6
Telephone Companies	15
Telegraph Companies	1
Automobile Companies	88
Express Companies	4
Gas Companies	8
Steam Heat Companies	1
Total	376

FINANCIAL

The following statement will show the condition of the finances of the Commission as of December 31, 1918:

Balance on Hand, Jan. 1, 1918	$ 35,172.57	
Receipt from Sale of Transcripts of evidence, copies of orders, etc.	1,668.37	$ 36,840.94

Disbursements:

Salaries	$ 19,170.51	
Traveling Expenses	372.82	
Office Furniture & Fixtures	292.73	
Books and Publications	147.40	
Stationery & Printing	480.45	
Postage	396.25	
Miscellaneous	343.62	
Apparatus	11.55	$ 21,215.33
Unexpended Balance, December 31, 1918		$ 15,625.61

Respectfully submitted,

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

APPENDIX I

Part 1.—Formal Cases.

Part 2.—Informal Cases.

Part 3.—Ex-Parte Orders.

Part 4.—Special Dockets—Reparation.

APPENDIX I

Part 1.—Formal Cases.

2. CAMERON COAL COMPANY, et al.,
Complainants,
vs
DENVER & RIO GRANDE RAILROAD CO., et al.,
Defendants.

PENDING.

5. In the matter of the Application of UTAH RAILROADS, for permission to advance rates on coal and coke fifteen cents per ton.

PENDING.

6. In the matter of the Application of the UTAH LIGHT & TRACTION COMPANY for permission to increase its charges.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY for permission to increase its charges. } CASE No. 6.

ORDER DENYING PETITIONS FOR REHEARING

The petitions for rehearing in the above entitled matter came on for hearing before the Commission February 8, 1918, at 10 o'clock a. m., the petitioners being represented as follows:

Wm. H. Folland for Salt Lake City.

D. W. Moffat for Murray City and Affiliated Commercial Clubs of Salt Lake County.

Walton & Walton for E. A. Walton.

Bismarck Snyder for the Utah Light & Traction Co.

The matter was submitted to the Commission without any showing by affidavits or otherwise.

The Commission, being advised as to the grounds upon which a rehearing is predicated, and after duly considering the

same, is of the opinion that the showing in support of said petitions is not sufficient to grant a rehearing, and it is accordingly denied.

By way of further defining the Commission's attitude upon certain matters mentioned in some of the petitions, wherein it is claimed that the fixing of certain zones and the rates under the same are not just and equitable, we here suggest that a rehearing upon such matters may be taken up at any time upon proper complaint and notice as provided by the law, together with the rules and regulations adopted by the Commission.

By order of the Commission.

Dated at Salt Lake City, Utah, this 9th day of February, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

7. **AMALGAMATED SUGAR COMPANY, et al.,**
Complainants,
vs.
DENVER & RIO GRANDE RAILROAD CO., et al.,
Defendants.
PENDING.

8. **SALT LAKE CITY, STATE OF UTAH,**
Complainant,
vs.
DENVER & RIO GRANDE RAILROAD CO., et al.,
Defendants.
PENDING.

14. **In the Matter of the Application of the SALT LAKE, GARFIELD & WESTERN RAILWAY COMPANY, for permission to cross at grade the tracks of Western Pacific Railroad Company and Los Angeles & Salt Lake Railroad Company, and a sand spur of Bingham & Garfield Railway Company.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE, GARFIELD & WESTERN RAILWAY COMPANY, for permission to cross at grade the tracks of the Western Pacific and Los Angeles & Salt Lake Railroad Companies, and the sand spur track of the Bingham & Garfield Railroad Company.

CASE No. 14.

Submitted April 30, 1918. Decided May 8, 1918.

CROSSING—AT GRADE—PETITION FOR, GRANTED

Appearances:

E. M. Bagley and M. L. Ritchie for Salt Lake, Garfield & Western Railway Co.

W. D. Riter for Western Pacific Railroad Company.

Dana T. Smith for Los Angeles & Salt Lake Railroad Company.

R. G. Lucas for Bingham & Garfield Railway Company.

REPORT OF THE COMMISSION

Grade Crossing Permit No. 22

By the Commission:

The Salt Lake, Garfield & Western Railway Company, the applicant in this case, shows in an application dated July 27, 1917, that it is a public service corporation, organized and existing under the laws of the State of Utah, with its principal place of business at Salt Lake City, Utah; that by articles of association dated September, 1887, and amendments thereto, of later date, it is authorized and empowered to construct, own, acquire, operate and maintain a line of railway commencing at the City of Salt Lake, running thence in a general westerly direction through Salt Lake and Tooele Counties, to a point on the western boundary line of the State; that in pursuance of its corporate powers, it is engaged in the construction of an extension of its of railroad as now in operation, to the town of Garfield, and thence westerly to a point

near the American Smelting & Refining Company's plant in Salt Lake County, and in the construction of the said line of railway it is necessary to cross at grade the tracks of the Western Pacific Railroad Company, the Los Angeles & Salt Lake Railroad Company, and the sand spur of the Bingham & Garfield Railway Company, wherefore the petitioner asks for an order granting the same.

The case came on for hearing before the Commission January 8, 1918. Before formal order was entered in the case, an amended application, dated March 7, 1918, was filed by the applicant, asking for an order to operate the cars to be run over the said proposed extension across the tracks of the Western Pacific Railroad Company and the tracks of the Los Angeles & Salt Lake Railroad Company, by making a joint user of the already constructed and existing crossing at grade of the Bingham & Garfield Railway Company over said tracks; and to cross at grade the sand spur track of said Bingham & Garfield Railway Company.

On April 11, 1918, said applicant submitted amendments to its amended application, setting forth more specifically the proposed line of the applicant over the sand spur track of the Bingham & Garfield Railway Company, where joint user thereof is prayed for in its amended application.

On April 25, 1918, the second amendment to the amended application of the petitioner was filed with the Commission. The applicant asks that if its prayer is not granted for the crossing and joint use of the several tracks of the three defendants respectively named in the said amended application, then the said applicant desires permission to cross at grade the said sand spur track of the Bingham & Garfield Railway Company at such place that the center of the applicant's line of track shall be fifty feet north of the present northernmost interlocker of the said spur track, which interlocker is about three hundred sixty feet northerly from the northerly rail of the main line of the Western Pacific Railroad Company; also crossing at grade the main line track of the Western Pacific Railroad Company, and the main line of the Los Angeles & Salt Lake Railroad Company, substantially at right angles thereto, the line crossing said tracks by applicant's proposed track being drawn substantially parallel with the slag dump of the Garfield Smelting Company; also crossing at grade the said sand spur track of the Bingham & Garfield Railway Company at a place about seven hundred twenty-five feet south-

erly from the southerly rail of the Los Angeles & Salt Lake Railroad Company's main line track, where said sand spur track crosses last named track.

The matter having been heard and the Commission having duly considered the petition and the answers thereto, and having investigated all the facts and circumstances surrounding said petition, and after hearing the representations and arguments of the parties and their counsel, and the Commission having viewed the premises at the various points of crossing as shown by the petition and amendments thereto, and having examined the same with regard to the safety of life and property, and also with regard to the necessity therefore, and being fully advised in the premises;

IT IS THEREFORE ORDERED, Adjudged and Decreed, That the prayer of the original petition of the said Salt Lake, Garfield & Western Railway Company, dated July 27, 1917, be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That the prayer of the first amended petition of said Salt Lake, Garfield & Western Railway Company, dated March 7, 1918, asking permission for joint use of the already existing crossing at grade of the Bingham & Garfield Railway Company over the said Western Pacific Railroad Company's and Los Angeles & Salt Lake Railroad Company's tracks, be, and the same is hereby, dismissed without prejudice to the applicant.

IT IS FURTHER ORDERED, That the petition of the said Salt Lake, Garfield & Western Railway Company, setting forth amendments to the amended petition of said applicant, dated April 11, 1918, be, and the same is hereby, dismissed without prejudice to the applicant.

IT IS FURTHER ORDERED, That, that portion of the second amendment of the amended application of the petition of said Salt Lake, Garfield & Western Railway Company, dated April 25, 1918, asking to cross at grade the sand spur track of the Bingham & Garfield Railway Company, as set forth particularly and specifically in the said application, be, and the same is hereby, granted, subject to the following conditions, to-wit:

First: That the entire expense of installing said crossing, and all work in connection therewith, together with the maintenance of said crossing, shall be borne by the applicant. Said installation and maintenance shall be under such supervision of the Bingham & Garfield Railway Company as may be deemed reasonable.

Second: If it becomes necessary for the respondent Railroad Company to install a heavier type of construction for its track, then said applicant at its own expense shall reconstruct said crossing to conform to such new and heavier type of construction.

Third: The vertical height of applicant's trolley wire above top of rail of said crossing shall be that specified in the Commission's tentative general order dated September 1, 1917.

Fourth: The vertical height above top of rail of all other electrical conductors installed by the petitioner shall be that specified in the Commission's tentative general order dated February 4, 1918, adopting the Bureau of Standards Circular No. 54.

Fifth: In the operation of applicant's cars and trains over said crossing, the Bingham & Garfield Railway Company shall have the right-of-way over applicant, and the applicant shall yield to said Railway Company right-of-way at all times.

Sixth: That the applicant shall at all times before crossing tracks of said respondent come to a full stop, and in each case send an employe ahead of any and all cars or trains of the applicant desiring to cross, to see that the tracks are clear, before proceeding, and in no case to cross until the track is clear.

Seventh: The Commission at this time enters no order relative to interlocking or other safety devices for this crossing, but reserves the right to enter such order as the future public safety may demand. The Commission reserves the right to hereafter make such further orders relative to the location, construction, maintenance and operation of said crossing as it may deem right and proper, and to revoke its permission if in its judgment the public convenience and necessity demand such action.

IT IS FURTHER ORDERED, That, that part of the second amendment of the amended applications of the petition of the said Salt Lake, Garfield & Western Railway Company, dated April 25, 1918, asking to cross at grade the main line track of the Western Pacific Railroad Company, and the main line track of the Los Angeles & Salt Lake Railroad Company, the line of crossing of said tracks being drawn substantially parallel with the slag dump of the Garfield Smelting Company, is hereby dismissed without prejudice to the applicant.

IT IS FURTHER ORDERED, That the petition for a

crossing at grade of the said sand spur track of the Bingham & Garfield Railway Company, as prayed for in Paragraph "B", Section 2, of the second amendment of the amended application of the said petitioner, dated April 25, 1918, is hereby dismissed without prejudice to the petitioner.

Dated at Salt Lake City, Utah, this Eighth day of May, A. D. 1918.

By the Commission.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

16. AMERICAN FORK, UTAH, an Incorporated City, By John Hunter, Mayor,
Complainant,
vs.
UTAH POWER & LIGHT COMPANY, Defendant.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

AMERICAN FORK, UTAH, an incorporated City, by its Mayor, John Hunter,
Complaint,
vs.
UTAH POWER & LIGHT COMPANY,
Defendant.
LEHI, PLEASANT GROVE, and ALPINE,
Intervenors.
} **CASE No. 16**

Submitted March 12, 1918. Decided June 10, 1918.

Appearances:

George Parker for complainant.
A. J. Evans for Lehi.
S. B. Thurman and A. B. Irvine for Pleasant Grove.
A. L. Booth for Alpine.
John F. MacLane for defendant.

REPORT OF THE COMMISSION

By the Commission:

This case came before the Commission upon the filing by American Fork City, of a complaint, October 26, 1917, protesting against the rates in force, as well as the changes contemplated in the new schedule filed by the said defendant corporation. The complaint alleges:

First: That the rate of 10 cents per K. W. H. for electrical energy for lighting purposes, as charged by the defendant, is unjust and unreasonable.

Second: That the minimum charge of $1.00 per month now in effect in American Fork is unjust and discriminatory in that it exceeds a reasonable charge for such service, and because small users are compelled, particularly during the summer months, to pay for electrical energy which they do not consume.

Third: That the proposed increased of the minimum charge of $1.00 to $1.11 is unjust, unreasonable and discriminatory.

The defendant in answer to the complaint denies as follows:

First: That the rate of 10 cents per K. W. H. charged by the defendant for electrical energy, is either unjust or unreasonable.

Second: That the minimum charge of $1.00 per month is either unjust or discriminatory, or that it exceeds a reasonable charge for such service.

Third: That the increase of the minimum charge from $1.00 to $1.11 is unjust, unreasonable or discriminatory.

Defendant alleges that said $1.11 is not an increase of the net bill, but is intended only and solely to secure prompt payment of the minimum bill of $1.00 per month, and to eliminate the discrimination which now exists in favor of the person paying the minimum bill who is not required, under existing regulations, to make prompt payment of such bill in order to secure the minimum net rate, whereas all consumers of current in excess of the minimum are required to pay their bills promptly in order to get the minimum net rate.

The defendant further alleges that the rate of 10 cents per K. W. H. as applied to residential lighting in American Fork, is insufficient to defray the cost of rendering the service; that the minimum charge of $1.00 per month, as at pres-

ent, and of $1.11 per month gross, as proposed, is not sufficient to defray the fixed expense of carrying a customer's account in such city, which expense remains constant regardless of quantity of current consumed, and that service to customers who pay but the minimum bill is rendered at an actual operating loss to the Company.

Pleasant Grove City, one of the intervenors, filed its complaint January 10, 1918, containing protest and allegations in effect the same as in the complaint of American Fork.

Later, Lehi and Alpine, intervened by adopting the complaint filed by American Fork City, and upon the issues herein referred to the matter was set down for hearing.

The new tariff filed by the Power Company raises the minimum charge from $1.00 to $1.11 per month, with a ten per cent discount to all consumers paying within ten days from the due date. Under the proposed change there would be no actual advance to the consumer who pays within ten days. Protest is made, however, against the minimum charge upon the grounds that such charge is of itself unreasonable and discriminatory, because many customers who have but one or a few lamps are compelled to pay for electrical energy which they do not use. The protestants claim that no consumer should be taxed for something he does not received.

In this class of service the providing for a minimum charge has been almost universally held by text-writers on the subject, and by courts and commissions, as a justifiable and proper practice. The Kansas Public Utilities Commission, in the case of Landon vs. Lawrence, P. U. R. 1915 E. 763, discusses this question as follows:

> "The reason for such provision is so apparent that it is not necessary to do more than refer to it in a general way. Whether the demand for service by an individual consumer may be great or small during a given period, the utility must hold itself at all times ready to furnish the service in a reasonable manner and to a reasonable extent. This preparedness, this readiness to serve, is worth something to the consumer, whether he makes a request for the service or not. He may not use any gas for a month, but complainants and the distributing system are expected to stand ready to serve him. He should, by every principle of equity, be held bound to render a fair return. The utilities have invested large sums in the equipment necessary to render the service whether de-

manded or not, during any specified period; and the consumer should, whether he demands the service or not, be required to bear a portion of this burden."

In line with this reasoning, with which we agree, we are of the opinion that a minimum charge to cover cost of maintaining a plant in readiness to serve is not discriminatory, and should be approved.

In regard to the change from $1.00 net to $1.11 gross minimum, with 10 per cent discount, the contention of the Company is that the proposed change is simply a method of collecting the accounts more promptly and with smaller expense. If bills are paid when due the Company will be relieved of the necessity of employing a collector and thus all consumers will be benefited. Consumers who do not pay when the bill becomes due will be assessed the additional 11 cents, which would probably no more than pay the cost of the service performed for the delinquent by the collector. Thus all consumers under this arrangement would seem to be treated alike, and there would appear to be no discrimination. The relationship existing between the consumer and the public utility is so closely interwoven as to make their interests identical. Neither can exist without the aid and support of the other. It follows, therefore, that any regulation that reduces the cost of the service performed, results in the benefit of all consumers. If certain consumers are allowed to delay payment of their accounts, without making good, the extra cost incurred by the Company for collection, there would, in fact, be a discrimination against the consumer who pays his bills when due, because any extra cost occasioned by failure to pay bills when due becomes a part of the cost of the service performed by the utility and must ultimately be paid by the consumers.

We are in accord with other state commissions in approving the principle of allowing a prompt payment discount, and therefore, as at present advised, we see nothing in the way of our approving the $1.11 per month minimum charge with ten per cent discount for payment within ten days.

There remains to consider the rates paid for energy against which complaint is made that they are unjust and unreasonable. The rates now in effect, and which are not changed in the new schedule, are as follows:

10c per K. W. H. First 50 K. W. H. of monthly consumption.
9c per K. W. H. Next 50 K. W. H. of monthly consmuption.
8c per K. W. H. Next 50 K. W. H. of monthly consumption.

7½c per K. W. H. Next 50 K. W. H. of monthly consumption.
7 c per K. W. H. Next 50 K. W. H. of monthly consumption.
6 c per K. W. H. Next 50 K. W. H. of monthly consumption.
5 c per K. W. H. For all K. W. H. of monthly consumption in excess of 300 K. W. H.

At the close of the hearing of this case, the complainants, by their attorneys, made the following motion:

> "We, the undersigned, for and on behalf of American Fork City, Lehi City, Pleasant Grov City and Alpine City, move your Honorable Body to appoint a proper and competent committee to make a physical examination of the property of Utah Power & Light Company operating within the State of Utah, together with the legitimate expenses incurred in operating their said system, with a view of determining what a proper charge for power should be to take care of the depreciation of their plant in all its departments, together with a reasonable and fair interest on the money invested."

The action of the Commission upon this motion must be controlled by present existing conditions. It would be a desirable thing, not only in the case under consideration, but in the case of all public service corporations, to make such physical valuation and examination of accounts as is contemplated in this motion, in order that there might be no question as to the amount of capital invested or as to the cost of furnishing the service to the public. When the necessary funds are made available to the Commission to prosecute this highly important work, it will no doubt be undertaken with this and other utility companies. Meantime in this case we feel justified in basing our judgment as to what is a reasonable rate, upon testimony and exhibits presented, which have been given such checking and examination as is possible without entering upon an exhaustive, lengthy, and expensive physical valuation of the Company's properties. This course seems justified in this case particularly, because there is no change proposed in basic energy charges. If the Company were demanding a large increase in rates there would be more need of making a valuation of the property for rate-making purposes before permitting the new tariff to become effective. As a matter of fact, other cases recently before this Commission, or now pending, have presented conditions that more urgently demanded valuation proceedings than does this case,

because of the rate increases sought. Therefore, while we recognize the importance and desirability of property valuations, and while we expect to enter upon this important work as soon as possible, we do not hesitate in the instant case to act upon the questions before us, accepting tentatively the undisputed valuations placed upon its property by the Company's engineers, which valuations, as stated, have been carefully examined and checked.

The testimony given and exhibits filed in this case, have seemed clearly to indicate that the Company is not receiving sufficient revenue from its American Fork business to pay the cost of the service performed, and to cover interest charges and provide for depreciation. The testimony was that the Company's local investment in American Fork amounts to $67,298.90. Its total revenue for the year ending September 30, 1917, from American Fork, was as follows:

From Residential and Commercial Lighting	$ 9,452.67
From Power Users	1,374.71
From Fuel Users	589.23
From Street Lighting	1,188.84
From Merchandise Sales	1,134.52
Total Receipts	$ 13,739.97

Expenses incurred were as follows:

Cost of operating substation	$ 104.20
Distribution expenses	1,937.21
Commercial expenses	2,445.33
New business expense	361.59
General expense	673.32
Taxes on local investment	586.67
Total Expenses	$ 6,108.32
To this must be added:	
Cost of Power at substation	$ 8,164.80
This gives a total cost of	$ 14,273.12

for rendering the service, from which the total revenue was $13,739.97. Thus there is shown a deficit of $533.15, to which deficit must be added interest on investment and amount set aside for depreciation, the two items totaling $7,542.29. If these items of interest and depreciation are allowed there will be shown a total deficit of $8,075.44.

These figures were prepared a considerable time in advance of the hearing and were subjected to examination by the representatives of the complainants, and at the hearing such of the items as appeared to complainants to be questionable were objected to and testimony given as to why they should be modified. On the whole, however, the testimony tended to establish and prove the correctness of the various items of expense and of receipts, showing that the income from the operation of the American Fork plant is not sufficient to pay operating costs and provide for interest and depreciation on the property used in performing the service.

From the showing made in this case we find:

(1) That the rates proposed and now in effect for electrical energy in American Fork City are not unreasonable or unjust.

(2) That the minimum charge of $1.00 per month, now in effect, is not unjust or discriminatory.

(3) That the change proposed in the minimum charge from $1.00 to $1.11 per month, with a ten per cent discount for prompt payment, is not necessarily an advance in such minimum rate; and is not unjust or discriminatory.

(4) That the Company should be authorized to change its minimum rate 11 cents per month and to provide a discount of a like amount if bills are paid in advance, on or before ten days from the due date.

An order will be issued accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of June, A. D. 1918.

AMERICAN FORK, UTAH, an incorporated city, by its Mayor, John Hunter,

vs.

UTAH POWER & LIGHT COMPANY.
LEHI, PLEASANT GROVE AND ALPINE,

Intervenors.

CASE No. 16

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the complaint of American Fork City, Lehi City, Pleasant Grove City and Alpine City, be, and same is hereby, dismissed.

ORDERED FURTHER, That the order heretofore issued by the Commission suspending the increased minimum charge, be vacated and set aside and the new monthly minimum charge of $1.11, subject to a discount of ten per cent if paid within ten days, be permitted to become effective as of June 1, 1918.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

17. JUMBO PLASTER & CEMENT COMPANY,
Compainant,

vs.

DENVER & RIO GRANDE RAILROAD COMPANY, OREGON SHORT LINE RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY,
Defendants.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

JUMBO PLASTER & CEMENT COMPANY,
vs.
DENVER & RIO GRANDE RAILROAD COMPANY, OREGON SHORT LINE RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY.
Intervenor:
NEPHI PLASTER & MANUFACTURING COMPANY.

CASE No. 17

Submitted January 4, 1918. Decided January 8, 1918.

1. Publication ordered of a joint rate of 15 cents per hundred pounds on crushed gypsum rock from Sigurd, Utah, to Devil's Slide, Utah, minimum weight, marked capacity of car, as per stipulation filed.

2. In fixing a division of joint rates a carrier should not generally be given a greater proportion than would equal its local rate on the same commodity for a like distance.

3. Division of the 15 cent rate order to be established, fixed at 7¼ cents per hundred pounds to the Denver & Rio Grande Railroad Company, and 7¾ cents per hundred pounds for the Oregon Short Line and Union Pacific Railroad Companies.

Appearances:

Ferdinand Ericksen for Jumbo Plaster & Cement Co.

John A. Moran for Oregon Short Line Railroad Co. and Union Pacific Railroad Company.

J. D. Kenworthy and P. T. Farnsworth, Jr., for Denver & Rio Grande Railroad Company.

H. W. Prickett for Nephi Plaster & Manufacturing Co.

REPORT OF THE COMMISSION

Blood and Stoutnour, Commissioners:

The complainant, a corporation engaged in the manufacturing and selling of plaster and gypsum products at Sigurd, Utah, alleges in a complaint filed December 8, 1917, that the

Oregon Short Line Railroad Company and the Union Pacific Railroad Company have refused to join with the Denver & Rio Grande Railroad Company in the establishment of reasonable through rates on crushed gypsum rock from Sigurd, Utah, to Devils Slide, Utah, and that by reason thereof, complainant has been seriously injured by being subjected to unjust discrimination in favor of the manufacturers of crushed gypsum rock at Gypsum, Utah. It is asked that joint rates be established from Sigurd, Utah, to Bakers, Utah, and Devils Slide, Utah, which shall not exceed rates contemporaneously maintained from Nephi, Utah, to the same points. Complainant also asks that reparation be granted on all shipments of crushed gypsum rock that have moved from Sigurd to Bakers, Utah, and Devils Slide, Utah, since December 1, 1917.

Sigurd, Utah, is located on the Denver & Rio Grande Railroad Company's line, one hundred sixty-one miles south of Salt Lake City, which is the junction point of the Denver & Rio Grande Railroad with the Oregon Short Line Railroad. Nephi, Utah, is situated on the Los Angeles & Salt Lake Railroad and on the Denver & Rio Grande Railroad, at a point about eighty-eight miles south of Salt Lake City. Gypsum, Utah, is located about one miles from Nephi, and is a local point on the Denver & Rio Grande Railroad. Bakers, Utah, is located on the Oregon Short Line Railroad about sixty-two miles north of Salt Lake City. Devils Slide is located on the Union Pacific Railroad about sixty-seven miles east of Salt Lake City.

The movement of the commodity in question from Gypsum, Utah, when routed via the Los Angeles & Salt Lake Railroad and Oregon Short Line Railroad, is from Gypsum to Nephi via the Denver & Rio Grande Railroad Company, and from Nephi to Salt Lake City via the Los Angeles & Salt Lake Railroad Company, a distance of eighty-eight miles to Salt Lake City, where the shipment is turned over to the Oregon Short Line railroad. When routed via the Denver & Rio Grande Railroad to Salt Lake City, the movement is from Gypsum, Utah, by way of Thistle Junction to Salt Lake City, a distance of one hundred fifty-two miles. Joint through rates are in effect from Gypsum, Utah, to Bakers, Utah, and to Devils Slide, Utah, the rate on crushed gypsum rock for this movement being 11½ cents per hundred pounds. The Denver & Rio Grande Railroad Company and the Oregon Short Line Railroad Company have also in effect a joint through rate of

15 per cent per hundred pounds, on crushed gypsum rock from Sigurd, Utah, to Bakers, Utah, via Salt Lake City, a distance of 222.8 miles.

The complainant alleges that it has a large market at Bakers, Utah, and Devils Slide, Utah, for crushed gypsum rock, which product is extensively used by the cement factories located at these points, and that it is essential to the successful conduct of its business that a joint through rate between Sigurd, Utah, and Devils Slide, Utah, should be established to take the place of the combination of local rates now in effect, which are: from Sigurd, Utah, via the Denver & Rio Grand Railroad to Salt Lake City, 7¼ cents per hundred pounds, and from Salt Lake City via the Oregon Short Line and Union Pacific Railroads to Devils Slide, 12 cents per hundred pounds, making the total through rate 19¼ cents.

The case came on for hearing January 4, 1918, before Commissioners Blood and Stoutnour, Commissioner Greenwood being an officer of the complainant Company; and at the opening of the hearing counsel for the complainant announced that the railroads had agreed with complainant to establish a joint through rate from Sigurd to Devils Slide of 15 cents per hundred pounds on crushed gypsum rock, which is the same rate as is now in effect between Sigurd and Bakers, Utah. Complainant expressed willingness to accept the 15-cent rate, waiving demand for reparation and all parties to the action agreed in open session, to file stipulations providing for the establishment of the said 15 cent rate in lieu of the rate asked for in the complaint. No testimony was introduced by either side, and the case, so far as complainant's action against the defendants is concerned, was thereupon closed.

However, counsel for the Oregon Short Line Railroad Company and the Denver & Rio Grande Railroad Company stated to the Commission that they had been unable to agree upon a division of the joint through rate, which under the stipulations entered into in this case, was to be established. They, therefore, joined in asking that the Commission, under the authority of the Public Utilities Act, make the divison of the joint rate.

Counsel for the Oregon Short Line Railroad Company asked that the division be made on the basis of 9 cents per hundred pounds for the Oregon Short Line and Union Pacific Railroads, and 6 cents per hundred pounds for the Den-

ver & Rio Grande Railroad Company; and in support of such demand, stated that this is the division agreed upon between the Denver & Rio Grande and Oregon Short Line Railroads on traffic moving from Sigurd, Utah, to Bakers, Utah. It was stated that 6 cents allowed to the Denver & Rio Grande was a constant quantity on all shipments from Sigurd to Oregon Short Line points as far west as Portland, Oregon, and the division was justified by the fact that it applies on the long hauls as well as on movements to short distance points, such as Bakers, Utah. The statement was made that the distance from Sigurd to Bakers is approximately 226 miles, and from Sigurd to Devils Slide approximately 232 miles, and that the agreed division from Sigurd to Bakers should, therefore, apply with equal fairness on movements to Devils Slide.

Counsel for the Denver & Rio Grande Railroad Company alleged that the 6-cent division allowed on joint movements to points on the Oregon Short Line Railroad, Bakers and beyond, has never been satisfactory to his Company, and contended that the fact that his Company would haul the product a distance of 162 miles to Salt Lake City, while the Oregon Short Line and Union Pacific Railroads would haul it but sixty-seven miles to Devils Slide, should justify a different division than is allowed under the existing agreement for traffic to points on the Oregon Short Line Railroad. He pointed out that mileage pro rata is usually the basis for division on short haul distances. Based upon mileage his Company would be entitled to 10.6 cents per hundred pounds out of the 15 cents rate, while the Oregon Short Line Railroad Company would receive 4.4 cents per hundred pounds. He admitted, however, that this would bring his Company's division of the through rate higher than the local rate from Sigurd to Salt Lake City on the same product, which is 7¼ cents per hundred pounds, and stated that his Company would be willing to accept 7¼ cents as its division of the 15 cents rate from Sigurd to Devils Slide, leaving 7¾ cents as the Oregon Short Line and Union Pacific division of the said rate.

The fixing of divisions between railroad companies is usually a matter of negotiation and barter between the roads involved. While mileage pro rata as a basis of division would probably in most instances divide the earnings according to the actual service performed, this method cannot always be relied upon, because of other considerations that enter into the question. A railroad might often be willing to sacrifice

profits in order to develop an industry along its line, the building up of which would depend upon a market being found for its products in territory served by a connecting carrier. A carrier should be entitled to a remunerative division of the rate on products originating on its line; but the same can be said for the connecting line which finds a market for such products. In this case it appears that there is little or no market in its own territory for crushed gypsum rock produced along the line of the Denver & Rio Grande Railroad Company, and it was doubtless that consideration that prompted the acceptance of the 6-cent division of rate now in effect from Sigurd to Bakers, Utah. The fact that the same division exists on traffic to distant points on the Oregon Short Line Railroad also seems to justify in some measure, the proportion accepted on traffic to Bakers.

It does not appear, however, that there is any prospect of a distant movement of crushed gypsum rock or plaster products beyond Devils Slide on the Union Pacific Railroad, and hence we have in this matter to consider only what would be a proper division assuming the entire traffic to be between Sigurd and Devils Slide; or, in other words, what would be a just apportionment of the 15-cent rate for the 161 miles of the movement by the Denver & Rio Grande Railroad, and the 67 miles of the movement by the Oregon Short Line and Union Pacific Railroads.

The authority of the Commission with respect to the fixing of divisions between carriers is contained in Section 4, Article 4, of the Public Utilities Act, the language being as follows:

> "In case the common carriers do not agree between themselves upon the division of the joint rates, fares or charges, established by the commission over such through routes, the commission shall, after hearing by supplementary order, establish such division."

The fact that this authority is vested in the Commission implies that considerations other than mileage are to be given weight and that it is the duty of the Commission to take into consideration the existing conditions and equities in arriving at a fair and proper adjustment.

We cannot in this case, base the division upon mileage. To do so would give the Denver & Rio Grande a much higher division of the joint rate than its local rate on the same product for the same movement. The Interstate Commerce Com-

mission has held in a number of cases that a carrier should generally accept a lower division of rate than the local rate contemporaneously in effect.

In Pulp & Paper Manufacturers Traffic Association vs. C. M. & St. P. Railway Company, 27 I. C. C. 96, it is stated:

> "The proportion of a joint rate should generally be lower than a local rate for the same distance."

Again, in the case of New Pittsburgh Coal Company vs. Hocking Valley Railway Company, 26 I. C. C. 123, we read:

> "It is obvious that a carrier may deem it good business policy and in the public, as well as in its private, interest to secure a part of a through haul on a large volume of traffic and to accept a division of the through rate as compensation therefor which is much lower than the local rate. If such division earns a rate sufficiently above the out-of-pocket cost incurred by the carrier in performing its service to contribute something to the net earnings of that carrier, and if no unjust discriminations or other situations in violation of the law are created thereby, no valid objection from any point of view can be made against such division."

We find no warrant for making a division of this rate higher than the local rate now in effect, nor did counsel for the Denver & Rio Grande Railroad Company ask it of us. This Company expressed a willingness to receive as a division, 7¼ cents, which is the local rate.

There remains for us to determine what would be a just division for the connecting lines. It is set out in the complaint that the Union Pacific and Oregon Short Line Railroad Companies have in effect a local tariff naming a rate of 8 cents per hundred pounds on cement from Salt Lake City to Devils Slide. Cement is a product containing as an ingredient, crushed gypsum rock, and might be said to be a finished product of which gypsum rock is one of the raw materials. Cement is of much higher value than is gypsum rock, and there is a well established rule that the freight rate on a commodity should bear some relationship to the value thereof, the rate increasing as the value becomes higher. Thus it would seem logical that there should be a higher freight rate on cement in sacks than on gypsum rock loaded in bulk. This

being true, and applying the rule that carriers should be willing to accept as a division of a rate an amount less than the local rate on a like product, we are forced to the conclusion that the division in this case for the movement from Salt Lake City to Devils Slide on gypsum rock should properly be less, and certainly should not be greater, than the rate now in effect on the finished product in the form of cement.

We, therefore, face a situation which would justify a division of less than 7¼ cents to the Denver & Rio Grande Railroad Company, and less than 8 cents to the Union Pacific and Oregon Short Line Railroad Companies, if both divisions are to be below the local rates on the same or similar products. Such a division is difficult to make without splitting fractions into too small denominations.

There is, however, one other consideration of sufficient weight if anything more were needed to indicate in whose favor the quarter of a cent should be awarded. The record shows that on a movement of the same commodity from Nephi to Salt Lake City via the Salt Lake Route, and from Salt Lake City to Bakers via the Oregon Short Line, the joint through rate divisions between carriers gave the Salt Lake Route 5 cents for the 88-mile movement. This leaves 6½ cents for the Oregon Short Line haulage of 62 miles, as against 9 cents that the same road is asking for a movement of 67 miles to Devils Slide. The difference between what was accepted in the one case and what is asked in the other, seems to us too wide.

FINDINGS

We find in accordance with the stipulations of the complainant and defendants in this case, that there should be established a rate on crushed gypsum rock from Sigurd, Utah, to Devils Slide, Utah, of 15 cents per hundred pounds, minimum weight to be marked capacity of the car, said rate to be made effective as of January 4, 1918.

We find, also, that a just division of the rate of 15 cents per hundred pounds, which the carriers have agreed to establish on crushed gypsum rock from Sigurd, Utah, to Devils Slide, Utah, would be 7¼ cents per hundred pounds to the Denver & Rio Grande Railroad Company for the movement from Sigurd, Utah, to Salt Lake City, and 7¾ cents per hundred pounds to the Oregon Short Line Railroad Company and

Union Pacific Railroad Company for the movement from Salt Lake City to Devils Slide, Utah.

Appropriate orders will be entered.

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a general session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of January, A. D. 1918.

JUMBO PLASTER & CEMENT COMPANY,
v.
DENVER & RIO GRANDE RAILROAD COMPANY, OREGON SHORT LINE RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY.
Intervenor:
NEPHI PLASTER & MANUFACTURING COMPANY.

CASE No. 17

This case being at issue upon complaint and answers on file, and stipulation being filed by parties at interest agreeing upon a rate of 15 cents per hundred pounds on crushed gypsum rock between Sigurd, Utah, and Devils Slide, Utah, and the Commission having on the date hereof filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

IT IS HEREBY ORDERED, That the defendant companies, the Denver & Rio Grande Railroad Company, Oregon Short Line Railroad Company, and Union Pacific Railroad Company, publish and put into effect as of January 4, 1918, a rate of 15 cents per hundred pounds, minimum weight marked capacity of car, on crushed gypsum rock from Sigurd, Utah, located on the Denver & Rio Grande Railroad Company, to Devils Slide, Utah,, located on the Union Pacific Railroad Company, as agreed upon by stipulation.

SUPPLEMENTARY ORDER

IT APPEARING that the Denver & Rio Grande Railroad Company, the Oregon Short Line Railroad Company, and the Union Pacific Railroad Company have agreed to establish a joint through rate of 15 cents per hundred pounds on crushed gypsum rock from Sigurd, Utah, to Devils Slide, Utah, and are unable to agree upon the divisions which shall accrue to the lines at interest, and

IT FURTHER APPEARING that on January 4, 1918, a hearing was held by the Commission to determine what division each line should receive, and the Commsision being fully advised in the premises,

IT IS HEREBY ORDERED, That the Denver & Rio Grande Railroad Company, the Oregon Short Line Railroad Company, and the Union Pacific Railroad Company, shall divide the revenue accruing from the rate of 15 cents per hundred pounds on gypsum rock in car loads, moving from Sigurd, Utah, to Devils Slide, Utah, via above lines, as follows:

Denver & Rio Grande Railroad Co.____7¼c per cwt.
Oregon Short Line and Union
Pacific Railroad Companies_____7¾c per cwt.

By the Commission.
(Signed) T. E. BANNING,
(SEAL) Secretary.

18. In the Matter of the Application of the BEAR RIVER VALLEY TELEPHONE COMPANY, for permission to increase its charges.

PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BEAR RIVER VALLEY TELEPHONE COMPANY, for permission to increase its charges. } **CASE No. 18**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant is a corporation organized in 1905, and having headquarters at Tremonton, Box Elder County, Utah.

The Company owns and operates a telephone system,

serving Tremonton and surrounding cities, towns and villages.

Request is made in an application filed September 13, 1917, for permission to advance certain of its exchange rates, in order to meet advancing costs of materials and labor.

After due notice, a public hearing was held at Tremonton, on Friday, March 8, 1918. The company was represented by the following officers:

J. Y. Ferry, President.
P. M. Hansen, Director.
Paul Heitz, Manager.
E. J. Winzler, Assistant Manager.

There were no appearances in behalf of patrons of the Company.

EXTENT AND QUALITY OF SERVICE

The Company entered the telephone field in 1905, and has one central exchange located in Tremonton. Its lines radiate in all directions, serving in addition to Tremonton, Bear River City, Corinne, Thatcher, Penrose, Point Lookout, Howells, Pocatello Valley, Garland, Fielding, Collinston, Beaver Dam, Deweyville, Honeyville and Riverside, all in Box Elder County, Utah. Its service is also available to, and used by, widely scattered farming and ranching districts outside of the towns named.

In order to cover this field, its lines run south about twenty-four miles, west about twenty-one miles, north about thirteen miles, and east about nineteen miles, with many branches in all directions from the main leads. In all, the company owns 192 miles of pole line, carrying about 700 miles of wire.

A total of 525 subscribers are served by the one exchange, no toll charge being made for service over the company's lines.

The company's lines connect at Brigham City, Utah, with the Mountain States Telephone & Telegraph Company's lines, thus making available to all of its subscribers the toll service of the latter company.

The rates now in effect are as follows:

Private line for business in Tremonton_____$3.00 per month
Private line for residence in Tremonton_____ 2.50 per month
Rural and party lines in all parts of the system 1.75 per month

Permission is asked to advance rates on private business telephones from $3.00 to $3.25 per month, and on rural and

party lines from $1.75 to $2.00 per month. No advance in private residence telephones in Tremonton is contemplated in the application.

Testimony was that the company is giving its subscribers good service. It was planned, however, to reduce the number of stations served on one line in far-out rural sections, so as to further improve the service on those lines. About half of the subscribers are provided with magneto telephones, the other half being operated by the common battery system.

FINANCES

No physical valuation of this property has been made by the Commission. To arrive at the value of the plant and equipment, it is necessary, therefore, to rely upon the books of the company, which have been kept in a fairly satisfactory manner. The book value of the plant at the end of 1917, as derived from this source, was $44,764.03, made up as follows:

Plant investment January 1, 1917	$42,307.38
New construction during 1917	926.65
Real Estate	250.00
Office Furniture and Fixtures	530.00
Investment during 1917 of new funds in equipment on hand at the end of the year	750.00
Total	$44,764.03

During the time the plant has been in operation, there has been but $1700.00 charged off as depreciation, this having been done in 1914 and 1916. It is apparent that in order to insure funds for replacements to keep the plant in condition to render proper service, there should annually be set aside a fairly liberal depreciation reserve, out of which replacements should be paid for, as made necessary by inevitable deterioration of pole lines, and wear and tear, as well as obsolescence of equipment. Until such time as the Commission shall make a more definite ruling on this question, the applicant should, therefore, provide for depreciation at the rate of 6½ per cent on the present book value of the property.

It was testified by the manager that the property has been kept in first-class condition, and that the increase in the cost of materials and labor that would be necessary to reproduce the plant new at this time, would more than offset the de-

preciation that has taken place. Further testifying, the manager said he would be willing to buy the property at the book value shown, $44,764.03.

Assuming, therefore, that figure as a fair valuation of the company's property for rate-making purposes, we have next to consider its income.

The total receipts from all sources for the year 1917, as shown by the books, was $17,361.26. Of this sum $4,880.20 was from tolls on connecting lines, only a percentage of which is retained by the company. The net amount received from tolls was $1,414.54. Another item in the gross receipts was for labor and material furnished the Oregon Short Line Railroad Company, amounting to $600.75. This sum is not properly income but is a return to the company's treasury of expenditures made on account of material and labor, and should be so handled. If this were done the income shown would be as follows:

Receipts from rents	$11,880.31
Net receipts from tolls	1,414.54
Total	$13,294.85

Disbursements for the year, after adjusting the labor and material item, and the payment of the percentage of toll charges to connecting lines, and excluding interest and dividend payments, totaled $11,319.53.

This leaves a balance of $1,975.32, out of which to pay bond interest, provide for depreciation and pay dividends to stockholders. However, testimony showed that the company was called upon for an extraordinary expenditure during 1917, of a sum estimated at $2,000.00 to $2,500.00, to repair damage caused by an unusual and violent storm of wind and snow which broke down long stretches of line. Assuming that on this account expenditures were $2,500.00 above normal, and crediting this $2,500.00 to the year's earnings, there would be a balance of $4,475.32 to take care of interest, dividends and depreciation. Even this, apparently would be insufficient. The three items mentioned would require earnings of $6,049.66, divided as follows:

Interest on $19,000.00 bonds outstanding at 6 per cent	$1,140.00
Depreciation at 6½ per cent on $44,764.03	2,909.66
Dividend to stockholders, 8 per cent, on $25,000.00 stock outstanding	2,000.00
Totals	$6,049.66

No doubt some items charged on the company's books to maintenance and repairs would be more properly chargeable to depreciation reserve, if such reserve had been accumulated, but even that would not be sufficient to cover the deficit that seems inevitable if a depreciation reserve is provided for, and interest charges and dividends are paid, and if there is no increase in earnings.

The increase of rates asked for would add to the income of $1,569.00, annually, based upon the present number of subscribers. Testimony was that no large increase of business could be expected, the field being now pretty well covered.

The abnormal rise in the cost of labor and materials is recognized, and in the absence of any immediate prospect of a decline to normal conditions, it is evident that a corporation, such as the applicant, which in the past has not been able to create a depreciation reserve, or a sufficient surplus of earnings out of which adequately to care for depreciation, should be permitted to protect its investment by an adjustment of rates that may remain in effect during the period of inflated prices.

FINDINGS

I, therefore, find the facts to be:

1. That the book value of the company's plant and equipment at the close of the year, 1917, was $44,764.03.

2. That the present revenue is insufficient to meet operating expenses, provide for adequate depreciation, pay interest on bonded indebtedness and give a normal rate of return on investment.

3. That the company should set up a depreciation reserve based upon 6½ per cent of the value of the property.

4. That applicant should be permitted to file a new schedule of rates, effective April 1, 1918, increasing the rates on individual business telephones from $3.00 to $3.25 per month, and increasing the rates on rural or party telephones from $1.75 to $2.00 per month; individual residence rates in Tremonton to remain the same as now, $2.50 per month.

5. That as soon as practicable rural lines having

more than eight stations on a line should be relieved of the excess stations for the betterment of the service.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office, Salt Lake City, Utah, on the 25th day of March, A. D. 1918.

In the Matter of the Application of the BEAR RIVER VALLEY TELEPHONE COMPANY, for permission to increase its charges. } **CASE No. 18**

This case being at issue upon petition on file, and having been duly heard and submitted, and investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the Bear River Valley Telephone Company be, and they are hereby, authorized to file a new schedule of rates effective April 1, 1918, which shall not exceed the following:

Individual Business Telephones____$3.25 per month
Rural or Party Telephones _____ 2.00 per month

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

19. **In the Matter of the Application of GREEN RIVER CITY for permission to increase its rates for electric service.**

PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of GREEN RIVER CITY for permission to increase its rates for electric service. } **CASE No. 19**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant is a third-class city located in Emery County, Utah, and having a population of about 600.

The municipality owns and operates a hydro-electric plant, furnishing light and power to the citizens of Green River, and to certain residents of Elgin, a suburb.

Request is made in a petition filed January 21, 1918, for permission to increase electric lighting rates from 10 cents per K. W. H. to 12½ cents per K. W. H., the application being based on the allegation that present rates are not sufficient to meet operating expenses of the plant.

After due notice, a public hearing was held at Green River, on February 14, 1918. The city was represented by:

O. R. Gillispie, Mayor.
N. T. Peterson, Councilman.
Walter Boston, Councilman.
T. S. Turner, Councilman.
S. J. Neer, Recorder.
J. N. Powers, Attorney.
R. T. Edwards, Superintendent of the Plant.

There were also present, Lloyd C. Beebe and Paul Wood, of Green River, and L. H. Green of Elgin, all patrons of the plant.

HISTORY

Green River was incorporated as a third-class city in February, 1911. Its boundaries include about two square miles of territory on the west bank of the Green river, and on the line of the Denver & Rio Grande Railroad Company.

During the year 1914, the taxpayers of the city, by vote,

authorized the issuance of $20,000.00 par value of "10-20" bonds, bearing six per cent interest. Sale was made of $18,-000.00 worth of these bonds at a discount that left the net amount received for the bonds $17,330.00. This bond issue was for the purpose of financing the construction of a hydro-electric plant and the necessary transmission and distribution system, designed to furnish light and power for the residents of the city. In June, 1915, the municipal electric plant was placed in operation.

The plant is located six and a half miles north of the city. At that point the Green River Canal Company had a dam and race-way, constructed for irrigation purposes. The dam and race-way was taken over under contract by the Green River Irrigation District, and from this organization the city acquired, by lease and agreement, the right to install its plant and use water through the race-way for its operation, the consideration being that the city would furnish a pump man and oil to run the irrigation company's machinery, which was used to lift water to a 42-foot level.

During the high water period of 1917, part of the dam in Green River went out, thus shutting off the water and putting the city plant out of commission. Reconstruction of the dam is expected to cost about $4,000.00. The various parties interested in the dam will share the expense, and the city's portion will probably be $1,250.00, or slightly more. The work is now well along toward completion and the plant is again in service.

FINANCES

On account of the plant being of recent construction, and because of the city's good accounting system, it is possible to arrive at the present condition of the finances covering the plant and its operation.

As before stated, the city realized from the sale of bonds, $17,330.00. The plant and distributing system has cost to date, $23,464.72. The sum expended above bond issue receipts came from other sources of city revenue, principally from taxes and licenses.

A balancing of receipts from sale of electric current against the cost of maintenance and operation of the plant for the period, shows the revenues to be inadequate.

For the part of the year 1915 that the plant was operated the total receipts were $1,196.44, while disbursements for main-

tenance and operation were $1,352.46; deficit, $156.02.

In 1916, total receipts were $3,819.99; disbursements for maintenance and operation, $2,998.50; excess, $821.49.

In 1917, the plant was closed after July 1, and receipts were $1,947.98; disbursements for maintenance and operation, $3,908.13; deficit, $1,960.15.

It will be seen, therefore, that for the entire period of operation the amount disbursed for maintenance and operation exceeded the gross revenue by $1,294.68. It should be noted, however, that this is perhaps entirely accounted for by the enforced shut-down the last half of the year 1917, during which time conditions demanded the retaining of the plant superintendent and the incurring of other maintenance and operating charges, while there was no income. But even if the gross revenue could be increased to a point where it would cover operating costs, there would still be an important item to be provided for out of the revenues of the plant which is not now being covered. This item is property depreciation. At the very low rate of five per cent on the cost of date of the plant and distributing system, the annual depreciation would be $1,173.24. The municipality should provide a reserve for depreciation of approximately that sum annually.

Testimony showed that the plant is being operated as economically as possible. No excessive salaries are being paid, and supplies are being purchased advantageously. The city is being charged and the plant credited, with $75.00 a month for street lighting, the rate for this service being considered fair and equitable.

FUTURE PROSPECTS

Over 90 per cent of the residences and business houses within the city are using light, and there is no immediate prospect of a large increase of demand. It is to be regretted that additional market for power cannot be developed. The plant capacity is 175 K. W., while the normal consumption is only 30 K. W., in the city. A small amount of power is sold to residents of Elgin, a nearby village on the east side of Green River. It is possible that a vigorous campaign for business might result in quantities of power being used for pumping water from the river to irrigate farms in the vicinity of Elgin, and further north at Willow Bend. But up to the present, little of such power is being utilized.

FINDINGS

In view of the financial condition shown to exist, there would seem to be good reasons for permitting the increase in lighting rates asked for, from 10 cents per K. W. H. to 12½ cents per K. W. H.

I therefore find the facts to be:

1. That the present revenue from the municipal electric plant is insufficient to meet operating expenses and provide for depreciation.

2. That the applicant should be permitted to file a new schedule, effective April 1, 1918, increasing the lighting rates from 10 cents per K. W. H. to 12½ cents per K. W. H., minimum charge $1.00.

3. That the question of power, heating and cooking rates not being in issue in this proceeding, the applicant should be permitted to file a schedule of its existing rates for such services, which rates should be open to investigation by the Commission on its own motion or on complaint.

An appropriate order will be issued.

Dated at Salt Lake City, Utah, this 11th day of March, A. D. 1918.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of March, A. D. 1918.

In the Matter of the Application of GREEN RIVER CITY for permission to increase its rates for service. } **CASE No. 19**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full in-

vestigation of the matters and things involved having been had, and the Commission having, on the date hereof made and filed a report containing its findings and conclusions thereon, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That Green River City be permitted to publish and put in effect April 1, 1918, the following rates and charges for electric lighting service:

12½ cents per K. W. H. Minimum charge $1.00.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

20. C. A. CLIDE,

Complainant,

vs.

LOS ANGELES & SALT LAKE RAILROAD CO., BINGHAM & GARFIELD RAILWAY COMPANY,

Defendants.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

C. A. CLYDE,
Complainant,
vs.
LOS ANGELES & SALT LAKE RAILROAD COMPANY, a corporation, and BINGHAM & GARFIELD RAILWAY COMPANY, a corporation,
Defendants.

CASE No. 20

ORDER

The above entitled matter was brought to the attention of the Commission by the filing of a complaint, February 2, 1918, protesting against a certain schedule under which passenger trains would be operated between Salt Lake City and Arthur and Magna, Utah, as is more fully set out in said complaint.

The complaint charges that the operations of certain trains under the present schedule, as set out, and upon which

many workmen ride to and from their labor, results in great inconvenience to about three hundred laboring men, and therefore asks that such changes be made to conform to the schedule had and maintained before December 15, 1917.

Before a written reply was made to the complaint by the carriers in question, stipulation was filed February 19, 1918, to the effect that an agreement had been reached respecting the needs and convenience of the parties concerned, and in which all parties consent, and request that an order be entered as follows:

First: That the petition or complaint be withdrawn.

Second: That the present schedule, under which trains are being operated, be modified and changed as follows:

Train No. 109, leaving Salt Lake City at 6:55 a. m., leaving Arthur at 7:35 a. m., Magna at 7:40 a. m., and arriving at Bingham at 8:25 a. m.

Train No. 111, leaving Salt Lake City at 2:15 p. m., leaving Arthur at 2:54 p. m., leaving Magna at 2:57 p. m., and arriving at Bingham at 3:35 p. m.

Train No. 110, leaving Bingham at 8:45 a. m., leaving Magna at 9:23 a. m., leaving Arthur at 9:26 a. m., and arriving at Salt Lake City at 10:05 a. m.

Train No. 112, leaving Bingham at 4:00 p. m., arriving at Magna at 4:40 p. m., leaving Magna at 4:50 p. m., leaving Arthur at 4:53 p. m., and arriving at Salt Lake City at 5:40 p. m.

Third: That trains Nos. 109 and 112 shall not stop at Garfield; but in order to meet conditions occasioned by the failure of Nos. 109 and 112 to stop at Garfield, the Bingham & Garfield Railway Company, as heretofore, shall continue to operate a shuttle train for the accommodation of said men. The proposed new schedule shall be put in operation not later than Sunday, February 24, 1918.

It appearing to the Commission that the proposed modified schedule set out in the stipulation referred to will be just and reasonable, and fairly meet the conditions and requirements of the service under said schedule, and there appearing no reason why such change should not be made;

IT IS HEREBY PERMITTED, ALLOWED AND ORDERED, That the carriers named herein shall operate the trains named herein according to the said proposed schedule and conditions above referred to, and that the operation of

trains under such schedule and conditions set forth, shall begin February 24, 1918.

IT IS FURTHER ORDERED, That the schedule now on file and under which trains have been operated since December 15, 1917, be modified and changed to conform to such proposed schedule; that said carriers shall do and perform any and all things required under the rules and in keeping with such new or amended schedule.

By order of the Commission.

Dated at Salt Lake City, Utah, this 21st day of February, A. D. 1918.

(Signed) T. E. BANNING,
(SEAL) Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

C. A. CLYDE, Complainant, vs. LOS ANGELES & SALT LAKE RR. CO., a corporation, and BINGHAM & GARFIELD RAILWAY COMPANY, a corporation, Defendants.	CASE No. 20 SUPPLEMENTAL ORDER.

An order having been entered by the Public Utilities Commission on February 21, 1918, requiring the Bingham & Garfield Railway Company and the Los Angeles & Salt Lake Railroad Company to operate train No. 112 on the following schedule:

Leaving Bingham at 4:00 p. m., arriving at Magna at 4:40 p. m., leaving Magna at 4:50 p. m., leaving Arthur at 4:53 p. m., and arriving at Salt Lake City at 5:40 p. m.

And it appearing that the Bingham & Garfield Railway Company and the Los Angeles & Salt Lake Railroad Company, by H. W. Stoutenborough, A. G. F. & P. A. of the Bingham & Garfield Railway Company, have petitioned the Public Utilities Commission of Utah for authority to change the schedule of train No. 112, effective June 2, 1918, as follows:

Leave Magna, Utah, 4:45 p. m. instead of 4:50 p. m. as at present.

Leave Arthur, Utah, 4:48 p. m. instead of 4:53 p. m. as at present.

Arrive at Salt Lake City 5:30 p. m. instead of 5:40 p. m. as at present.

And it appearing that certain changes in the operation of all Federal controlled railroad passenger trains has been ordered by the Director General of Railroads, and that the proposed change in Bingham & Garfield Railway Train No. 112 is necessary to conform to such changes;

And it further appearing that the proposed change in the operation of Bingham & Garfield Train No. 112 will not result in any hardship to the working men who depend on such train service to convey them to and from their employment:

IT IS HEREBY Permitted, Allowed and Ordered, That the petitioners, the Bingham & Garfield Railway Company and the Los Angeles & Salt Lake Railroad Company, shall operate train No. 112 upon the following schedule:

Leave Magna, Utah, 4:45 p. m.
Leave Arthur, Utah, 4:48 p. m.
Arrive Salt Lake City, 5:30 p. m.

ORDERED FURTHER, That such change shall become effective June 2, 1918.

By the Commission.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

21. In the Matter of the Application of SPRING CITY for permission to change the regulations and rates for electric service.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of SPRING CITY for permission to change the regulations and rates for electric service. } CASE No. 21

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing at Spring City, Utah, before Commissioner Joshua Greenwood, Friday, March 1, 1918, at 10 o'clock a. m., upon a petition, filed on February 25, 1918, requesting permission to change the regulations and rates for electric service. Notice of the hearing was sent to the home of each consumer of electrical current in Spring City, by the officers of said city, and there were present at the meeting, all members of the City Council, with the exception of the Mayor, and about eighty residents of the city, users of electricity from the petitioner.

It appeared from the testimony taken, that the plant of this electrical corporation, had been purchased from private owners by Spring City, a Municipal Corporation, and that it was the intention of the officers of the city to enlarge the plant and to make it more efficient in rendering service to the public.

It was also testified that the privilege of flat rates had been abused by consumers. Where the flat rate of 50 cents per month was charged, some customers had taken advantage of the low flat rate and used current for ironing, washing, cooking and other purposes, thus using more current than they were paying for. It was therefore decided by the City Council to require all consumers to take their current through meters, said meters to be furnished by the city gratis, and installed at the expense of the individuals.

The city officials were of the opinion that in order for the city to meet and overcome the existing conditions, and put the plant on a paying basis, it would be necessary to increase the minimum charge from 50 cents to $1.00 per month, and that

this increase in the minimum charge would compensate the city, in part, for the expense it had gone to in purchasing meters and enlarging the plant.

It was also shown that a certain picture show house had been receiving current at a special rate of 5 cents per K. W. H., while other consumers were required to pay 7 cents per K. W. H. The petition of the city specified that all consumers would hereafter be charged one price for their lights, the rate to remain 7 cents per K. W. H., with no special privileges.

There was no protest on the part of the patrons of the plant. The officers and those in charge of the plant met with the Commissioner and made statements as to the reason for the proposed advance, operating conditions, etc. Their statements were to the effect that the plant had been economically run, the wages being unusually low, and that their only desire was to put the electric light department of the city on a paying basis. Statement of the operating expenses and receipts, which is filed herein, showed that the plant had not been able under the existing rates and regulations, to support itself and meet requirements and demands, as appears by the financial statement.

According to the financial statement of Spring City Lighting Plant, the city purchased the light and power plant from individuals, for the sum of $17,000, which amount of money was raised by the city being bonded in the sum of $20,000, said bonds bearing 6 per cent interest. To furnish meters free to the people, and install new equipment in the plant, it will require the expenditure of at least $2,000; and the remaining part of the bond issue is in the hands of the officers of the corporation, and held in the sinking fund.

The statement further shows the cost of operating the plant in 1917, was $1,071.83, while the receipts from the operation of said plant amounted to $1,823.70; excess, $751.87.

However, in the amount of $1,071.83, cost of operating the plant, no account is taken of depreciation reserve fund, which should properly be included in order that the system may be kept in good operating condition, and capable of giving service required by the public.

The streets of Spring City are lighted free of charge by the municipal plant, which would cost around $500 per year.

The item of bond interest, amounting to $1,200, has not been included in operating expenses. The Commission is not

called upon at this time to pass upon the manner of providing for interest charges.

After hearing the evidence and investigating the financial condition shown to exist, I recommend that the proposed schedule be approved; that the effective date of furnishing all service through meters, April 1, 1918, may be modified to be made effective April 1, 1918, or at such time as the city is able to complete the work of installation. The schedule is as follows:

EXISTING REGULATIONS AND RATES:

Meter Rate, minimum charge, $1.00 per month.

Special Meter Rates, 5 cents per K. W. H.

Current for Washing, 10 cents per day.

Current for Ironing, 10 cents per day.

Flate rate, one 16 C. P. carbon or one 40 W. Mazda, 50c per month.

Two 16 C. P. carbon or two 40 W. Mazda, $1.00 per month.

Three 16 C. P. carbon or three 40 W. Mazda, $1.35 per month.

One 32 C. P. carbon or one 60 W. Mazda, 90 cents per month.

All accounts are due on the last day of each month, and become delinquent on the 10th day of the following month.

PROPOSED NEW REGULATIONS AND RATES:

No person shall be supplied with electrical power or current, except the same shall be measured through a meter, to be furnished and owned by the city, and installed at the expense of the user.

Every user of such electrical power or current shall pay therefor to the city, monthly, at the end of each month, at the rate of 7 cents per K. W. H., as indicated by the said meter, provided, that the minimum monthly charge for any user shall be One Dollar.

In case of default in the payment of any sum of money due for electrical power or current, for electrical power or current, for fifteen days after the same is due, the city may turn off the current and refuse to supply such delinquent with electrical power or current there-

after, until all arrearages are paid in full.

It was learned that the city was reading the meters every six months, as a rule, and I would recommend that they should read the meters of each consumer, every month, and thereby keep a close tab on the current consumed.

An appropriate order will be entered.

Dated at Salt Lake City, Utah, this March 26, 1918.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,,
WARREN STOUTNOUR,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a General Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 27th day of March, A. D. 1918.

In the Matter of the Application of SPRING CITY for permission to change the regulations and rates for electric service. } **CASE No. 21**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the following rules, regulations and rates may be published and filed effective April 1, 1918, by the Petitioner, Spring City, a Municipal Corporation:

No person shall be supplied with electrical power or current, except the same shall be measured through a meter, to be furnished and owned by the city, and installed at the expense of the user.

Every user of which electrical power or current shall pay therefore to the city, monthly, at the end of each

month, at the rate of seven cents per K. W. H., as indicated by the said meter, provided that the minimum monthly charge for any user shall be One Dollar.

In case of default in the payment of any sum of money due for electrical power or current, for fifteen days after the same is due, the city may turn off the current and refuse to supply such delinquent with electrical power or current thereafter until all arrearages are paid in full.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

22. In the Matter of the Application of S. D. KISAMOS, JOHN GAZWRAKIS, JOHN MICHELOG AND STANISLAO SILVAGNI, co-partners, under the name of STAR LINE, for permission to operate auto stage line between Price and Sunnyside and Hiawatha.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of S. D. KISAMOS, JOHN GAZWRAKIS, JOHN MICHELOG and STANISLAO SILVAGNI, co-partners, under the name of STAR LINE, for permission to operate automobiles for the carrying of passengers.	CASE No. 22

REPORT OF COMMISSION

GREENWOOD, Commissioner:

Upon the showing made in the above entitled matter, the Commission granted an application for a rehearing, and fixed April 9, 1918, at Price, Carbon County, Utah, for the rehearing of the said application. At said time and place the parties were present, also representatives of the Arrow Auto Line, operating between Price and Sunnyside, Utah, and representatives of the Hiawatha Auto Line, operating between Price and Hiawatha. The hearing continued for two days, during which time a number of witnesses were sworn and testified in

behalf of the applicants, and also a number of witnesses testified in protest, against the granting of said application.

It appeared from the testimony that the Arrow and Hiawatha Lines had been operating for some time, carrying passengers from Price to Sunnyside, and from Price to Hiawatha, Utah; that on or about February 21, the Star Line began operating an auto stage line between Price and Sunnyside, and between Price and Hiawatha. It further appeared that besides the above named lines there had been quite a number of commercial cars carrying passengers along the routes named.

The accounts of the various auto lines, the applicant included, were filed with the Commission, showing the extent of the business and of the service given by said auto lines, a summary of which is as follows:

From February 21, to Mach 21, 1918:

	Gross Receipts	Net Profit	Each Partner's Share
Arrow Line	$ 923.50	$ 441.01	$220.50
Hiawatha Line	584.75	194.82	97.41
Star Line	1,873.35	1,532.86	383.21

The reports show a falling off in receipts with the Arrow and Hiawatha Lines, after the commencement of operation by the Star Line.

From the information at hand, however, we are unable to accurately determine the results of operation. The reports of the Star Line do not show any depreciation on their property for deterioration of equipment, etc., while the reports of the Arrow and Hiawatha Lines include items of expense on account of depreciation. The Star Line operates practically new machines, and would, therefore, be able to show better returns from their operation.

The gross receipts for the periods reported are as follows:

	Hiawatha Line	Arrow Line
January	$935.00	------
February	687.00	$975.50
March	583.25	910.45

It will be observed from said statements filed by the different service auto lines, that during the months covered by

such reports, the applicant, especially, was doing a good business. It will further appear that after the commencement on the part of the applicant to operate its auto stages, there was a falling off in the receipts of the other auto lines.

This kind of a showing, in view of the many other autos that were engaged in the miscellaneous carrying of passengers along the lines and the routes designated, as well as other places, would strongly indicate that there is a considerable amount of travel between the points named.

It further appears that Price is the center of a number of coal mining towns, among which are Sunnyside and Hiawatha, and that these mines furnish employment to a large number of men, and that said City of Price is a point to which a number of the laboring classes go for trade and other business, and that about the only convenient means of transportation is by way of automobiles, and that as the places named increase in population, there will be a growing need for the use of automobiles for such transportation.

The application was resisted by the Arrow Line and the Hiawatha Line, upon the grounds and for the reason that sufficient and adequate service was being furnished by the stage lines operating between said points prior to and before the operation upon the part of said applicant, and that there was not sufficient patronage for an additional service. Upon that question the testimony was somewhat conflicting, and for the purpose of learning what service had been rendered the three auto lines were required to, and did, file an account of their operations as above referred to.

It appears that Hiawatha has a population of about 500, and Sunnyside has a population about double that of Hiawatha, thus requiring more service between Price and Sunnyside, than between Price and Hiawatha.

The question of the operation of commercial cars by a number of people who live in the vicinity of Price, Hiawatha and Sunnyside, has been considered, and in the event that they shall be required to discontinue their service, it is apparent that there will be greater service required than has heretofore been given or can be given by the three operating auto lines. It is the purpose of the Commission under the law, to encourage the establishing of adequate and sufficient auto lines, that the public may be assured that when necessary they can be accommodated, and a service rendered in their behalf, and in order to accomplish such purpose, it is the intention

to use such means as are necessary to shut out any and all unnecessary duplication of service, and to require automobile corporations to obtain a certificate of convenience and necessity before operating along and on established routes. This is necessary under the law as construed by the Attorney General of the State of Utah, and it would be in violation of the law for any automobile corporation, or any person, to operate for hire along such established routes without first obtaining such permission. It is also the intention and purpose of the Commission to cut down the number of auto service corporations, leaving only enough to meet the requirements, and no more.

Under the showing made and the circumstances surrounding the sections where the applicant expects to operate, it would appear at this time, that there is room for an additional auto service between Price and Sunnyside, and in view of the Commission heretofore issuing to the Arrow Line a certificate of convenience and necessity, and in view of said parties so operating who have, according to the showing made, given service to the public between said points before the advent of the said Star Line, the Commission will retain jurisdiction in this matter for a reasonable time until the results disclose the necessity or the lack of necessity for the operation of both lines between said points. In the event future developments shall demonstrate the fact that one service corporation is sufficient to take care of the necessities and conveniences of the people, the Commission reserves the right to revoke the order and certificate granted to the applicants herein.

Therefore, under the showing, and for the reasons above mentioned, it appears that the application, so far as it is directed towards the operation of an auto stage line between Price and Sunnyside, should be allowed, and that a certificate of convenience and necessity should issue accordingly. In the matter of operating from Price to Hiawatha, said petition should not be granted.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)

Attest: (Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 7

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of May, A. D. 1918.

In the Matter of the Application of S. D. KISAMOS, JOHN GAZWRAKIS, JOHN MICHELOG and STANISLAO SILVAGNI, co-partners, under the name of STAR LINE, for permission to operate automobiles for the carrying of passengers.

CASE No. 22

This case being at issue upon petition for rehearing, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the said applicant, the Star Line, be, and same hereby is, granted a certificate of convenience and necessity authorizing it to operate an automobile stage line between Price and Sunnyside, Utah.

ORDERED FURTHER, That said applicant shall, at all times, comply with the laws of the State of Utah, and with the rules and regulations of the Public Utilities Commission of Utah governing the operation of auto stage lines.

ORDERED FURTHER, That said Star Line shall file with the Public Utilities Commission of Utah, a schedule of all rates and charges and a schedule showing leaving and arriving time of all cars.

IT IS FUTHER ORDERED, That the application of said Star Line, for a certificate of convenience and necessity to operate an auto stage line between Price, Utah, and Hiawatha, Utah, be, and same is hereby, denied.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

23. In the Matter of the Application of MORONI CITY for permission to change the regulations and rates for water supplied by the municipal waterworks.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MORONI CITY, for permission to change regulations and rates for water supplied by the Municipal Waterworks.	CASE No. 23

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

Moroni City, a municipal corporation of Sanpete County, Utah, which owns and operates Moroni City waterworks, a public utility, has made application for permission to change its rules, regulations and rates for water supplied and furnished by the city waterworks.

The previous rates were flat rates, payable semi-annually, and it is the desire of the municipality to change these regulations so that no water shall be supplied by the Moroni City waterworks, except the same shall be measured by a meter to be furnished and installed by the water user and approved by the city, the rates to be paid for the water to be 60 cents per month for the first cubic foot of water, and 15 cents for each one hundred cubic feet additional, or fraction thereof, meters to be read every three months, all water rates to be due and payable quarterly.

The financial statement of this utility, dated April 8, 1918, shows that the excess of total disbursements over revenue for 1917, was $751.76. No sinking fund has been established.

It is impossible to say how the revenues of this utility will be affected by the installation of water meters. Usually installation of meters effects a large saving in the volume of water used. This saving varies largely with different localities, and until actual trial is made it would be impossible to determine what the volume of the revenue would be under the rate submitted.

I would, therefore, recommend that without formal hearing this utility be permitted to install meters and assess, for a period of six months, the rates hereinafter submitted. At that

time the volume of the revenue would be established sufficiently to ascertain after hearing whether the rate submitted is a proper one. A number of items in the evidence submitted need, I think, some discussion.

Meters are special devices which may be used only for a particular purpose, but should be owned by the utility instead of the water user. This utility should be asked to make arrangements to purchase these meters from the consumers within a reasonable time. The rate charged for water should be sufficient to take care of the interest, depreciation and maintenance charges occassioned by the installation of these meters.

From a study of the water schedule submitted, it appears that charging 60 cents per month for the first cubic foot of water, is an attempt to establish a minimum rate. This is very necessary, but it appears that the schedule could be submitted in a proper form for handling, and I would suggest that the applicant be permitted to publish and put into effect June 1, 1918, the following schedule:

Not over 100 cubic feet per month	75c
Each 100 cubic feet additional or fraction thereof	15c

An appropriate order will be entered.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest: (Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of May, A. D. 1918.

In the Matter of the Application of MORONI CITY, for permission to change regulations and rates for water supplied by the Municipal Waterworks. } **CASE No. 23**

This case being at issue upon petition on file, and the Commission having caused investigation to be made, and be-

ing fully advised in the premises, and having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the petitioner, Moroni City, be, and same is hereby, authorized to install meters for measuring water delivered its water users, and to publish and put into effect rates which shall not exceed the following schedule:

Not over 100 cubic feet per month---------- 75c
Each 100 cu. ft. additional or fraction thereof---- 15c

ORDERED FURTHER, That said rates shall become effective June 1, 1918, and shall remain in effect for a period of six months.

ORDERED FURTHER, That petitioner shall, at the close of the six months trial, render a report to the Commission showing the effect of rates prescribed therein.

The Commission hereby retains jurisdiction over rates in question and will give this petition further consideration upon the termination of the trial period prescribed therein.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

24. In the Matter of the Application of the MOTOR FREIGHT SERVICE COMPANY for certificate of convenience and necessity to operate between Salt Lake City and Ogden.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the MOTOR FREIGHT SERVICE COMPANY, for a certificate of convenience and necessity to operate a line of automobile trucks between Salt Lake City, Utah, and Ogden, Utah. } **CASE No. 24**

Submitted April 17, 1918. **Dated May 14, 1918.**

Appearances:

O. P. Soule for petitioner.
J. H. DeVine for Bamberger Electric Railroad Company.
J. V. Lyle for Oregon Short Line Railroad Company.

W. D. Riter and P. T. Farnsworth, Jr., for Denver & Rio Grande R. R. Co.

REPORT OF THE COMMISSION

By the Commission:

STATEMENT OF THE CASE:

This case came on for hearing before the Commission upon the petition of the Motor Freight Service Company, together with the protests of the Bamberger Electric Railroad Company, Denver & Rio Grande Railroad Company, Oregon Short Line Railroad Company and the Wells Fargo & Company. The Wells Fargo & Company filed its protest after the hearing and was not represented.

The petition asks for a certificate of convenience and necessity to operate a line of automobile trucks between Salt Lake City, Utah, and Ogden, Utah, for the purpose of hauling freight between those points and points intermediate, and states that the route over which said trucks are to be operated is a highway known as the State Road from Salt Lake City to Ogden, and tributary roads for a reasonable short distance therefrom.

The purpose of said company is to pick up shipments from consignor and deliver to consignee within the district specified in the tariff filed with the Commission, setting forth that depots will be established at terminals where shipments may be delivered, concentrated, loaded and unloaded for distribution. The intention and purpose also is to furnish quick delivery of freight by motor trucks over the route specified, and all shipments offered will be except in rare cases, delivered the day they are received; that the operation of said service will cut down the storage space required and aid in the reduction of freight congestion.

The Bamberger Electric Railroad Company protests the issuing of a certificate of convenience and necessity to the said petitioner upon the grounds: that the present utilities operating between the points mentioned, already give daily service, Sundays excepted, and are prepared at all seasons to take care of any and all commodities, to look after the same, to protect them, and render any and all necessary service; are strictly responsible to shippers, and able to respond in damages for any loss sustained through carelessness, negligence or otherwise.

It is further contended by the said Bamberger Electric Railroad Company that no congestion has been or will be at the terminals; that the capacity of the existing utilities is sufficient and adequate to handle, without additional expenditures, many times the volume of freight moving through said terminals and over the territory in question; that the service named is dependable the year around, in all kinds of weather; that a motor service can not operate unless the weather and road conditions are favorable; that the operation of said Motor Freight Service Company would be a duplication of service; that the service now existing has been installed at great expense, both for the right-of-way, building, and for the maintenance; that the said Motor Freight Service Company operating over the highway contributes nothing to the upkeep of the said highway, but same is kept up by the taxpayers, one of which is the said Bamberger Electric Railroad Company, which pays very large sums of money into the State by way of taxes.

The Denver & Rio Grande Railroad Company protests the issuing of a certificate of convenience and necessity to said applicant, upon the ground that there is no necessity for the establishment of the service which applicant proposes to establish; but, on the contrary, maintains that the various common carriers now operating between the points mentioned have ample and sufficient facilities to render and meet all the requirements of the public, and joins with the Bamberger Electric Railroad Company in the matter of allowing a competitive service to make use of the public highway without any expense save the payment of the tax imposed on the vehicles to be used by the petitioner; that at a great cost the said Railroad Company has established a service between the points mentioned by the petitioner, and expends large sums of money for the maintenance of the same, and pays enormous taxes each year for the purpose of sustaining the State Government, as well as assisting in the building of the highway over which the petitioner proposes to operate its motor freight line.

The Oregon Short Line Railroad Company, operating between Ogden and Salt Lake City, likewise enters its protest against the issuing of such certificate, upon the grounds: that the facilities now existing and the service offered by the present established utilities between the points mentioned are amply sufficient, and they are willing to render and afford all

such service demanded and required by the public.

Protestant further predicates its protest on the grounds alleged by the other protestants, viz: that it would be grossly unjust and inequitable to allow the petitioner to enter into competitive service with the existing carriers by making free use of the public highway.

Wells Fargo & Company, after the hearing, filed its petition, denying the necessity of the establishment of such service, asserting that the freight and express matter which would be moved by the Motor Freight Service Company is already being moved in both directions at nearly every hour of the day, from 6:00 o'clock a. m. to 6:00 o'clock p. m., between Salt Lake City and Ogden; that the said Wells Fargo & Company and other common carriers have ample facilities to render and afford all such service demanded to meet the requirements of the public; that it now maintains at both Salt Lake City and Ogden, and will maintain, when the traffic is sufficient to warrant it, at every municipality between Salt Lake City and Ogden which will be served by the Motor Freight Service Company, such convenience and service as will be ample and adequate.

At the hearing, testimony was given to the effect that the distance between Ogden and Salt Lake City is about thirty-seven miles; that at the present time and for sometime past there have been, and now are, three railroads operating between said cities; that in addition to the said three railroads there is a County or State highway over which vehicles are operated, that it passes through and near a number of towns; that Salt Lake City is the business metropolis of Utah; that Ogden is the second city in commercial importance and population in the State, and likewise is an important railroad city through which many trains, both local and transcontinental, pass daily; that the Bamberger Electric Railroad Company, the latest to be constructed of the common carriers, runs along the parallel with the said County highway, as shown by the map offered in evidence, which shows the proposed route to be as follows:

> Commencing at a point one-half mile north and approximately 1/10 mile west of the Bamberger Electric Depot in Salt Lake City, thence in a general northerly direction six miles parallel to and 1/10 mile east of the Bamberger Electric tracks;

Thence in a northerly direction 8½ miles, diverging from the line of the Bamberger Electric Railroad from 1/10 mile east to 7/10 mile east thereof, and approaching and crossing the Bamberger Electric Railroad at the northern part of Farmington;

Thence 3¾ miles in a general northerly direction and from 1/20 to 2/10 mile west of Bamberger Electric Railroad tracks to Kaysville, gradually diverging from the Bamberger Electric tracks until at Clearfield, 7 miles beyond Kaysville, the lines are ½ mile apart;

Thence due north 3¾ miles parallel to and 1/10 mile west of the Bamberger Electric tracks, crossing tracks of the Bamberger Electric Railroad at that point and running easterly to a point two miles south of Ogden, where lines are 1¼ miles apart;

Thence due north to Ogden, east of Bamberger Electric tracks, again becoming parallel to and for the last mile, 3/10 mile east thereof.

It will thus be seen that the County Highway and the Bamberger Electric tracks are in close proximity, and through the same towns.

While the Oregon Short Line Railroad, running parallel to and with the Bamberger Electric Railroad, as well as the County Highway, is located a short distance to the west, it also touches the principal towns and villages located between Salt Lake City and Ogden.

The Denver & Rio Grande Railroad, which operates between Salt Lake City and Ogden, runs parallel to the other lines, on an average of one-half mile west of the Oregon Short Line Railroad, and touches the towns of Centerville, Layton, Clearfield, Clinton and Roy.

The principal cities between Salt Lake City and Ogden are: Bountiful, population, 1900; Centerville, 700; Farmington, 1200; Kaysville, 1500; Layton, 1250; Clearfield, 500; and Clinton, 800.

It would appear that the carriers now offering service are, as far as location is concerned, able to give all the necessary service required by the people living in the intermediate towns and cities to be served by the operation of motor trucks over said highway.

It is claimed by the petitioner that the service it will offer will be different from the service offered by the steam and

electric lines, in that the collection of packages of freight between Salt Lake City and Ogden and intermediate points, and delivering said packages to their final destination, will avoid the present method of handling freight from the point of origin to the freight stations of said carriers and the reloading from the said railroads into drays for ultimate delivery to the consignees; that its purpose is to collect directly from shippers, transport and make deliveries to the consignees.

Again, it is claimed by the petitioner that fruit and vegetables would be handled in a way that would facilitate trade of the producer to the consumer, and thereby purchasers could obtain perishable fruits while they were fresh; that such service as above described can not be given by the carriers; that a convenience would be extended to the wholesalers whereby they could obtain direct delivery of their goods to customers living in Davis County; that said delivery of goods would be direct and avoid the necessity of double handling, and would be performed in a much shorter time.

The evidence by way of sworn testimony, as well as communications, was to the effect that some of the business concerns located along the line of the proposed route are anxious for such service, and express the opinion that same would be more convenient and that the service would be improved, and that it would be advantageous and convenient and that the service would be improved, and that it would be advantageous and convenient in the transaction of business in general.

During the hearing there was but little showing made that the present carriers were not giving reasonable service at reasonable rates, but as to the operation of the proposed service, they were of the opinion that it would be more direct and more convenient.

The testimony on the part of the carriers was that they were anxious and willing, and prepared to take care of all patronage offered, as well as a great deal more. In fact, there was but very little conflict in the testimony.

The petitioner no doubt recognized the authority of the Commission as set out in the law creating such body, when it filed its application, and that before such company could become an acknowledged common carrier it would be necessary to obtain a certificate of convenience and necessity.

The Public Utilities Act of Utah provides as follows:

> No automobile corporation, without having first obtained from the Commission a certificate that the present or future public convenience and necessity will require such service, can lawfully operate as a common carrier, by way of transporting freight or merchandise or other property for compensation, on a public street, road or highway, along established routes within this State.

The law further provides that the Commission shall have power, upon hearing of said application, to refuse or to issue a certificate of convenience and necessity, or, if showing is such may issue a certificate for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require.

The refusal or the issuance of the said certificate in this case must depend upon the showing made in connection with the general knowledge of the Commission as to general physical conditions existing in the section of the country in question.

The petitioner in this case is asking for such a certificate as would put it in the same class as other common carriers, with the exception of such commodities as could not be reasonably expected to be carried over the highway by motors; and that said petitioner will be required to render such service, furnish such convenience by way of receiving, transporting, and caring for all kinds of freight up to such point of bulk and weight as can not reasonably be expected to be taken care of by such service.

It would necessarily be in competition and in duplication of the service now rendered, unless, as it is claimed by the petitioner, the service proposed is unlike and varies materially from the present service, and furnishes a necessity and convenience not had or obtained from the common carriers now operating over this line.

The question of motor service coming within the control of the Public Utilities of Public Service Commissions, is a new one, there being a very few of the states that have seen fit to make of such service a public utility, and to place such utility under control the same as other common carriers. The Public Utilities Act of Utah, by the State Legislature, makes

such service a common carrier, and requires of it a compliance of the same rules with reference to efficiency, permanency, security and safety in its operations, as other carriers.

The question of petitioner's service, it may be argued, is not a matter for the consideration of the Commission at this time, but that after a certificate shall be issued and the applicant takes upon itself such responsibility, it will be subject to the same rules and orders of the Commission in the performance of its service to the public as other common carriers. The important question under consideration of the Commission at this time is the necessity and convenience, and has been discussed by a number of state commissions, as well as some eminent courts.

In the case of Idaho Power & Light Company vs. Blomquist, et al., reported in Pacific Reporter 141, page 1083, the question of duplication of service growing out of the problem of necessity and convenience, is very intelligently and strongly presented. On page 1090 of the same report, in speaking on the question of duplication of service, and with reference to the public policy that should be pursued, it reads:

> "Shall plants be duplicated in order to give efficiency of service? The law has fully answered this by putting the supervision of the service in the hands of a commission, so that there can be no duplication without a necessity for it. The commission has the power to compel the utility company to give good service for reasonable compensation. What need is there of a competitive plant, where the commission has absolute control so far as service and rates to be charged are concerned, and rates must be fixed so as to give the company a reasonable interest on its investment and a sufficient sum to keep up the system and operate it. The city of Twin Falls has one company already serving it, and if another company is permitted to enter there will be two sets of poles and lines erected in said city, and it does not seem possible that any one would contend that where one company is amply able to serve the wants of the people, so far as electrical power is concerned, the interests of the public would require another system to cover the same ground. * * *
>
> "The general impression has been that competition was supposed to be a legitimate and proper means of pro-

tecting the interests of the public and promoting the general welfare of the people in respect to service by public utility corporations; but history and experience has clearly demonstrated that public convenience and the necessities of the community do not require the construction and maintenance of several plants or systems of the same character to supply a city or the same locality, but that public convenience and necessity require only the maintenance of a sufficient number of such instrumentalities to meet the public demands. If more than one instrumentality is to be sustained when one is amply sufficient, the actual cost to the public served is not only necessarily greater than it would be under one system, but also less convenient. * * *

"Some will no doubt become incensed by the action of the public utilities commission when it refuses to permit a utility corporation to duplicate an amply sufficient plant to supply the needs of the community, because they think they may receive service at a little less rate; but they overlook the fact that under said public utilities act the commission may fix rates, and neither company can furnish light and power at a less rate. The public utilities commission has ample authority to fix just and equitable rates, both to the people and to the corporation;"

Upon the question of the duplication of service, the State Railroad Commission of California, in the case reported in the 1st Volume of Opinions and Orders of the Railroad Commission of that State, page 209, sets forth:

"It certainly is true that where a territory is served by a utility which has pioneered in the field, and is rendering efficient and cheap service and is fulfilling adequately the duty which, as a public utility, it owes to the public, and the territory is so generally served that it may be said to have reached the point of saturation as regards the particular commodity in which such utility deals, then certainly the design of the law is that the utility shall be protected within such field; but when any one of these conditions is lacking, the public convenience may often be served by allowing competition to come in."

The above rule, as announced by the Commission, has been further modified in this, that where a public utility has

not given adequate and sufficient service at a reasonable price, but was able and in a position to do so, it could be made to give such service at a reasonable rate and thereby avoid the necessity of issuing a certificate for the duplication of service.

The Idaho Commission, in the case of the Idaho Light & Power Company, in which a certificate of convenience and necessity was applied for, reported in P. U. R. Annotated, 1915 A, Page 2, holds to the same rule as announced by the California Railroad Commission. On Page 12, in speaking upon the question of competition and duplication of service, it says:

> "If, however, a territory is completely served, and the utility has, to the best of its ability, given fair treatment to its patrons, as already intimated, this Commission will be slow to permit a competitor to come into its territory. One of the few cases where, under such circumstances, the competitor will be permitted to enter the field, will be where the competitor can adequately furnish the commodity at a rate so much less than the rate which can be accorded by the existing utility that the interests of the public demand the commodity at the lower rate."

An examination of the earlier decisions of state commissions shows that the policy of issuing a certificate of convenience and necessity appears to have been predicated upon the principle and for the reason that existing utilities would be put upon their good behavior and furnish a better service. Again, certificates of convenience and necessity were favored in sections of the country newly developed and that require more service for the purpose of development, and thereby increase the necessity for such service.

It would, however, appear, under the power and control of the state commissions over existing utilities, hardly necessary to stimulate proper action upon the part of existing utilities with the threat or idea that other service corporations would be allowed or encouraged to operate in competition, in order to have from such public utility such service as would adequately meet the demands and the requirements of the public, as far as it was possible to render such service.

The more recent decisions of state commissions, however, upon the question of allowing competition, appear to be based upon the necessity of such competing service corporations,

and when under such circumstances and conditions that the existing utilities are not giving and are not able to give such service as a competitor might give. The encouraging and allowing of a competing service corporation is far reaching. It may be the means of impairing the securities of the existing companies by way of dividing the patronage of the existing carriers with the new and competing carrier. However, such rule should not be extended to the exclusion of other service when it is necessary for the public good, and when such existing service can not be extended or made to meet the requirements and demands of the public.

The question of duplication of service has been almost unanimously reached to the end that a duplication of service is not favored unless such duplication of service furnishes a convenience and necessity to the public which has not and can not be served by the existing corporations, and that convenience and necessity exists, when it would appear from the showing that the proposed service will meet a reasonable want of the public which existing facilities do not adequately supply. In this case some testimony has been given which tends to show that there would be an additional convenience to some of the people for certain commodities. This question should not determine a favorable action on the part of this Commission if it is such a convenience to a small number of people for certain commodities while a great number of people are being served adequately without such added service.

As to commodities passing from Salt Lake City to Ogden, it does appear that all such commodities under the present service rendered by the operating utilities are sufficiently and adequately taken care of, as to convenience, security and time. While it may appear from the showing that there are certain persons who might be served with greater convenience, yet such convenience is so limited that it would hardly call for the establishing of a permanent service under all the conditions existing between the points named in the petition.

The decision in this case must be determined upon the showing of a reasonable requirement on behalf of the public living in the zone or the territory in question, of the service contemplated by the motor truck line, and that predicated upon necessity and convenience, and there is apparently no showing that such service is required and will assist in the relieving of freight congestion. The showing should be such as to indicate and prove the want of adequate service at the

present time at reasonable rates, and further, that if the service now being received by the public is not adequate and at reasonable rates, could not reasonably be made so with the equipment, conditions and circumstances under which and with which the present utilities are operating.

If the public is entitled to additional service, as claimed by the petitioner, by way of taking the place of deliveries made by business concerns in Salt Lake City and Ogden, then in such event, it should be at least a modified service, which does not warrant a certificate of convenience and necessity, as appears to be contemplated by the petition herein.

The Commission does not assume the attitude that the highways of the State and County can not be used for motor service and that the protests of the carriers should prevail upon that ground. The use of highways and roads under the supervision of the State and County is a matter which is under the authority and control of the State and County. That business firms and others who use such roads or highways, and that motor service may be operated over them, is not a question for this Commission to pass upon. The decisive question for this Commission to pass upon is: Should there be, and is there a necessity for, an additional freight service between Salt Lake City and Ogden?

As to the marketing of garden products, either at the Ogden or Salt Lake markets, that is a matter which might upon its face appear in behalf of the necessity and convenience of other service than is now furnished, and yet when examination is made of the service of the present corporations to the intermediate towns between Salt Lake City and Ogden, it would and does give great weight to the contention of the carriers that such service could reasonably be taken care of outside of that furnished by private individuals, as well as that which might be obtained by special trucks for the moving of the same.

It may be true that such commodities, as well as others, have not received the attention by way of convenience and time in their transportation, and that it would appear that the already existing opportunity for convenience and time could be made adequate to meet the demands. It may be that additional facilities for certain commodities could be furnished by the establishment of motor service. Such service, if authorized by the Commission, should be predicated upon a reasonable necessity but should not be a governing influence or rea-

son by which an additional service should be authorized covering great bulk commodities, the means of transportation of which is already afforded.

The petitioner does not make such application, or in any way restricts the extent of such proposed service, but asks for such a duplication of service which would divide the existing transportation of commodities, the policy of which is not encouraged by the great majority of the controlling commissions of the various states.

While it may not be within the province of this Commission to inquire into the qualifications of the petitioner to furnish the requisite facilities for taking care of such business of transportation as is contemplated by the service it proposes to give, yet the furnishing not only of equipment to take care of the business of transporting all kinds of commodities over the zone contemplated and to furnish terminals, stations and other expenses necessary to care for, preserve, protect and account for the commodities to be handled, would incur the expenditure of a large amount of means, all of which must ultimately be paid by the public. While we may not take such a matter into consideration at this time, yet such expenditures must necessarily be considered in fixing the rates charged now and hereafter under the rule that the service extended would have to be paid for at such rates as will compensate such utility for the amount of money invested, together with all needful and necessary outlays that such service would necessarily require.

As to the question of whether or not the service to be offered will be cheaper than the existing rates, an examination of the rates filed by the petitioner would indicate a material advance, unless such advance may be modified by doing away with the necessity of conveying the commodity to and from the depots of the carriers. Yet it would appear that the service of taking care of such movement would have to be considered and paid for, that no service corporation could be expected to do and perform a service without reasonable remuneration, all of which must eventually be considered in the fixing of what a reasonable rate should be.

The following is a comparison of the Bamberger Electric Railroad Company and Wells Fargo schedules and the proposed schedule of the Motor Freight Service Company on specified commodities between Salt Lake City and Ogden, Utah:

Commodity	Company	Rate	Deliv'y	Total	
	B. E. R. R....	16c		16c	
Lumber	Express.....	75		75	
	Motor.....	20	5c	25	
	B. E. R. R....	30		30	
Fruit	Express.....	45		45	
	Motor.....	30	5	35	
	B. E. R. R....	20		20	
Potatoes	Express.....	45		45	NOTE: The 5c delivery shown is in cents per cwt. outside delivery limits. Within delivery limits the charge is 5c per shipment.
	Motor.....	20	5	25	
Canned	B. E. R. R....	16		16	
Goods	Express.....	57		57	
	Motor.....	20	5	25	
	B. E. R. R....	25		25	
Candy	Express.....	57		57	
	Motor.....	25	5	30	Tariff provides delivery charge only, no charge for collection.
	B. E. R. R....	25		25	
Eggs	Express.....	45		45	
	Motor.....	25	5	30	
	B. E. R. R....	16		16	
Sugar	Express.....	57		57	
	Motor.....	20	5	25	
	B. E. R. R....	16		16	
Flour	Express.....	57		57	
	Motor.....	20	5	25	

It would appear from the above comparison, the freight rates proposed by the petitioner would be materially higher than those charged by the existing carriers, while the express rates would be less.

However, the service proposed by the petitioner is to some extent a little confusing, as the petitioner asks for a freight service, while the testimony would suggest an express service rather than freight service. It further appears that the rate would seem to contemplate the absorbing of what might be termed a charge from the shipper to the carrier by gathering the said commodities from the shipper and charging the sum of 5 cents for delivery. An examination of the rate sheet, however, would indicate that most of the commodities named would be freight rather than express. For instance, lumber, potatoes, sugar, etc.

As is held by the Idaho Commission, previously quoted in this decision, that one of the few cases where the territory is served and fair treatment is being given, a new service may be allowed where such proposed service will be adequately

furnished, and at a rate so much less than the rate which can be accorded by the existing utility, and the public, therefore, demands such lower rate. If it is claimed that a certificate of convenience and necessity should issue on such ground, then it must fail for the reasons:

First: That no proof or showing has been made that the petitioner can furnish adequate service.

Second: That the only reasonable conclusion to be reached from consideration of the petition which asks for a freight service, together with the testimony given at the hearing, is that such proposed rates are not lower, but are higher.

Third: That if it is insisted that the handling of a commodity will be more expeditious and at a lower rate than can be accorded by the existing utilities, it does not so appear, for the reason that no complaints have been made to this Commission by application or otherwise, for reduced rates or more expeditious handling of the commodities which are to be transported over the territory in question. There being no petitions so filed, then unless it shall otherwise be shown, the Commission must presume that the rates are not only reasonable, but that the commodities are being expeditiously handled.

It may appear by the action of the War Board that the use of motors should be encouraged where there is a congestion of freight, but not where there is adequate service and no congestion. Surely the testimony in this case would be against any idea of congestion for the reason that it was shown that all commodities moving in the zone in question can be amply taken care of. In fact the advice would rather indicate that at this time unnecessary competition or duplication should be discouraged and that the man power and motive power should in no way be wasted or misapplied unless there is an urgent demand for the same. The very latest advice from Washington is to the effect that every encouragement should be given to the existing railroads under Federal control.

Again, at this particular time the question of conservation of service and material is one which is demanding consideration on every side.

Now when the national security is threatened, non-essentials and more conveniences are of little importance when they entail the unnecessary use of man power and equipment. The evidence shows that the ratio of man power in the transportation of freight by train and motor truck is about one to five.

Further, it is shown that the steam and electric lines, the protestants in this case, have ample equipment and facilities to care for many times the business offered them for transportation between the termini mentioned in this application. Any unnecessary use of labor and equipment subtracts just so much from the national effort. These are elements that must be considered in entering an order in this case.

The importance of conserving man power has been repeatedly brought to the attention of this Commission by communications and telegrams from the Government through its various boards. The railroads under the supervision of the Director General are conserving man power and equipment in every possible direction. Many kinds of service that but a few months ago were thought to be essential have been eliminated, that the national needs may be first served. While the use of motor service is being encouraged wherever it will relieve congested conditions, yet such service must not in any degree be wasteful or unnecessary.

Under all the circumstances and conditions appearing, and after a careful consideration of the same, it would appear that there is not sufficient showing to warrant the issuing of a certificate of convenience and necessity as asked for by the petitioner.

In reaching a decision that the showing in this case is not sufficient to grant a certificate of convenience and necessity such as is contemplated in the petition, it may be well to here observe that a limited or modified service might be authorized by the Commission, for the reason that there appeared in the showing made, that there are some commodities moving between certain points in the district or territory in question, at certain seasons of the year, the movement of which would not necessarily require the expenditure of terminals and conveniences for taking care of business of a general public nature, and, from a point of convenience, might not in all respects be a duplication of the service now had, and a service that might prove to be a convenience which a portion of the public might be entitled to.

Under the showing there does not exist a necessity and convenience for the installation of such an extended service as is contemplated in the petition at this time. Again, there does not appear to be any general demand on the part of the people living in the district to be served by the Motor Freight Service Company, or any complaints that the service

given by the existing utilities has not been sufficient and adequate, or that the rates charged for such service are not reasonable.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

BLOOD, Commissioner, Dissenting:

I find my self unable to agree in all respects with the opinion of the majority of the Commission in this case, because in my view the service proposed is of a character so different in many important particulars from the freight business as now conducted by the railroads, and so different from what the railroad freight carriers can reasonably be required to provide, that it is entitled to be considered as a class of transportation distinct, in at least some of its elements, from the ordinary freight service. It more nearly resembles express than freight traffic, but the rates proposed are so much lower than current express rates, that, in my opinion, the successful operation of the line would be of advantage and convenience to the shipping public.

SERVICE AND RATES

The application filed in this case sets out the purposes of the applicant in the following language:

> "It is proposed to pick up shipments from consignor and deliver to consignee at the rates named and within district specified in tariff * * * It is the intention to furnish quick delivery of freight by motor trucks over the routes specified and all shipments offered will be, except in rare cases, delivered the day received."

We have, therefore, three ways, at least, in which this service, if conducted as proposed, will be different from freight service now available to shippers, viz:

(a) Collecting from consignors.
(b) Delivery to consignee.
(c) Delivery, except in rare cases, the same day received.

These facilities are not now given by local carriers in the freight service. They are, however, a recognized part of express transportation, and, therefore, the proposed service falls within the classification of express, rather than freight business.

The schedule of proposed rates filed with the application, shows that charges for the service will range from 5 cents to 8 cents per hundred pounds, higher than the freight rates of the rail carriers on the same classes of commodities; but from 15 cents to 57 cents per hundred pounds, lower than the express rates now in effect on like commodities. Stated in terms of percentage, the applicant's rates on eight commodities set out in protestant's exhibits No. 4 and No. 5, for transportation between Salt Lake City and Ogden, average 12½ per cent increase over the freight rates, and 58 per cent decrease from the express rates.

The following table shows the rates in effect by way of the Bamberger Electric freight service, the proposed motor freight service, and the express service, this table being taken from the protestant's exhibits mentioned herein, Nos. 4 and 5:

COMPARISON OF L. C. L. FREIGHT RATES BETWEEN SALT LAKE CITY AND OGDEN

Rates in Cents Per Hundred Pounds

	Bamberger Electric	Motor	Express
Lumber	16	20	75
Fruit	30	30	45
Potatoes	20	20	45
Canned Goods	16	20	57
Candy	25	25	57
Eggs	25	25	45
Sugar	16	20	57
Flour	16	20	57

If, therefore, we view the proposed transportation plan as competitive with the freight traffic of the rail carriers, we must admit that it provides, at small additional cost, new and additional features and facilities that would be a convenience to the shipping public. If, on the other hand, we look upon the new service as a duplication of that now being given by the express companies, we face the fact that the applicant herein proposes to handle the traffic at a fraction of the cost of express service. Denial of the petition, therefore, involves on

the one hand a refusal to grant to the public the use of a modern transportation facility with quicker delivery and more direct handling from consignor to consignee than is afforded by rail freight companies; or on the other hand refusal to make available cheaper rates for a service similar to that provided by the express companies. If we are to deny the public the privilege of utilizing modern conveniences which provide either better or cheaper service, we thereby and to that extent place a ban on progress.

It might be contended that under the present system of regulation, the Commission can, if it chooses, require the rail freight carriers to give the service proposed in this application by making collection and delivery arrangements, or might require the express companies to reduce rates to meet those proposed. While admitting that this might be done, it probably should not be attempted at this time when advances in rates and curtailment of service are being sought instead of decreases in rates and enlargement of service, carriers generally contending that the rates heretofore in effect are not compensatory.

CONVENIENCE AND NECESSITY

If it is conceded that a new service is offered, we are next to consider the question of its convenience and necessity to the public.

I concur in the thought that unnecessary duplication of service should not be permitted. If this were an application for permission to establish another rail line offering the same or no better service than the lines now operating, there would be little to justify favorable action, because such competition would work injury to the old, and would probably be unprofitable to the new carrier. But it should be borne in mind that the mere fact that service is being given is not proof that the best service than can be or ought to be afforded to the public is being rendered. For instance, if a town had direct connections with the outside world by telegraph, with a sufficient capacity of lines to carry all the messages that the public would wish to send or receive, that would not necessarily mean that a telephone company should be denied the privilege of a certificate of convenience and necessity to run its lines into the same community, and while in both instances verbal messages would be conveyed, and thus the same general class

of service performed, still the Commission would be justified in issuing a certificate to the telephone company, because its service would be an added facility and convenience, even though not a necessity in the strictest sense of the word.

Or, to take another illustration, a gas company might have established itself in a city and might be prepared to give service to all of the residents, with an ample supply of gas of good quality for illuminating purposes, so that, strictly speaking, the people would have no necessity for any other kind of illuminant, but in the event an electric line was projected to such a city and an application was filed for a certicate of convenience and necessity permitting the furnishing of electricity for illuminating purposes within that city, it would require little, if any, argument to convince the Commission that the certificate should issue, not but what lighting in sufficient quantity could be furnished without the new installation, but because the electric lighting would be an added and improved convenience desired by the public, even though it was not absolutely necessary to their well-being. Other similar illustrations will readily suggest themselves.

Applying this reasoning to the case in point, and conceding that there is ample carrying capacity on established railroad lines to meet all the requirements of the public as to quantity of service, we have still the condition that under the new plan of transportation proposed by the applicant, the commodities will be moved more frequently, promptly, and in a more direct, convenient and expeditious manner than freight is now handled, thus affording an additional and improved service and convenience, better than the present freight service and cheaper than express service, which, though not absolutely necessary to the conducting of business in and between the two main cities of the State, is nevertheless something desired by the public, and, therefore, its establishment becomes of value and interest to shippers.

Strictly speaking, nothing in the shape of modern inventions and improved methods of handling transportation, or business, or manufacturing, or other activities, is absolutely necessary, in the limited sense of the term, to the existence of human-kind. It follows, therefore, that the strictest application of the word "necessity" would preclude the issuance of any permission to establish a service not already in use, and would be a bar to improvement along any line. This being true, it follows that the Legislature, when it used the word

"necessity", could not have had in mind the strict and limited meaning of the term, but a meaning allied with the word "convenience." Thus, if a service is one desired by the public, and convenient to them, making for their progress and comfort, it may be termed to be a necessity to their advancement. Without it they would not advance; with it they will.

PRIVATE AND PUBLIC CARRIERS

There is another point in this case that should be considered. Testimony of witnesses indicates that there is considerable traffic over the proposed route by private carriers. Much of this would likely be absorbed in the event this motor service were established, and it would thus come under the regulation of the Commission, both as to rates and service accorded to the public. The denial of the petition will leave the traffic unregulated, and private carriers operating under contract with the various shippers, can still do business in competition with the rail carriers, both of freight and express. It would seems that the purpose of the law under which this Commission operates, is to bring about regulation in the interest of the public, to the end that equitable rates and satisfactory service can be provided. This would be best accomlished by such service as is performed being given by a common carrier under acknowledged control of the Commission.

If it should prove that this regulated service would supplant the private or contract movement of commodities over the route in question, there would be a saving of man power, motive power, and of highway usage, all of which would tend to reduce the cost to the public. The result would be a public gain. In these days when conservation is being urged as an economic principle, whatever tends to a saving of men or material, is a public necessity.

Testimony of shippers at the hearing was unanimously favorable to the granting of the petition, indicating a desire to make use of the service. To the same effect were numerous letters from shippers filed with the Commission.

The Council of National Defense, in a bulletin issued April 2, 1918, while this case was pending, supports the view expressed in this dissenting opinion, as follows:

"RESOLUTION PASSED BY THE COUNCIL OF NATIONAL DEFENSE

"The Council of National Defense approves the widest possible use of the motor truck as a transportation agency, and requests the State Councils of Defense and other State authorities to take all necessary steps to facilitate such means of transportation, removing any regulations that tend to restrict and discourage such use.

* * * * *

"Shortage of railroad cars and locomotives created a shortage of coal during the winter. * * * A certain part of this congestion was due to short-haul shipments of freight within cities and originating in nearby points, 10, 20 or 50 miles from the cities. Much of this short-haul freight can be carried on the highways by motor trucks. It can be picked up at the door of the shipper and delivered at the door of the consignee, entailing only two handlings. It can be delivered the same day it is shipped, whereas the same shipment by rail would require several days if not a week or more. And the shipment can go forward by motor when a rail freight and express embargo precludes shipment by rail at all."

CAN APPLICANT GIVE REQUIRED SERVICE?

The Commission should scrutinize very closely an application for a certificate of convenience and necessity, and should require the applicant to show ability to give better than present service, or equal service, at a lower rate, before the certificate should issue. The applicant, in accepting the privileges of a common carrier, would perforce assume the burdens of a common carrier's obligations to the public. This is not a thing to be sought or accepted without full consideration, or to be denied or granted without careful investigation of the financial ability and physical preparedness of the applicant to properly perform the promised service. Equipment and operating conditions should be known, and assurances demanded that the transportation service can be and will be given with reasonable regularity, continuity, and promptness. In this day, service is the all-important element in public utility operation. Even the question of rates is secondary. If, therefore, after investigation and trial, it is found

that the service cannot be properly or continuously given for physical reasons, or because of operating obstacles; or if it is found that the rates are inadequate and have to be raised to approximately equal those of competing lines now giving similar service, these conditions would justify denial of a permanent certificate. But if either better service or lower rates are offered, and can be and are given, the public welfare would demand that a permanent certificate of convenience and necessity be made effective.

This is in agreement with the opinion of the Idaho Commission, cited in the majority opinion (P. U. R. Annotated 1916-A, page 12), where it is stated:

> "One of the few cases where * * * the competitor will be permitted to enter the field, will be where the competitor can adequately furnish the commodity at a rate so much less than the rate which can be accorded by the existing utility that the interests of the public demand the commodity at the lower rate."

I confess some misgivings as to the ability of the present applicant to maintain permanently the express service proposed, at approximately present, freight rates, and for that reason would favor only tentative permission to operate, until such time as the cost and value of the service could be thoroughly proven.

If my colleagues had based their adverse decision on the grounds of applicant's failure to prove its physical and financial ability to enter into the broad field of public transportation as a common carrier, and to assume and discharge all the duties and obligations incident thereto, in competition with admittedly strong, responsible and well conducted freight and express organizations, I might have found it possible to concur, because there did seem to be a lack of conclusive proof that continuous winter and summer service could be given, and that the applicant was fully equipped to handle any or all tonnage offered; but from the majority opinion as presented, I find it necessary to dissent.

Dated at Salt Lake City, Utah, this 21st day of May, A. D. 1918.

(Signed) HENRY H. BLOOD,
Commissioner.

The foregoing dissenting opinion was written and submitted to my colleagues after they had prepared their opinion and handed it to me for consideration. They later withdrew their opinion and revised it, by adding more than two typewritten pages of new matter intended to cover points set out by me. However, I find nothing in the revised majority opinion that changes my mind on the main issue in this case, which is whether or not the public is entitled to the best and cheapest public service that can be profitably rendered.

Events that have transpired since the opinions were prepared, have served to confirm my view. All roads, protestants in this case, have advanced rates for freight service, 25 per cent, and to fasten this new burden upon the public by refusing to allow competition, would seem inadvisable.

Dated at Salt Lake City, Utah, this 26th day of June, A. D. 1918.

(Signed) HENRY H. BLOOD,
Commissioner.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 28th day of December, A. D. 1918.

In the Matter of the Application of the MOTOR FREIGHT SERVICE COMPANY, for a certificate of convenience and necessity to operate a line of automobile trucks between Salt Lake City, Utah, and Ogden, Utah. } **CASE No. 24**

This case being at issue upon petition and protests on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

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

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

25. In the Matter of the Application of PARK CITY & VERNAL STAGE LINE, for permission to operate an auto stage line between Park City and Vernal, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of PARK CITY & VERNAL STAGE LINE, for permission to operate an auto stage line under the above name, and for an order authorizing the operation of a stage line as above. } **CASE NO 25**

ORDER

Application having been made by M. Schwartz and D. R. Hout, under date of March 13th, 1918, for permission to operate an automobile stage line between Park City, Utah, and Vernal, Utah, to be known as the Park City and Vernal Stage Line;

And the Commission having ordered a hearing in the matter to be held March 25, 1918, at 2:00 p. m., in the office of the Commission, Salt Lake City, Utah;

And it appearing that petitioners were not present at such hearing and no representation being made on petitioner's behalf:

IT IS THEREFORE ORDERED, Adjudged and Decreed, That the petition of M. Schwartz and D. R. Hout, copartners, be, and the same hereby is, denied.

By the Commission.

Dated at Salt Lake City, Utah, this 1st day of April, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
(SEAL) Commissioner.

Attest:
(Signed) T. E. BANNING,
Secretary.

26. In the Matter of the Application of P. D. STURN, for permission to operate a stage line between Park City and Vernal, Utah, and return.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of P. D. STURN, for permission to operate a stage line between Park City and Vernal, Utah, and return. } **CASE No. 26**

ORDER

Application having been made under date of March 22, 1918, by P. D. Sturn and A. F. Smoot, for permission to operate an automobile stage line between Park City, Utah, and Vernal, Utah;

And the Commission having caused investigation to be made, and having held an informal hearing, and being fully advised in the premises:

IT IS HEREBY ORDERED, Adjudged and Decreed, That said P. D. Sturn and A. F. Smoot be, and same hereby are, authorized to establish, maintain and operate, an automobile stage line for the transportation of passengers between Park City, Utah, and Vernal, Utah, subject to the rules and regulations prescribed by the Public Utilities Commission of Utah.

ORDERED FURTHER, That petitioners shall file with the Commission a schedule showing rates and charges to be assessed between all points on said route, together with all rules and regulations relating to such operation.

By the Commission.

Dated at Salt Lake City, Utah, this 1st day of April, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
(SEAL) Commissioner.

Attest:
(Signed) T. E. BANNING,
Secretary.

27. **In the Matter of the Application of J. T. JOHNSON and WILLIAM ENGLE, co-partners, doing business under the name of the ARROW LINE, for permission to operate an auto stage line between Price and Sunnyside, Utah.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. T. JOHNSON and WILLIAM ENGLE, co-partners, doing business under the name of the ARROW LINE, for permission to operate auto stage line between Price and Sunnyside, Utah.	CASE No. 27

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The application in the above entitled matter, was filed with the Public Utilities Commission of Utah on March 23, 1918, and on account of other applications being made for permission to operate along the same route, action was postponed until a hearing of said application, with other applications, was had, at Price, Utah, April 9, 1918.

At said hearing there were no objections, written or otherwise, to the granting of said petition. The testimony taken at that time, in behalf of the petitioner, was to the effect that for some time prior to the filing of said application, the applicants had been operating a stage line between Price and Sunnyside, Carbon County, Utah, a distance of 28.7 miles; and that said stage line had been transporting passengers and express for hire, and also carrying the United States Mail between these said points.

It further appeared by the evidence that there has been a growing need for transportation between the points named, and that the parties named in said application are able and willing to operate said automobile stage line, keeping the requirements of the law and the rules and regulations prescribed by the Public Utilities Commission of Utah for the control and direction of such service.

The attitude of a large number of residents of Sunnyside was shown to be in favor of a continuation of such service by petitioner, and there being no reason shown why such petition should not be granted, and it appearing that there is a necessity for such service, I hereby recommend that favorable action be taken upon the same, and that a certificate of convenience and necessity issue in keeping with said petition.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 21

At a General Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 6th day of May, A. D. 1918.

In the Matter of the Application of J. T. JOHNSON and WILLIAM ENGLE, co-partners, doing business under the name of the ARROW LINE, for permission to operate auto stage line between Price and Sunnyside, Utah. } **CASE No. 27**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

It IS ORDERED, That said applicants, doing business under the name of the Arrow Line, be, and they hereby are,

granted a certificate of convenience and necessity, and are hereby authorized to operate an automobile stage line between Price and Sunnyside, Utah.

ORDERED FURTHER, That said applicants shall at all times comply with the rules and regulations governing the operation of automobile stages, as prescribed by the Public Utilities Commission of Utah, and shall maintain an adequate passenger service for the accommodation of the traveling public between Price, Utah, and Sunnyside, Utah.

ORDERED FURTHER, That the rate for transporting passengers between said points, shall not exceed the following schedule:

Price to Sunnyside	$2.00
Sunnyside to Price	2.00
Round trip	3.50
Price to Wellington	.50
Wellington to Sunnyside	1.50
Sunnyside to Wellington	1.50
Wellington to Price	.50

Children over 5 and under 12 years of age will be carried for half fare.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. T. JOHNSON, W. A. ENGLE, W. J. BELL and JAMES C. HUEY, for permission to consolidate the ARROW LINE and the HIAWATHA LINE.

CASE No. 27

Submitted August 12, 1918. **Decided August 16, 1918**

J. W. Rozzelle for petitioners.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing August 12, 1918, in the office of the Commission. There were present and represented, all of the parties concerned.

The petition asks that the Arrow Line, now operating between Price and Sunnyside, and the Blackhawk-Hiawatha Stage Line, operating between Price and Hiawatha, be consolidated and operated under one head to be known as the Arrow Line.

The parties concerned were sworn and testified as appears of record filed in the office of the Commission, which was to the effect that they were all willing and anxious for such consolidation; that in consolidating, the service to the public will be improved; that the equipment will not be reduced, but that it would be added to; that it would be more convenient for the traveling public in going from Sunnyside via Price to Hiawatha, and vice versa; that there would be no necessity of transferring the passengers or their baggage that the parties concerned could facilitate the matters and expedit travel by working together.

The records in the office show that Johnson and Engle, co-partners, doing business under the name of the Arrow Line, were, on May 6, 1918, by certificate of convenience and necessity No. 21, authorized to operate an automobile stage line between Price and Sunnyside, Utah. It appears from the testimony that they have continued to operate such stage line, and are at the present time operating between the points mentioned.

The records further show that the Hiawatha Stage Line was operating between Price and Hiawatha, and that its rates were filed with the Commission, and authorized, as indicated by a letter from the Commission to Huey and Wilcox, dated October 18, 1917. The said automobile line has continued from that time up to the present, to furnish service between the points named, for the traveling public.

It would appear from the record which gives the status of both of the companies mentioned in the petition, that they are competent to enter into such relationship as is mentioned in the petition; that the consolidation would not prejudice their rights or be detrimental to the traveling public; that they expect to continue operating under the schedule and rates

heretofore filed, and under the rules and regulations of the Public Utilities Commission of Utah. There does not appear to be any reason why these two companies should not be allowed to give service over the routes mentioned, and continue their rates and schedules under the consolidation.

While their testimony has been taken under oath, and filed as transcribed, the parties contracting should file, over their signatures, a statement and affidavit giving the facts of such consolidation, and naming the parties who are operating thereunder, in order that the responsible parties may be known to the public.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
(SEAL) Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of August, A. D. 1918.

In the Matter of the Application of J. T. JOHNSON, W. A. ENGLE, W. J. BELL and JAMES C. HUEY, for permission to consolidate the ARROW LINE and the HIAWATHA LINE. } **CASE No. 27**

This case being at issue upon petition on file, and having heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicants, The Arrow Line and the Hiawatha Line, be, and are hereby, authorized to consolidate their interests and operate as one line.

ORDERED FURTHER, That said applicants shall file with the Commission a certified statement showing such con-

solidation and setting forth the manner in which the consolidated line will operate.

ORDERED FURTHER, That applicants shall file with the Public Utilities Commission of Utah, a schedule showing the time each car leaves and arrives at each station on its route, and the fares assessed for the transportation of persons between all points, and shall post such schedule at all stations upon its line; such schedule shall not name rates exceeding the fares formerly charged by the Arrow Line and the Hiawatha Line.

ORDERED FURTHER, That said consolidated stage line shall at all times operate its cars in accordance with the rules and regulations prescribed by the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

28. In the Matter of the Application of JAMES NEILSON, for permission to operate a stage line, to be known as "NEILSON'S STAGE LINE," between Salt Lake City and Brighton, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES NEILSON for permission to operate a stage line to be known as "NEILSON'S STAGE LINE," between Salt Lake City and Brighton, Utah. } **CASE No. 28**

REPORT OF THE COMMISSION

By the Commission:

Application having been filed with the Public Utilities Commission of Utah, by James Neilson, on March 20, 1918, for permission under Article 21 (a) of Section 4 of the Public Utilities Act of Utah, for permission to operate an automobile stage line between Salt Lake City and Brighton, Utah,

and the Commission having caused investigation to be made, and a hearing being held April 5, 1918; and it appearing that public convenience and necessity requires such service; and it further appearing that said applicant has previously operated such stage line and is equipped to properly conduct such auto stage line:

Now, therefore, we find that permission should be granted for the operation of said stage line over and upon the route designated, and that applicant should publish rates between such points which will not exceed the following schedule:

Salt Lake City to Brighton ----------$2.00
Brighton to Salt Lake City---------- 1.50

An order will be entered accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
Commissioner.

(SEAL)

Attest:
(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 13th day of May, A. D. 1918.

In the Matter of the Application of JAMES NEILSON for permission to operate a stage line to be known as "NEILSON'S STAGE LINE," between Salt Lake City and Brighton, Utah. } **CASE No. 28**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS OFFERED, That said applicant, James Neilson, be, and hereby is, authorized to operate a line of automobile

stages for the convenience of passengers between Salt Lake City, Utah, and Brighton, Utah.

ORDERED FURTHER, That in the operation of such line, said James Neilson shall at all times conform to and comply with the rules and regulations prescribed by the Public Utilities Commission of Utah governing the operation of automobile stage lines.

ORDERED FURTHER, That the rate of fare charged by said James Neilson, for transportation of passengers, shall not exceed the following schedule:

From Salt Lake City to Brighton_____$2.00
From Brighton to Salt Lake City_____ 1.50

Provided: That the Public Utilities Commission of Utah, may, upon proper showing, order such changes in rate of fare to be charged between said points, as conditions may hereafter warrant.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

29. In the Matter of the Application of ORA PETTY, for an order permitting him to operate a daily stage line between Salt Lake City and Brighton, in Big Cottonwood Canyon, Salt Lake County, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ORA PETTY, for an order permitting him to operate a daily stage line between Salt Lake City and Brighton, in Big Cottonwood Canyon, Salt Lake County, Utah. } **CASE No. 29**

REPORT OF THE COMMISSION

By the Commission:

Application having been filed with the Public Utilities Commission of Utah, by Ora Petty, on March 26, 1918, for permission, under Article 21 (a) of Section 4 of the Public Utilities Act of Utah, to operate an automobile stage line be-

tween Salt Lake City and Brighton, Utah; and the Commission having caused investigation to be made, and a hearing being held on April 5, 1918; and it appearing that applicant has disposed of his equipment and interest to Mr. James Neilson, and is not prepared to render the service for which permission was sought:

Now, therefore, we find that the application should be denied.

An order will be entered accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of July, A. D. 1918.

In the Matter of the Application of ORA PETTY, for an order permitting him to operate a daily stage line between Salt Lake City and Brighton, in Big Cottonwood Canyon, Salt Lake County, Utah. } **CASE No. 29**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the petition in this proceeding be, and it is hereby denied.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

30. LAYTON SUGAR COMPANY, UTAH-IDAHO SUGAR COMPANY,

Complainants,

vs.

DENVER & RIO GRANDE RAILROAD CO., LOS ANGELES & SALT LAKE RAILROAD CO., WESTERN PACIFIC RIALROAD COMPANY, OREGON SHORT LINE RAILROAD CO.,

Defendants.

PENDING.

31. UTAH-IDAHO SUGAR COMPANY,

Complainant,

vs.

DENVER & RIO GRANDE RAILROAD CO.,

Defendant.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on July 26, 1918.

Special Docket No. 7

UTAH-IDAHO SUGAR COMPANY, Complainant, vs. THE DENVER & RIO GRANDE R. R. CO.,	CASE No. 31 AUTHORITY TO REFUND $67.03

An application having been filed to submit this case for hearing and determination on the pleading and record, the Commission, after consideration of all the facts, finds:

That during October and November, 1917, there were forwarded two carloads of lime rock, weighing in the aggregate 157,700 pounds, from Wilford, Utah, to complainant at Lehi, Utah; that the shipments moved over the line of defendant, Denver & Rio Grande Railroad; that the charges were collect-

ed for the movement Wilford, Utah, to Lehi, Utah, on the weight of the lime rock shipped from Wilford, on basis of the established rate of $1.30 per ton; that on June 17, 1918, defendant, the Denver & Rio Grande Railroad Company, established for the transportation involved as hereinbefore described, a rate of 45 cents per ton; that the rate applied from Wilford, Utah, to Lehi, Utah, was unreasonable to the extent it exceeded 45 cents per ton, and that complainant is entitled to reparation in the sum of $67.03, with interest.

IT IS ORDERED, That defendant, the Denver & Rio Grande Railroad Company, be, and is hereby, authorized and directed to pay unto complainant, the Utah-Idaho Sugar Company, of Lehi, Utah, on or before September 30, 1918, the sum of $67.03, with interest at the rate of six (6) per cent per annum from May 28, 1918.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

32. UTAH-IDAHO SUGAR COMPANY,

Complainant,

vs.

DENVER & RIO GRANDE RAILROAD CO.,

Defendant.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on July 5, 1918.

Special Docket No. 5

UTAH-IDAHO SUGAR COMPANY, Complainant, vs. THE DENVER & RIO GRANDE R. R. CO., Defendant.	**CASE No. 32** **AUTHORITY TO REFUND $68.46**

An application having been filed to submit this case for hearing and determination on the pleadings and record, the Commission, after consideration of all the facts, finds:

That on October 31, 1917, there was forwarded one carload of fir lumber, weighing 97,800 pounds, from Provo, Utah, to complainant at Mapleton, Utah; that the shipment moved over the line of defendant, the Denver & Rio Grande Railroad Company; that the charges collected for the movement from Provo, Utah, to Mapleton, Utah, amounted to $97.80; that the legal tariff rate on lumber, carloads, from Provo, Utah, to Mapleton, Utah, at the time shipment moved, was eight (8) cents per hundred pounds, as published in Amendment No. 16 to D. & R. G., P. U. C. U. No. 10, and that there exists an over charge of $19.56, account error in rate used in assessing charges; that on June 18, 1918, defendant, the Denver & Rio Grande Railroad Company, established a rate of three (3) cents per hundred pounds for the transportation involved as hereinbefore described; that the rate applied from Provo, Utah, to Mapleton, Utah, was unreasonable to the extent it exceeded three (3) cents per hundred pounds, and that complainant is entitled to reparation in the sum of $68.46, with interest.

IT IS ORDERED, That defendant, Denver & Rio Grande Railroad Company, be, and is hereby authorized and directed to pay unto complainant, the Utah-Idaho Sugar Company, on or before September 15, 1918, the sum of $68.46, with interest thereon at the rate of six (6) per cent per annum from April 6, 1918.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

33. In the Matter of modification of the previous of Sec. 2-A, Art. 3, of the Public Utilities Act of Utah relative to copy by tariff publications being kept accessible to and for inspection by the public, etc. (Official Railway Equipment Register.)

PUBLIC UTILITIES COMMISSION OF UTAH

ORDER

At a General Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 13th day of April, A. D. 1918.

In the Matter of modification of the provisions of Sec. 2-A, Art. 3, of the Public Utilities Act of Utah, relative to copy of tariff publications being kept accessible to and for inspection by the public in every station or office of such carrier, when such station or office is in charge of an agent and where bills-of-lading, way-bills, or receipts for property are issued. } CASE No. 33

It appearing that carriers frequently provide in their tariffs that the minimum charges upon shipment shall depend upon marked capacity, length, or cubical capacity of car used, the marked capacity, length, or cubical capacity becomes an integral part of the lawful charges of such shipment, the lawful charges are only those contained in tariffs which are published, filed, and kept open for public inspection, as required by the law and the regulations of the Commission; and as various carriers subject to the provisions of the Public Utilities Act of Utah have appointed a duly authorized agent each for itself and in its name, place, and stead to file the Official Railway Equipment Register as a tariff publication, which publication will contain standard information respecting marked capacity, length, and cubical capacity of cars of railway companies and other car owners;

And it appearing that because of the fact that such information as is contained in the Official Railway Equipment Register is for each car plainly shown upon such car by stenciled thereon, and thereby placing such information be-

fore shippers in a convenient manner, it is apparent that necessity does not exist for a copy of such Official Railway Equipment Register being kept as a tariff publication at all offices and stations for public inspection as is required by the law.

Therefore, under authority conferred upon the Commission by Section 2-A, Article 3 of the Public Utilities Act of Utah to modify the requirements of said section as to publishing, posting and filing of schedules.

IT IS ORDERED, Adjudged and Decreed, That the requirements of Section 2-A of Article 3, of the Public Utilities Act of Utah, relating to the keeping of a copy of tariffs at stations and offices for public inspection, be, and is hereby, modified, so far as the same relates to the tariff publication, Official Railway Equipment Register, to the extent that each carrier shall publish, post and file as required by the law and the regulations of this Commission, a tariff publication designating therein the station or stations at which a copy of tariff publication Official Railway Equipment Register will be kept readily accessible to and for convenient inspection by the public.

By order of the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

34. In the Matter of the Application of the UTAH GAS & COKE COMPANY, for permission to increase its gas rates at Salt Lake City, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH GAS & COKE COMPANY, for permission to increase its gas rates at Salt Lake City, Utah. } **CASE No. 34**

Submitted May 17, 1918. Decided May 31, 1918.

1. Present revenues of petitioner found to be insufficient.

2. Increase in rates as shown by tariff filed with the Commission authorized as an emergency measure.

Appearances:

F. S. Richards and C. C. Richards for Utah Gas & Coke Company, petitioner.

William H. Folland for Salt Lake City, protestant.

REPORT OF THE COMMISSION

By the Commission:

The petitioner in this case is a corporation, having its principal place of business in Salt Lake City, Utah. Its petition alleges that as a public utility it is duly authorized to, and does, manufacture and deliver gas to the public of Salt Lake City, Utah, to be used for light, heat and power; that the rates charges for gas have failed to produce sufficient revenues for the successful operation of its plant. On account of the prevailing high prices of materials and the increase of wages of its employes, its revenues have been decreased and have reached a point where it is necessary to have additional income to meet its obligations and to attract and secure the capital necessary to make improvements and repairs, and to enable it to give adequate service to its customers.

The protestant is a municipality, whose residents are receiving service from the petitioner.

The petition is attacked on the ground that the limitation on the price of gas fixed in a certain ordinance dated February 19, 1916, is a reasonable limitation, and that the said Utah Gas & Coke Company is obligated to carry out its provisions; that the petitioner should not be permitted to increase the rates for gas without a showing of absolute necessity in order to provide service to the users of gas within Salt Lake City, and that no increase whatever should be granted for the purpose of paying dividends or making profits for the stockholders of the said petitioner.

The case came on for hearing before the Commission at its offices in Salt Lake City, Utah, May 16, 1918. No briefs were submitted. The case was taken under advisement by the Commission.

FRANCHISE RATES

As to the point raised by the protestants that the petitioner is obligated to carry out certain franchise provisions as to rates, we need only, at this time, say that under a recent decision handed down by the Supreme Court of the State of

Utah, in the case entitled, Salt Lake City, et al., v. Utah Light & Traction Company, which decision upheld the Commission's order fixing rates above those prescribed in a municipal franchise, the petitioner herein is obligated to carry out the provisions of its franchise as to rates, only unless and until the Commission sees fit, after a full hearing of the facts, to raise or lower said rates. There is, therefore, nothing in the way of the Commission proceeding to a determination of this issue, even though it be found necessary to abrogate the franchise provisions.

INCREASED COST

Undisputed testimony introduced at the hearing was to the effect that abnormal advances had taken place in the prices of materials, labor and fuel. The cost of coal had advanced 63 per cent, or approximately $40,000 for the amount of coal used per year. Labor costs had advanced 53 per cent, or about $30,000 per year. Taxes paid in 1917 were a little more than double what they were in 1914, the increase being $14,696.73. Aside from these specific amounts of additional and unusual expenditures, the testimony showed that the cost of various materials, other than coal, that enter into the manufacture and distribution of gas, and also the general expenses of operating the business, had been greatly increased during the period since the present rates were put into effect.

CAPITAL INVESTMENT

During the hearing in this case certain exhibits were offered in evidence by the petitioner with reference to the valuation of the petitioner's property. The valuation claimed of this property is $3,110,808.93.

Prior to the hearing and after the preparation of the Company's exhibits, opportunity had been offered for a complete auditing of the Company's books. The petitioner itself had an independent audit made by a certified public accountant, and the City of Salt Lake assigned its chief deputy auditor to make a complete investigation of the financial affairs of the Company as shown by its books. The testimony of the Company's own auditor and of the two outside auditors, was presented at the hearing, and full opportunity was given to bring out any facts bearing upon the condition of the petitioner's finances.

Exception was taken during the hearing of the following items:

Unclassified Construction Accounts	$161,742.22
Development Expense	308,941.18
Leased Equipment	95,000.00
Total	$565,683.40

If, pending a physical valuation of petitioner's property, these items are deducted from the valuation claimed for its property by the petitioner, we have a tentative valuation of $2,545,125.53. Estimated gross earnings for 1918, if the proposed tariff is permitted to become effective with the rendering of the June bills, would be $391,513.51. Total estimated operating expenses for the same period would be $274,931.82, leaving the operating income, $116,581.58. This would indicate a return on the tentative valuation of property, of 4.58 per cent.

Bond interest to the amount of $95,950, and interest on borrowed money to the amount of $20,550.84, the two items totaling $116,500.84, approximately equals the net operating income estimated for the year 1918. Nothing is allowed for depreciation. The testimony of the Company's manager was that no provision had hitherto been made for depreciation of the main plant and distributing system, and that such reserve as has been set up for repairs necessary to be made to gas retorts has been exhausted by rebuilding operations now progressing. Without at this time prescribing the amount of depreciation reserve that the Company should set up, the Commission is of the opinion that as soon as possible there should be made proper provision for the inevitable depreciation of the plant, in order to insure the customer continued service.

QUALITY OF GAS

But little testimony was taken during the hearing relative to the quality of the gas being furnished consumers. The statement was made, however, that a standard of 525 British Thermal Units, which is a recognized standard measure of gas quality, was maintained by the Gas Company. The Commission has caused an investigation to be made, and a number of tests of the quality of the gas being furnished consum-

ers in Salt Lake City has resulted in finding an average of 564 British Thermal Units. No one of the tests showed lower than the standard testified to as having been fixed by the Company itself. The Commission expects to carefully watch this matter and by frequent tests maintain standard heating quality.

FINDINGS

We find the fact to be that this petitioner is confronted at this time with abnormal and unprecedented cost of materials and labor, and with increased general expenses. In particular the very considerable advance in cost of coal, which forms so large an item in the operation of a gas plant, presents a condition that makes necessary immediate relief, present rates being sufficient and inadequate to cover the additional costs. The only question is how much and for how long a time relief should be provided. It is to be hoped that the existing exceptional conditions will not outlast the war, but while they continue, and pending further investigation by the Commission, provision should be made for increased revenue. When the present exigency ends there should be a readjustment of rates to a normal basis. Both consumers and stockholders should realize that in a period of great stress such as is upon us at this time, and for which neither are responsible, it can not be expected that either can continue to enjoy what in normal times might be considered their rights. It is a time that demands sacrifice and self-denial on the part of everybody.

On the showing made it would appear that the Company cannot afford to give the service for less than the advanced rates proposed in the petition, and, therefore, the increase asked for should be granted during the period of the present emergency, or until otherwise ordered by the Commission.

An order will be entered accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 31st day of May, A. D. 1918.

In the Matter of the Application of the UTAH GAS & COKE COMPANY for permission to increase its gas rates at Salt Lake City, Utah. } **CASE No. 34**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the above named petitioner be, and same hereby is, authorized to publish and put in effect rates for artificial gas which shall not exceed the following schedule:

First 2,000 cubic feet_____$1.20 per 1,000 cu. ft.
Next 20,000 cubic feet_____ 1.10 per 1,000 cu. ft.
All over 22,000 cubic feet_____ 1.00 per 1,000 cu. ft.

Prompt payment discount: A discount of 10 cents per 1,000 cu. ft. will be made when payment is made within ten days from date of bill.

IT IS ORDERED FURTHER, That the increased rates herein prescribed shall become effective June 1st, 1918.

IT IS FURTHER ORDERED, That rate schedules shall be published and filed with the Commission, naming the rates herein prescribed within ten days from date of this order.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

35. In the Matter of the Application of S. A. BARTON & SONS for permission to operate an automobile stage line between Lund and Cedar City, etc.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of S. A. BARTON & SONS for certificate to operate an automobile stage line between Lund, Utah, and Cedar City, Utah. — **CASE No. 35**

ORDER

The above entitled matter came before the Commission on protest being filed by B. F. Knell, J. C. Isbell and W. L. Bruce, against the granting of a certificate to the applicant, S. A. Barton & Sons, granting permission to operate an automobile stage line between Lund, Utah, and Cedar City, Utah. The case was set down and heard at Cedar City, Utah, May 21, 1918, all parties being represented.

Before the decision was rendered, the said S. A. Barton & Sons, by their attorney, appeared before the Commission and asked that their answer to the protest herein be withdrawn, for the reason that S. A. Barton & Sons had given up the operation of the U. S. mail between the points mentioned, and do not expect to continue in the business of transferring passengers between said points. The statement made by the attorney for the applicant, appears of record, filed herein.

IT IS THEREFORE ORDERED, That the proceedings herein be, and the same hereby are, dismissed.

Dated at Salt Lake City, Utah, this 19th day of July, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) HAROLD S. BARNES,
Assistant Secretary.

36. In the Matter of the Application of the SPRING CANYON AUTO LINE for permission to operate an automobile stage line between Helper and Rains, and intermediate points.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SPRING CANYON AUTO LINE for permission to operate an automobile stage line between Helper and Rains, Utah, and intermediate points. } **CASE No. 36**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Petition of the Spring Canyon Auto Line was filed with the Public Utilities Commission of Utah under date of March 30, 1918, asking for a certificate of convenience and necessity authorizing said Spring Canyon Auto Line to establish and operate an automobile stage line between Helper, Carbon County, Utah, and Rains, Carbon County, Utah, and intermediate points, including Peerless, Storrs, Standardville and Latuda, Carbon County, Utah.

The applicant appeared before the undersigned Commissioner at Price, Utah, April 9, 1918, and give testimony in support of said petition. It appeared from the evidence taken at such time, that parties owning the said stage line had been for some time operating daily automobiles between the points named, for the accommodation of the residents of those places, and the public.

It further appeared by the testimony, that one Robert Cormani, in connection with his mother, Mrs. Joe Cormani, had also been operating an automobile stage line for the transportation of passengers, along the same route, which route is through what is known as Spring Canyon, between Helper and Rains, a distance of about eight miles.

There is a railroad being operated along the said route, but only for coal transportation, and not for passenger service.

It further appeared from the testimony, that the parties applying were responsible people, and were capable and willing to render such service in keeping with the law and the rules and regulations established for the direction and control of such service by the Public Utilities Commission of Utah.

During the examination of witnesses, the question arose as to whether or not there was sufficient patronage to demand a double service, the petitioners holding and stating as their best judgment that they would be able to take care of all the patronage, while the testimony of Mrs. Cormani was to the effect that they would both have to take their chances as to what they made.

It further appeared that the parties representing said stage line were reliable people, Mr. Williams being a man who is engaged in the business of owning and operating a garage.

I am of the opinion that under the showing made, the petition should be allowed.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)

Attest: (Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 6

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of May, A. D. 1918.

In the Matter of the Application of the SPRING CANYON AUTO LINE for permission to operate an automobile line between Helper and Rains, Utah, and intermediate points. — **CASE No. 36**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full inves-

tigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the Spring Canyon Auto Line be, and same hereby is, granted a certificate of convenience and necessity to operate and maintain an auto stage line for the transportation of persons between Helper and Rains, Carbon County, Utah.

ORDERED FURTHER, That said Spring Canyon Auto Line shall at all times comply with the laws of the State of Utah, and the rules and regulations of the Public Utilities Commission of Utah governing the operation of auto stages.

ORDERED FURTHER, That said Spring Canyon Auto Line shall be operated upon the following schedule:

Going		Returning	
Leave Helper	8:30 a. m.	Leave Rains	9:50 a. m.
	1:30 p. m.		2:50 p. m.
	6:00 p. m.		7:20 p. m.
Peerless	9:00 p. m.	Latuda	10:00 a. m.
	2:00 p. m.		3:00 p. m.
	6:30 p. m.		7:30 p. m.
Storrs	9:10 a. m.	Standardville	10:10 a. m.
	2:10 p. m.		3:10 p. m.
	6:40 p. m.		7:40 p. m.
Standardville	9:20 a. m.	Storrs	10:20 a. m.
	2:20 p. m.		3:20 p. m.
	6:50 p. m.		7:50 p. m.
Latuda	9:30 a. m.	Peerless	10:30 a. m.
	2:30 p. m.		3:30 p. m.
	7:00 p. m.		8:00 p. m.
Arrive Rains	9:40 a. m.	Arrive Helper	11:00 a. m.
	2:40 p. m.		4:00 p. m.
	7:10 p. m.		8:30 p. m.

and upon the following schedule of rates:

	One Way Fare	Round Trip
Helper to Peerless	$1.00	$1.50
Helper to Storrs	1.00	1.50
Helper to Standardville	1.00	1.50
Helper to Latuda	1.50	2.00
Helper to Rains	1.50	2.00

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

37. **In the Matter of the Application of ROBERT CORMANI, for permission to operate an automobile stage ,line known as the WHITE STAR LINE, between Helper and Rains, Utah, and intermediate points.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ROBERT CORMANI, for permission to operate an automobile stage line, known as the WHITE STAR LINE, between Helper and Rains, Utah, and intermediate points. } **CASE No. 37**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above petition, filed with the Public Utilities Commission of Utah, April 8, 1918, was heard by the undersigned Commissioner at Price, Utah, April 9, 1918, by taking the testimony of the petitioners herein.

The evidence shows that Mrs. Joe Cormani, an Italian lady living at Helper, is operating a small store. She wishes also, with the help of her boys, one of them named herein, to continue to operate an automobile stage line between Helper and Rains, Utah, a distance of about eight miles, in what is known as Spring Canyon, Carbon County, Utah; that there are a number of small coal mining towns at which a number of individuals find employment; that she has been operating two passenger cars and that sometimes a small truck has been used in transporting persons and material, and that from such service she has been making a sufficient amount to pay for her running expenses and save a little for the family.

This application covers the same route and territory as is described in the petition of the Spring Canyon Auto Line.

The question inquired into in this hearing, as well as in the hearing of the application of the Spring Canyon Auto Line, was as to whether or not there is sufficient patronage to reasonably employ the service of both automobile lines. Upon that point the testimony was, to some extent, conflicting, both of the applicants claiming that they could take care of the service. It further appeared that they had both been

operating and receiving such remuneration as appears to have been sufficiently attractive to induce them to continue their operations.

In this case it would appear a little difficult to decide that there is or is not sufficient patronage to keep two service corporations employed, and it would appear more difficult to designate which of the two should desist from such operation. This matter was called to the attention of both parties applying, and they were informed that it was the intent and purpose of the law to so control and regulate automobile operation as to give sufficient service and not any more, and that the matter of competition was not the real concern in the controlling and directing of such service.

Under the showing made, however, and with the fact in view that neither of these parties is entitled to receive any more favorable consideration than the other, and it further appearing that they had been operating for some time with some profit, I am of the opinion that the application of said White Star Line should be allowed. It would further seem that about the only way to determine the question as to whether or not two lines can be maintained, would be a trial of the same, and I therefore recommend that a certificate of convenience and necessity be issued in favor of petitioner.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY

No. 5

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of May, A. D. 1918.

In the Matter of the Application of ROBERT CORMANI, for permission to operate an automobile stage line, known as the WHITE STAR LINE, between Helper and Rains, Utah, and intermediate points. } **CASE No. 37**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the White Star Line, operated by Mrs. Joe Cormani and sons, be, and same hereby is, granted a certificate of convenience and necessity to operate and maintain an auto stage line for the transportation of persons between Helper and Rains, Utah.

ORDERED, That said White Star Line shall at all times comply with the laws of the State of Utah, and the rules and regulations of the Public Utilities Commission of Utah governing the operation of auto stages.

ORDERED FURTHER, That said White Star Line shall, upon receipt of this order, file with the Commission a schedule showing the rates of fare to be charged passengers between Helper and Rains, and intermediate points, as well as the arriving and leaving time at each station on its line or route.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

38. **In the Matter of the Application of JOHN CARDASSIS, for permission to operate an automobile stage line between Scofield, Colton, Winter Quarters and Clear Creek, Utah.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN CARDASSIS, for permission to operate an automobile stage line between Colton and Clear Creek and intermediate points, Utah. } **CASE No. 38**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above application came on for hearing before the undersigned Commissioner at Colton, Utah, on Thursday, May 9, 1918, at which time Mr. Cardassis duly appeared, and upon his being examined touching the necessity of issuing a certificate authorizing him to operate an automobile service between said points, it developed that the Denver & Rio Grande Railroad Company was giving some service, but not satisfactory.

Mr. Cardassis testified that he thought they were entitled to a better service than had been given by the Railroad, and that many of the commercial men had brought the matter to his attention and asked him to put on an automobile service, but that in view of there being another application for a certificate of convenience and necessity to operate an automobile stage line between said points, if such service could be obtained from any one else he was willing to withdraw. The evidence of his withdrawal is shown on part of the transcript of his testimony filed in this matter.

It appearing that Mr. Cardassis was willing to withdraw and that in view of the showing made by Mr. J. H. Welch, to the effect that he desired to give such service, and was a man of experience and qualified to enter at once upon the operation of said service, it would appear that the only thing to do would be to dismiss the application upon the showing made

by Mr. Cardassis as above referred to. I therefore recommend that an order be entered dismissing said application.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of May, A. D. 1918.

In the Matter of the Application of JOHN CARDASSIS, for permission to operate an automobile stage line between Colton and Clear Creek and intermediate points, Utah. } **CASE No. 38**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of John Cardassis for a certificate of convenience and necessity to operate an automobile stage line between Colton, Scofield, Clear Creek and Winter Quarters, be, and hereby is, dismissed.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

39. In the Matter of the Application of JOHN H. WELCH, for permission to operate an automobile stage line between Colton and Clear Creek, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN H. WELCH, for permission to operate an automobile stage line between Colton and Clear Creek, Utah. } CASE No. 39

Submitted May 31, 1918. Decided June 5, 1918.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled matter was set down for hearing May 9, 1918, at 2 o'clock p. m., at Colton, Utah. Notices of the hearing were duly posted along the route proposed, and at the various towns.

The hearing in the above matter was had for the reason that John Cardassis had also filed an application for a certificate of convenience and necessity to operate an automobile stage line over the same route, and between the same points, and further for the reason that the Denver & Rio Grande Railroad Company is operating trains for the purpose of hauling coal from the mining camps to Colton, where it made a junction with the main line, and that attached to such coal trains was a combination car for carrying passengers.

At the hearing the parties were present, John Cardassis appearing for himself, and John H. Welch being represented by I. E. Willey, his attorney.

It developed by the testimony that Colton is located on the main line of the Denver & Rio Grande Railroad Company; that at said point there is a branch line running up the canyon to the coal camps of Scofield, Winter Quarters and Clear Creek, the distance between Colton and Clear Creek being twenty-six miles; that the service for passengers is not convenient, and that there exists a necessity for some other means of transportation in order that a convenience shall be furnished to the people who travel between these points.

It further appeared by evidence that Scofield, Winter Quarters and Clear Creek are coal mining towns, and that a large number of people are employed in the mines and otherwise; that there is considerable passenger traffic between the points named, and that an automobile service upon a convenient schedule, properly operated, would be an additional service for the convenience of the public who live at the points named.

It appeared that the applicant, J. H. Welch, is an experienced automobile man, and has for some time operated an automobile stage line in Salt Lake County between Salt Lake City and Lark, Utah; that he is equipped with standards cars, and has in his employ careful and experienced drivers; that he had become acquainted with the road over which said automobile will be operated, and that he was qualified and prepared to assume the responsibilities of giving adequate and sufficient service to the public by taking care of all those who desire to travel between these points, and that for such service he was willing to fix such rates as would, under the conditions and circumstances, be reasonable, and would immediately file his schedule and rates upon receiving a certificate of convenience and necessity.

At the hearing there appeared one John Cardassis, referred to above, and after due consideration he withdrew his application to operate over the same route, as appears of record in the testimony taken and filed in this case. The application of John Cardassis was, by an order of this Commission, dismissed.

A petition has been addressed to the Commission, and filed, in which a large number of leading citizens and business men have asked that the said J. H. Welch be given permission to operate an automobile stage line between the points named. Among the signers of said petition are mine superintendents, county and city officials, and representative business men.

After the hearing above referred to, and before a final decision was reached or an order made, the Denver & Rio Grande Railroad Company filed its protest, May 16, 1918, protesting against the issuing of a certificate of convenience and necessity for automobile service between Colton and Clear Creek. Upon the filing of said protest the matter was reopened and a time set for the hearing of further testimony. On the 31st day of May, 1918, further testimony was taken in behalf of the Denver & Rio Grande Railroad Company.

The testimony was to the effect that in connection with

a freight train established by the said Railroad Company, passengers were conveyed over the route proposed by the applicant, but that the convenience for conveying passengers upon the said train was not the best, there being but one train operating between the points in question, and that said convenience consisted of one car partly used for caboose purposes, and the balance for passengers; that there was no division of compartments in the passenger part of the car. It further developed that the train was not always on time, and failed to connect at Colton with the trains going east and west on the main line.

According to the contention of the Railroad Company it is impracticable to operate an automobile service during the winter months, on account of the snow, said Railroad Company claiming that such auto service should not be allowed for the reason that it could not provide service for the public at all seasons of the year.

There seems to be no question but what the testimony together with the conditions surrounding the operation of the railroad facilities for passengers, show that an automobile service for a number of months in each year would be much more convenient and better suited to service the public than the present railway service. It is not the intention or purpose to encourage a duplication of service for competition, unless the additional service is necessary and convenient for the traveling public.

Under the evidence given, together with the circumstances shown to exist, it would appear that there is a reasonable necessity for the service of an automobile stage line between the points named in the petition. That being true, and the said J. H. Welch having made application for permission to operate such stage line, and having shown that he is capable of taking care of the same and giving such service to the public, I therefore find that a certificate of convenience and necessity should be issued to the applicant herein, and that an order should be made accordingly.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 9

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 5th day of June, A. D. 1918.

In the Matter of the Application of JOHN H. WELCH, for permission to operate an automobile stage line between Colton and Clear Creek, Utah. } CASE No. 39

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, J. H. Welch, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers between Colton, Utah, and Clear Creek, Utah, via Scofield and Winter Quarters, Utah.

ORDERED FURTHER, That the rate of fare assessed and collected shall not exceed the following schedule:

Scofield to Colton, round trip	$3.00
Scofield to Colton, one way	1.50
Clear Creek to Colton, round trip	4.00
Clear Creek to Colton, one way	2.00

No extra charge will be made for service between Scofield and Winter Quarters, Utah.

provided, that the Commission may, upon proper showing, order such change in rates of fare as conditions warrant.

ORDERED FURTHER, That applicant, J. R. Welch, shall at all times operate said stage line in accordance with the Rules and Regulations of the Public Utilities Commission of Utah, governing the operation of automobile stage line.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN H. WELCH, for permission to operate an automobile stage line between Colton and Clear Creek, Utah. } CASE No. 39

ORDER

Notice having been filed with the Commission, by J. H. Welch, under date of August 22, 1918, that on account of the bad condition of the public highways over which it was necessary to travel in order to meet the schedule submitted by him, he had been compelled to discontinue the operation of the stage line and had not been operating for a period of eight weeks last past, and does not intend in the future to operate in that district;

And it appearing that no present use is being made of the permission granted by this Commission to said J. H. Welch to operate a stage line over said route:

IT IS THEREFORE ORDERED, That all the rights acquired by said J. H. Welch, under and by virtue of the Commission's order and permission in Case No. 39, Certificates of Convenience and Necessity No. 9, be, and they are hereby, vacated and set aside, revoked and cancelled.

By the Commission.

Dated at Salt Lake City, Utah, this 26th day of August, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

40. In the Matter of the Application of the CONSOLIDATED AUTO STAGE LINE, for permission to increase its rates and charges for passenger service between Salt Lake City and Bingham.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CONSOLIDATED AUTO STAGE LINE for permission to increase its rates and charges for passenger service between Salt Lake City and Bingham, Utah.	CASE No. 40

ORDER

Upon motion of the applicant herein, and by the consent of the Commission;

IT IS HEREBY ORDERED, That the application of the Consolidated Auto Stage Line for permission to increase its rates and charges for passenger service between Salt Lake City and Bingham, Utah, be, and same hereby is, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 13th day of May, A. D. 1918.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

41. **In the Matter of the Application of the BLUE MOUNTAIN IRRIGATION COMPANY, for an order authorizing said Company to increase its rates per month on culinary water.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BLUE MOUNTAIN IRRIGATION COMPANY, for an order authorizing the said Company to increase its rates per month for rental on culinary water. } **CASE No. 41**

Submitted September 20, 1918. Decided October 11, 1918.

FINDINGS

By the Commission:

The above matter came on for hearing before Fred M. Abbott, Special Investigator of this Commission, at Monticello, Utah, July 23, 1918, at which time there were no protests or opposition offered. Transcript of the hearing is on file with the Commission.

The application in this case alleges that the petitioner is a private corporation, operating under the laws of the State of Utah, its principal place of business being located at Monticello, San Juan County, State of Utah; that its business is to distribute water to its stockholders and to operate a culinary water system, as well as a lighting system; that the applicant installed, at the expense of approximately $25,000.00, a culinary water system in Monticello for the purpose of renting water to the inhabitants thereof; that the system is owned by the Blue Mountain Irrigation Company, and that the rates fixed, under which it has been operating, are as follows:

First tap per house per month	$1.75
Bath tub per house per month	.10
Toilet per house per month	.10
Sink per house per month	.10
Lavatory per house per month	.05
Cattle, horses, sheep and other domestic animals, per month, per head	.10

Washing automobiles, per family, per month___ .50
Watering lawn, per family, for 15 minutes' use
per day, per month_____ 1.00

that the operation under the prices above named proved to be inadequate for the maintaining of said system, that, according to the best judgment of the officers of said corporation, the following rates are necessary:

For water service for domestic purposes, only,
per family per month _____$2.60
For water for live stock, 10c per head per month,
with minimum charge per month_____ 1.50

It appeared by the testimony that the town of Monticello for long years had been greatly in need of better water for culinary purposes; that in 1916 it was decided by the stockholders of the Blue Mountain Irrigation Company to install a culinary water system and an electric power plant, and for such purpose the said Company borrowed money from the banks to install the water system; that from the testimony and the reports subsequently filed the following summary is made:

Amount of Investment _____	$25,000.00
Interest on borrowed money, up to and including September, 1918 _____	4,365.47
Accounts payable _____	1,437.51
Interest accruing _____	99.40
Total Expenditures _____	$5,902.38
Total Revenue received _____	2,249,45
Deficit _____	$3,652.93

The above statement is for fourteen months operation of the plant, which indicates that the water system is not paying at its present rates sufficient to meet the obligations of the Company in the matter of furnishing water, and would indicate that an advance in the rates is necessary.

While the accounts as shown by the statements filed do not definitely and specifically show, as they should do, the actual condition of the finances of the water system, we are of the opinion, under the showing made, the applica-

tion for the advance is reasonable and that an advance is required.

It would appear, however, that the advances are unusually high when compared with rates of other water systems within the State; but the conditions and circumstances which surround the installing of the plant and the giving of service under the same are rather unusual.

The order herein made, allowing an increase, is conditional and not necessarily permanent, and we will require a specific and definite accounting of the operations under the new rates to be kept and reported to the Commission, which accounting, as to the water system, must be kept separate and apart from the financial operations of the other services rendered by the Company.

It appears that this same Company has also applied for an advance of rates in the operation of its electric light system, which has been considered under Case No. 42.

After a careful consideration of the showing made, we are of the opinion that the rates asked for should be allowed.

A proper order will issue accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the Public Utilities Commission of Utah, held at its office in Salt Lake City, Utah, on the 19th day of October, A. D. 1918.

In the Matter of the Application of the BLUE MOUNTAIN IRRIGATION COMPANY, for an order authorizing the said Company to increase its rates per month for rental on culinary water. } **CASE No. 41**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made

and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the Blue Mountain Irrigation Company, be, and it is hereby, authorized to establish and put into effect increased rates for water furnished its consumers, which rates shall not exceed the following schedule:

For water service for domestic purposes, only, per family, per month ---------- $2.60
For water for live stock, 10c per head per month, with minimum charge per month ---------- 1.50

ORDERED FURTHER, That applicant shall keep a separate and distinct account of its operations as a water utility, and shall, not later than the 15th day of each month, file with the Public Utilities Commission of Utah a statement of the operating expenses and revenues, and also fixed charges, apportioned on a monthly basis, and also all other matters and things that relate to the financial operations of its water department, for the preceding month.

ORDERED FURTHER, That the increased rates herein authorized may be made effective upon thirty days' notice to the public and the Public Utilities Commission of Utah, by publishing and filing with the Commission a schedule naming such increased rates, said schedule to be published as provided in Tariff Circular No. 3, issued by the Commission, April 18, 1918.

The Commission expressly retains jurisdiction of this case, and will, in the future, issue such additional orders as the conditions seem to warrant.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

42. In the Matter of the Application of the BLUE MOUNTAIN IRRIGATION COMPANY, for an order authorizing the said Company to increase its rates per month for rental for power and electric lights.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BLUE MOUNTAIN IRRIGATION COMPANY, for an order authorizing said Company to increase its rates for power and electric lights. } CASE No. 42

Submitted September 20, 1918. Decided October 11, 1918.

FINDINGS

The petition in the above entitled case sets out that the petitioner is a private corporation, operating under the laws of the State of Utah, its principal place of business being Monticello, San Juan County, State of Utah; that it distributes irrigation water to the stockholders, also culinary water to the citizens of Monticello, and likewise operates and distributes electric power and lights; that the electric power plant was installed at an approximate expense of $18,000.00; that, in order to furnish the inhabitants of said town an opportunity to rent and purchase power and lights from the said corporation, the following monthly rates were fixed:

First 60 watt or less, for burning nights only, per month	$1.00
40 watt lamp, burning nights only, per month	.75
25 watt lamp, burning nights only, per month	.50
10 or 15 watt lamp, burning nights only, per month	.25
Washing machines, 1/8 to 1/16 H. P., per month	.50
Picture show, per night	1.00
Meter, minimum rate, per K. W. H. after 15 K. W.	.15
Minimum meter rate, per month	1.50

After operating said lighting system under the rates above set out, the Company ascertained by an audit of its

books that it was losing approximately $40.00 a month in running expenses and for interest actually paid for money invested in said system, and that said rates would not give sufficient revenue to pay the obligations of rendering the service to its customers; that, after a careful consideration upon the part of the officers of said corporation, and according to their best judgment, information and belief, they decided that the following rates were necessary to meet the financial obligations and management of said lighting system:

For 60 watt lights, for first light, per month	$1.50
40 watt lights, per month	1.00
25 watt lights, per month	.75
10 or 15 watt lights, per month	.35
Electric washer, 1/8 to 1/16 H. P., per month	.75
Electric iron, per month	.75
Picture show, per night	2.50
Meter rate per K. W. H.	.25
Minimum meter rate, per month	2.25

Said corporation asks that it be authorized to charge the above rates as monthly sale and rental for electric power and lights.

A hearing was had on the above application at Monticello, Utah, July 23, 1918, before Fred M. Abbott, Special Investigator for the Public Utilities Commission of Utah, there being no protests filed in opposition to the said application. The evidence taken therein has been transcribed and is on file with the Commission.

Testimony in Case No. 41, application of this same petitioner for authority to advance its water rates, is considered in this case, as far as it sheds any light upon that part of the system which furnishes electric power and light.

From the testimony given, it would appear that the corporation has been distributing water for irrigation, culinary purposes, and also furnishing energy and light to the inhabitants of Monticello; that it began a lighting system by borrowing money in the sum of $17,054.70; that the interest upon said amount, up to and including September, 1918, amounted to $2,949.35; that accounts payable amounted to $958.34; interest accruing to the amount of $48.76; that the total revenue for lights was $2,188.48, leaving a deficit for fourteen months in the sum of $1,767.97.

It might be proper to here observe that the accounts submitted for the consideration of the Commission are not as complete as they should be. No doubt, one reason for this lack of specific information was on account of operating three different and distinct departments of service. There does not appear, however, in the statement of accounts or in the testimony given at the hearing, any evidence of extravagant expenditures for salaries or otherwise. The rates asked for would seem to be sufficient under the showing and will furnish sufficient revenue to meet the demand of operating and furnishing the service.

After a consideration of the showing made by the applicant, we are of the opinion that the said corporation should be allowed to increase its rates as prayed for, notwithstanding that upon their face some of the rates appear to be very high, much higher than ordinarily required.

The order herein granted is not necessarily permanent, but for the purpose of giving such relief as is prayed and contended for, subject to modification or change, and the petitioner will be required to furnish reports for the information of the Commission for the purpose of specifically showing whether or not the rates as herein authorized should be modified. The petitioner shall keep a distant and separate account of the different services which it is giving, as they are necessarily separate and distinct and should be kept so, for the reason that the individual who pays for the light and power may not be interested in the distribution of water, either for culinary or for irrigation purposes.

No account depreciation has been kept, nor any funds set aside to meet such depreciation. This, it would appear, is necessary, especially in view of some of the statements given at the hearing.

An appropriate order will issue in keeping with the above findings.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of October, A. D. 1918.

In the Matter of the Application of the BLUE MOUNTAIN IRRIGATION COMPANY, for an order authorizing said Company to increase its rates for power and electric lights.

CASE No. 42

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the Blue Mountain Irrigation Company, be, and it is hereby, authorized to publish and put into effect rates for electric service which shall not exceed the following schedule:

For 60 watt lights, for first light, per month	$1.50
40 watt lights, per month	1.00
25 watt lights, per month	.75
10 or 15 watt lights, per month	.35
Electric washer, 1/8 to 1/16 H. P., per month	.75
Electric iron, per month	.75
Picture show, per night	2.50
Meter rate per K. W. H.	.25
Minimum meter rate, per month	2.25

ORDERED FURTHER, That applicant shall keep a separate and distinct account of the operations of its electric utility and shall, not later than the 15th day of each month, file with the Commission a statement, showing the operating expenses and revenues, and also fixed charges, apportioned on a monthly basis, and also all other matters and things that relate to the financial operations of the electric utility business, for the preceding month.

ORDERED FURTHER, That the increased rates authorized herein may be made effective upon thirty days' no-

tice to the public and the Public Utilities Commission of Utah, by publishing and filing with the Commission a schedule naming such increased rates, said schedule to be published as provided in Tariff Circular No. 3, issued by the Commission, April 18, 1918.

The Commission expressly retains jurisdiction of this case, and will, in the future, issue such additional orders as the conditions seem to warrant.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

43. In the Matter of the Application of the UTAH-IDAHO CENTRAL RAILROAD COMPANY, for permission to increase its rates within city limits of Ogden, Brigham and Logan, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH-IDAHO CENTRAL RAILROAD COMPANY, for permission to increase rates within the city limits of Ogden, Brigham and Logan, Utah.	**CASE No. 43**

Submitted June 6, 1918. **Decided July 16, 1918.**

REPORT OF THE COMMISSION

By the Commission:

The above entitled case came on for hearing before the Commission at Ogden, Utah, June 6, 1918, upon the petition of the said Railroad Company, there being no protest or opposition, written or otherwise, offered.

The petition states that said Railroad Company owns and operates an electric street railroad system in the City of Ogden, County of Weber, and likewise an electric street railroad system in Brigham City, County of Box Elder, and also an electric street railroad system in the City of Logan, County of Cache, all being in the State of Utah.

The petitioner desires to change and amend its tariff filed with the Commission by striking out or omitting therefrom Item No. 2, as follows, to-wit:

"REGULAR COMMUTATION TICKETS"

"Commutation tickets of six (6) fares for twenty-five (25) cents will be issued, the holders of such tickets to have the same transfer privileges accorded to passengers paying regular fare";

and to publish said tariff as amended, as petitioner's tariff, naming its local fares within the city limits of the cities of Ogden, Brigham and Logan, and also its rules and regulations governing the same, as set out in the amended tariff.

Petitioner alleges as its reason for asking such change that the rates now in effect in said cities do not yield a reasonable or adequate return for the service rendered, and that it is necessary for the petitioner to increase its revenues in order to enable it to provide safe and efficient service to its patrons, and to meet the increased cost and expense incident to the maintenance and operation of said street railroad systems due to the advance in cost of labor and material.

At the hearing on the said application, testimony was presented by the petitioner and exhibits were introduced showing cost of operation of the city lines and revenue produced therefrom during the fourteen months' period, from March, 1917, to April, 1918, both inclusive, showing a net deficit of $66,607.92, said deficit, or the amount thereof, being shown by the following:

Statement of Cost of Operation of City lines and Revenue produced therefrom during the fourteen months' period, March, 1917, to April, 1918, inclusive.

Maintenance of Ways and Structures	$ 37,974.92
Maintenance of Equipment	22,906.56
Power	31,973.78
Conducting Transportation	80,159.59
General and Miscellaneous	23,260.29
Total Operating Expenses	$196,275.14
Gross Operating Revenues	225,522.77
Net Operating Revenues	$ 28,247.53

Deductions from Operating Revenues:		
Taxes	$ 11,200.00	
Depreciation on Equipment	4,240.45	15,440.45
Gross Income		$ 12,807.08
Deductions from Gross Income:		
Interest on Bonded Indebtedness		79,415.00
Net Deficit		$ 66,607.92

An exhibit was filed showing the advances in labor costs during the year ending March 31, 1918, in comparison with the year previous. The increase was shown to be $14,422.57, or seventeen per cent. The increase since 1916 in the cost of materials used for repairs and replacements was shown by the testimony to be an average of seventy-seven per cent.

A statement of expenditures incurred on the city lines during the past nine months, or about to be incurred by necessary public improvements not within the control of the petitioner, shown an amount of $111,450.65. This is principally for street paving already done or planned for early construction in Ogden City and Logan City.

An examination of the above figures would indicate that the revenue derived from the present rates is not adequate to cover necessary expenditures and to continue to furnish reasonably safe and efficient service for the public.

This Commission recognizes that a valuable factor to be used in rate-making is a physical valuation of property used and usable by a utility, and, if this case were one that seemed to demand the expenditure of the time and money that would be required to make such a valuation, it would be proper to defer rendering a decision until that work had been accomplished.

It is our opinion, however, that in a case such as this one, wherein undisputed evidence seems clearly to show that the revenues derived from operation are insufficient to pay operating expenses, taxes, bond interest, etc., and to set up a proper depreciation reserve, it matters little what might be the actual physical valuation of the property. We feel justified, therefore, in proceeding to a determination of this matter and to an issuance of our order herein without expending funds or consuming time in making a physical valuation, which, in such a case as this, would be only one of several factors upon which rate-making would properly be based.

This is an emergency matter, as we view it, arising out of conditions brought about by the World War. The petitioner is not asking in this proceeding to be made entirely whole, or to be reimbursed in full for its additional costs due to advancing values of labor and materials. At best the relief asked for will only partially cover the items of additional expense. It was testified that the increased revenue will only serve to cover an impending advance in wages of the street railway employes. According to the testimony introduced, there will still be a deficit arising from the operation of the street railway lines of the petitioner. Certain economies of operation were stated to be under consideration by petitioner's management, which, it is hoped, will assist in minimizing the net deficit.

As before indicated, there were no protests at the hearing and, in fact, there were no representatives present of the cities of Ogden, Brigham and Logan. This would indicate, in view of the notices given of such hearing, that the demand of the petitioner was considered not unreasonable. Notwithstanding the failure of the citizens of Logan and Brigham to reply to said petition in any way, the Commission took the matter up with the civil authorities of Logan and Brigham and with commercial organizations of these cities, and were informed that they had no protest to offer and had no reason to question the reasonableness of said increase and would interpose no objection to a decision being rendered which would result in the increase fares asked for in the company's petition. The Mayor and City Commissioners of Ogden filed a letter saying they would make no protest to the petition.

The evidence herein disclosed the fact that separate accounts were not being kept of operations of the company in the several cities. The petitioner should be required to keep an account of operations of the different city street railway lines; so that at any time a separate report could be had. Under protest of either of the cities in question, it would be necessary for the railroad company to separate such accounts. The cities in question are some distance apart; their population and conditions are to some extent different; and if protest were made it would be unreasonable and unfair to permit a system of accounting which combines and confuses the revenues and expenses of the separate properties or any part thereof. It would appear that the operation of a street railroad system in any city should be continued only where

necessity and convenience require the furnishing of such service.

After a full and careful consideration of the matters presented by the petitioners, we find as follows:

First: That the revenues derived from the rates heretofore charged are not sufficient and should be advanced.

Second: That the commutation rate of six fares for twenty-five cents should be abolished, as prayed for in petition.

Third: That the petitioner should forthwith change its accounting system so as to clearly reflect the financial condition of its street railway lines in Ogden, Brigham and Logan, separately.

An order will be entered accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:
(Signed) HAROLD S. BARNES,
Assistant Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of July, A. D. 1918.

In the Matter of the Application of the UTAH-IDAHO CENTRAL RAILROAD COMPANY, for permission to increase rates within the city limits of Ogden, Brigham and Logan, Utah. } **CASE No. 43**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the Utah Idaho Central Railroad Company, be, and the same hereby is, permitted and authorized to amend its tariff filed with the Commission, by striking out Item No. 2 thereof, relating to commutation

tickets, thereby abolishing the commutation rate of six fares for twenty-five cents, and to discontinue sale of said commutation tickets.

IT IS FURTHER ORDERED, That commutation tickets now outstanding be honored until and including July 31, 1918, and be redeemable in cash at the cost price thereof on presentation at the office of the Utah Idaho Central Railroad Company on or before December 31, 1918.

IT IS FURTHER ORDERED, That applicant forthwith change its system of accounting so as to segregate the operations of the street railway lines in Ogden, Brigham and Logan.

This order shall be effective July 20, 1918.

By the Commission.

(Signed) HAROLD S. BARNES,
Assistant Secretary.

(SEAL)

44. In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to effect operating economies and to increase its revenue.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to effect operating economies and to increase its revenues. } **CASE No. 44**

Submitted June 17, 1918. Decided August 9, 1918.

J. F. MacLane for petitioner.

Richard Hartley for Salt Lake County.

W. H. Folland for Salt Lake City.

D. W. Moffatt for Murray City.

E. A. Walton and T. D. Walton for E. A. Walton.

C. T. Steney and Alfred Sorensen for Citizens' Committee.

A. S. Baker and J. A. Roeder for Street Car Union Committee.

REPORT OF THE COMMISSION

By the Commission:

Applicant herein asks permission to advance its rates and to effect certain economies in operation, for reasons alleged in its petition, the principal one being its increased costs resulting from advanced wages. To secure the relief the Company proposed:

1st. To operate its cars, excepting in congested districts of Salt Lake City, with one man.

2nd. To impose a charge of one cent for transfers.

3rd. As an alternative to the first and second propositions to charge a six-cent cash fare instead of the present price of five cents, and to sell commutation tickets available to all of its patrons in books of eighteen for a dollar.

The application for an increase of rates was opposed by Salt Lake City Corporation, Salt Lake County, Murray City, E. A. Walton, Citizens' Committee, the Amalgamated Association of Street and Electric Railway Employes of America, Division 382, and a number of other organizations and individuals. The Railway Employes' organization objected to the operation of cars by one man, and others of the protestants were also opposed to the proposition of changing the manner of operating the cars from two men to one man.

The Company based its request for relief upon the fact that it had advanced wages to its employes in the sum of $89,000.00 per annum; that said increase had been made in keeping with the findings of a Board of Arbitration selected by the parties concerned; that the Commission had heretofore found, in Case No. 6, that the Company was entitled to an advance in the rates, and had ordered an advance to a straight five-cent fare; that since said adjustment by the Commission, the said wage increases had become effective; that the adoption of either of the plans submitted by the Company would not more than make good such additional cost on the operation of the street railway.

The question of increasing the rates charged by the petitioner has, as stated, previously been before the Commission in Case No. 6, which was decided December 29, 1917. From the showing made in that case, the Commission found that the Company was entitled to some relief, for the reason that the revenues then were not sufficient to compensate the Company for the service being given. The relief granted consisted

of discontinuing the four-cent commutation tickets and charging a rate of five cents cash. There were also changes in the zones on some of the suburban lines of the Company. As a result of such change of rates it was estimated that the Company would realize $120,000.00 per year. Said rates became effective January 1, 1918, and since that time have been maintained in keeping with the order of the Commission.

It was stipulated by the applicant and the protestants that the testimony given in Case No. 6 might be considered by the Commission in this case, in so far as it was material to any of the issued raised in this action. Testimony taken in Case No. 6 was not materially changed by the evidence given in the present case, but additional showing was made of the operations of the Company, its receipts and disbursements, its advance in wages, and increased cost of material since the order in Case No. 6 became operative.

The question of the operation of cars by one man, as proposed by the Company for the purpose of cutting down expenses, occupied considerable time in the submitting of testimony as to the propriety of such change. Evidence was given for and against such operation. It was claimed by the Company that if the one-man operation were introduced it would cut down the operating expenses, and result in reducing the cost of service, in the sum of about $43,000 per year. In the opinion of the Commission the evidence was sufficient to at least warrant a try-out of such operation. It appeared to us that if it should be demonstrated by trial that such change of operation could be made without sacrificing safety or impairing the service, the change should be made.

The question of the physical effect of one-man operations upon the employes themselves, was fully considered. This is an important matter, for without due provision for the physical welfare of men who toil and furnish, in connection with the power and equipment, the service necessary to meet the requirements of the people, such service would become inadequate and unsafe. Conditions under which the men work should be such as provide reasonable safe-guards against danger to life or health of employes and of the traveling public. Where such provisions are lacking, the employer should be required to improve the conditions and furnish such necessary conveniences as the nature of the employment warrants or demands. There is more or less risk and hazard attached to most all kinds of manual employment. This is per-

haps true especially in the conducting and controlling of street cars, and in handling the general public. But, while the Commission recognizes this hazard, it did not seem to us that it was clearly shown that the one-man operation, in the modified form proposed, was more dangerous to life or limb, or necessarily more injurious to the health and well-being of the men, than was the present operating method. Certain conveniences for the use and comfort of the employes might be provided, and we think should, in any case, be provided, that would meet in great measure the objections urged by the platform men. For the rest, it would seem only necessary to familiarize the public and the employes with the new plan to make it safe and satisfactory.

The plans and methods by which a utility gives service to the public are largely in the hands and at the discretion of such utility, unless the operation shall be conducted in a manner that is prejudicial, injurious or unjust to the public or to the employes. In the matter of one-man operation, the attitude of the Commission was that before it should be installed, a trial should be made of such operation, and consequently the consent to make a trial was given by the Commission. The try-out of the new plan was not made, however, for the reason that the platform men determined to strike, and thereby tie up the operation of the street car system, rather than permit the test to be made. This would have resulted in great harm and inconvenience to the public and to the Company, and the matter was not pressed. The attitude of the platform employes of the Company will postpone, for the present time, a consideration by the Commission of relief by reducing in that way the cost of the service.

This Commission takes the position, nevertheless, that every service to the public should be had at the lowest possible price consistent with safety and adequacy, and that no unnecessary expense should be incurred or allowed. The patrons are entitled to service at such rates as are reasonable, based upon legitimate and necessary cost. We are convinced that the plan of one-man operation should have been submitted to and passed upon by the arbitrators in connection with the question of advanced wages. No one is justified in demanding a privileged consideration or in adding to the cost of furnishing a service, unless such additional consideration and cost is a necessary element in the furnishing of such service.

Inasmuch as there was determined opposition to the adoption of the only plan proposed that gave promise of reducing the cost of the service, and inasmuch as the public, that uses the facilities of a utility, are and should be required, by proper rates and fares, to provide revenue sufficient to justify the rendering of the service it demands, there seems left to the Commission no alternative but to grant such increase in fares as is necessary to continue the utility a going concern.

From the showing made under the present application considered in connection with the testimony given in Case No. 6, it would appear that some relief should temporarily be given the applicant to cover the advanced wages required to be paid to its employes. In order to furnish such relief, the Company should be authorized to collect a six-cent cash fare on its city lines, and for each zone on its suburban lines, instead of the present five-cent cash fare, and to sell commutation tickets available to all patrons, in books of twenty tickets for one dollar, each of said tickets to be accepted in lieu of said six-cent cash fare.

In arriving at this conclusion as to the increase required to return the necessary additional revenue, we have taken as a basis of computation the figure submitted by the applicant at the hearing (Petitioner's Exhibit No. 3) which are as follows:

Estimated Annual Increase in Revenue resulting from a 6-cent cash fare and a 5½-cent ticket sold in books of 18 for $1.00—based on number of passengers carried in 1917.

Total paid passengers carried in 1917	34,430,884
Minus school children and employes tickets	769,928
Total adult paid passengers	33,660,856

It is estimated that a 6-cent cash fare would result in a 5 per cent decrease in number of passengers riding, and that 90 per cent of the remaining passengers would use the 5½-cent ticket. Therefore:

95% of the above number of passengers would be carried during the next year, or	31,977,898
90% or 28,780,108 would pay 5½c each, or	

an extra ½c each, which would amount to	$143,905
10% or 3,197,789 would pay 6c each, or an additional 1c each	31,978
Total Cross	$175,883
Minus 5% loss in traffic account increase in fare, or 1,683,058 at 5c	84,153
Estimated net annual increase in Gross Revenue on a basis of 6c cash fare and 5½c ticket sold in books of 18 for $1.00	$91,730

We are not certain that the adoption of a 6-cent cash fare and a 5½-cent commutation ticket would produce the results shown in the above exhibit. It would probably be found that a very much larger percentage of the public would pay the six-cent cash fare than is estimated by the applicant. We base this belief on the Company's experience prior to the Commission's order in Case No. 6, during the time that it had in effect a cash fare of five cents per ride and a commutation book which netted four cents per ride. At that time the passengers who paid five cents, cash fare, were paying 25 per cent more than those who availed themselves of the four-cent ticket privilege. It was the Company's experience, however, that only about 40 per cent of the total passengers, exclusive of those using student tickets, traveled on commutation tickets, the other 60 per cent paying the full five-cent fare.

It would not seem reasonable in the face of this experience, to estimate that 90 per cent of the passengers would buy a 5½-cent commutation ticket instead of paying a six-cent cash fare. While it must be admitted that no one can accurately prejudge what the traveling public will do, we submit that it would be a fairer estimate to say that not to exceed 60 per cent would avail themselves of a five-cent commutation book in order to save twenty per cent, which would be their saving from a straight six-cent fare. Our computation, therefore, in the following table, is based upon an estimate that 60 per cent of the traveling public, other than students, will use the five-cent commutation tickets, and that 40 per cent will pay the six-cent fare. The additional revenue must, of course, all come from the 40 per cent cash fare passengers.

Starting with the same total of passengers carried as given in petitioner's exhibit No. 3, for the year 1917, we arrive at results as follows:

Total passengers carried in 1917	34,430,884
Minus school children and employes tickets	769,928
Total adult paid passengers carried in 1917	34,430,884
40 per cent, or 13,464,342 persons, would pay six cents, or an additional one cent each	$134,643.42
Or, per month, average	$ 11,220.28

The added cost of wages under the arbitrators' award was, per year, $89,000, or per month, $7,416.67. This award went into effect, and the additional wages were paid, on and after May 1, 1918, and, therefore, in the three and one-half months that will have elapsed up to the effective date of this order, there will be an accumulated wage increase amounting to $25,958.34. There will then be still eight and one-half months to run before May 1, 1919, which date will complete the year of the higher wage cost. If the estimated revenue is realized by the applicant, the additional revenue up to May 1, 1919, will more than cover the $89,000, the actual figures being $11,220.28 per month of estimated increased income. This for eight and one-half months gives $95,372.38, estimated increased revenue to cover and make whole by the end of the wage contract period, the $89,000 estimate wage increase for the year.

It will be observed that in Petitioner's Exhibit No. 3, the applicant estimates that there will be a loss of traffic amounting to five per cent, due to the rate advance to six cents per ride. This has not been overlooked by the Commission. But we have nothing before us upon which to base a conclusion that there will be such a decrease, or any decrease, of riders as a result of increased fare. The estimate is founded on conjecture merely. It might and might not be realized. Something similar was estimated by the applicant in exhibits filed in Case No. 6, as to the probable result of increasing fares by the elimination of the four-cent commutation ticket. That advance went into effect January 1, 1918, and loss of traffic, if it had resulted, should have been reflected in the operations since that time. It is interesting to note that the report of passengers carried during the first six months of 1917, and during the same period of 1918, shows an increase of 150,181. The increases were large during the early months of the year, and

until spring opened, making walking convenient and bringing automobiles into use, which occurred much earlier in 1918 than in 1917. Causes entirely apart from the rate of fare may, and undoubtedly do, produce increases and decreases in the volume of traffic. These conditions should be met if, and when, they arise. If a serious decrease of traffic developes, it might be necessary to reduce the service proportionately, to avoid wasteful and unnecessary operation of cars. For the present, however, we are considering only the traffic loss due to advanced rates, and we are inclined to the view that from that cause alone the reduction in number of passengers will not be serious. Owing to there being elements of uncertainty in the calculations and estimates made of the probable results on the revenues of the applicant of the new fare schedule provided for herein, the Commission will keep itself informed in the matter with a view of modifying or supplementing this order if necessary, in such way as to be fair to the applicant and the public.

The attitude of the protestants that a physical valuation should be made, was not an unreasonable one. It is the desire of the Commission to obtain a physical valuation of the applicant's property as soon as practicable. To this end, we shall require the applicant, under the direction of the Commission, to make and complete such valuation within four months from the effective date of this order.

As to the matter of charging for transfers, the Commission does not feel that such charge should be made.

We, therefore, find:

1. That applicant is entitled to temporary financial relief to cover wage advances granted by a board of arbitration.

2. That owing to the attitude of applicant's employes and others who opposed one-man operation of cars, such operation should be left for future consideration by applicant.

3. That applicant's petition for permission to charge 1 cent each for transfers should be denied.

4. That applicant should be permitted to increase its passenger fares from five cents to six cents per ride on its city lines, and on each and every zone as now fixed on its suburban lines.

5. That applicant should provide and have available for convenient purchase by its patrons, commutation books of twenty tickets for one dollar.

6. That applicant should, within four months from the effective date of this order, make a complete physical valuation of all property used and usable in the operations of the traction system, said valuation to be made under the supervision of, and in the manner prescribed by, the Commission; and should file a report of such valuation with the Commission within the time specified herein.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 9th day of August, A. D. 1918.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to effect operating economies and to increase its revenues. } **CASE No. 44**

This case being at issue upon petition and protests on file, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the Utah Light & Traction Company, be, and same hereby is, authorized to assess and collect a cash fare of six cents on its city lines and on each and every zone as now fixed on its suburban lines.

ORDERED FURTHER, That applicant, Utah Light & Traction Company, shall issue books of commutation tickets of twenty rides for one dollar, which commutation books shall be convenient for purchase by all patrons, and which tickets shall be honored upon all city lines and suburban zones in lieu of their six-cent cash fare.

ORDERED FURTHER, That permission to charge one cent each for transfers be, and hereby is, denied.

ORDERED FURTHER, That applicant, Utah Light & Traction Company, shall, under the supervision of and in the manner prescribed by, the Commission, within four months from the effective date of this order, make and file with the Commission, a physical valuation of all property used and usable in the traction system; provided, that the Commission will, in the future, issue orders and rules prescribing the manner in which such valuation shall be made.

ORDERED FURTHER, That applicant Utah Light & Traction Company, shall submit as early as possible after the close of each month, a statement showing operating expenses and revenues accruing under the schedule prescribed herein, together with a statement showing the total number of passengers carried, classified.

(a) Cash fare passengers.
(b) Commutation ticket passengers.
(c) All other passengers.

compared with the same month of the year 1917 and of the year 1916.

ORDERED FURTHER, That the order shall be in full force and effect on and after August 15, 1918. The applicant shall, on or before the effective date of this order, file with the Commission a schedule naming the fares prescribed herein, which schedule shall bear on its title page the following:

"Issued upon less than statutory notice to the public, by authority of the Public Utilities Commission of Utah, Case No. 44, dated August 9, 1918.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

45. **In the Matter of the Application of ALEX GIBSON, for permission to operate a stage line between Salt Lake City and the Cardiff Mine in the South Fork of Cottonwood Canyon, Utah.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ALEX GIBSON, for permission to operation an automobile stage line between Salt Lake City and the Cardiff Mine in the South Fork of Cottonwood Canyon, Utah. } CASE No. 45

Submitted June 3, 1918. **Decided June 8, 1918.**

REPORT OF THE COMMISSION

By the Commission:

Application herein seeks a certificate of convenience and necessity authorizing him to operate an automobile stage line between the Post Office in Salt Lake City, Utah, and the Cardiff Mine in the South Fork of Big Cottonwood Canyon, Salt Lake County, Utah. In support of the application he alleges that more than 100 persons are employed at the Cardiff Mine; that it is now necessary for persons who desire to make a trip to Salt Lake City, or elsewhere, from said Cardiff Mine, to walk approximately three and one-half miles to the line of the stage operating to Brighton, and that it not infrequently happens that the vehicles of the stage line operating from Brighton are so loaded that they can take on no other passengers, and that the residents at the Cardiff Mine are thereby inconvenienced. The applicant sets out the schedule of his proposed operations and the rates to be charged.

Protest against the granting of the certificate of convenience and necessity was entered by James Neilson, who alleges that under an order made by this Commission on the 13th day of May, 1918, he was authorized to operate a stage line in Big Cottonwood Canyon, and he has provided suitable and adequate facilities for the transportation of passengers between Salt Lake City and the Cardiff Mine, and that he is

able to take care of all passenger transportation between said points.

Protestant alleges that there are only twenty men now employed at the Cardiff Mine, and that the reasonable needs of these men do not require additional transportation facilities.

Protestant alleges further that an automobile stage line to said mine up the South Fork of Cottonwood Canyon, is impracticable because of road conditions, and that the operation of an additional line between Salt Lake City and the Cardiff Mine would result in unnecessary duplication of service, waste of time, energy and equipment, and would make the operation of protestant's service unprofitable, thereby impairing the service that the public should receive.

The case was set for hearing before the Commission May 31, 1918. Testimony on behalf of the applicant showed that during the summer season the Cardiff Mine expects to employ 150 to 160 men, and that other mines and prospects in the South Fork of Cottonwood Canyon employ a number of men varying according to the operations of said mines and prospects.

Detailed description of the highway over which the certificate of convenience and necessity is asked, shows that the protestant does not operate a stage line to the Cardiff Mine; his line being from Salt Lake City to the mouth of Cottonwood Canyon, via Holliday, Utah, thence up said Canyon to Brighton. At a point about six miles below Brighton the South Fork of Big Cottonwood Canyon branches off. At this point the Cardiff Mine ore bins are located, the mine itself being three and one-half miles from the ore bins. It appears that persons employed in said South Fork at the various mines and prospects have no means of passenger transportation provided for them to enable them to ride up or down said South Fork between the mines, where they are employed, and the ore bins. When they wish to make a trip to Salt Lake City they make their way down the Canyon to the ore bins and endeavor to get transportation on the Brighton to Salt Lake stages. There was some testimony to the effect that these stages were sometimes loaded so that the South Fork people could not be accommodated.

On the trip from Salt Lake City to the Cardiff Mine and other places of employment in the South Fork, the passengers, if carried by the protestant, would be discharged at the ore

bins with no means of being transported to their places of employment.

The applicant has been carrying mail and small parcels for the mining companies and for the employes in the South Fork for a number of years past, and his service has been the only regular transportation line open to that district. It was testified that he continued his service throughout the year, and that it was a great convenience to those operating the mines and to those employed by them. Testimony of parties interested in the South Fork, and letters and a petition filed with the Commission, were favorable to the granting of applicant's petition.

On behalf of protestant the testimony was that there would be some loss to his transportation line if any other service were permitted to operate carrying passengers from Salt Lake City to the Cardiff and intermediate points.

It was shown, however, that about 90 per cent of the passenger traffic of protestant's line was through traffic between Salt Lake City and Brighton, and that approximately 10 per cent of said traffic was to or from the Cardiff ore bins.

As to the practicability of operating an automobile stage line up the South Fork to the Cardiff Mine, there was a direct conflict of testimony, the applicant declaring that the route was feasible and safe for the operation of an automobile, while the protestant insisted that an automobile could not be successfully operated over the steep grades that would be encountered. The applicant, however, was corroborated in his testimony by the testimony of other witnesses, that automobiles actually did make this trip successfully, and that inasmuch as the road conditions in the South Fork are being improved it will be possible and practicable to make regular trips with an automobile during the summer season.

We are, therefore, called upon to decide whether the claims of those interested and employed in the South Fork are sufficiently strong to out-weigh the partial duplication of service that would be permitted if this certificate is granted. Inasmuch as this duplication exists in only a limited degree, because very few passengers will begin or end their journey between Salt Lake City and the Cardiff ore bins, it would seem proper to grant the petition, for the reason that the service will principally benefit those who now have no service provided for them between the Cardiff Mine and the ore bins.

We, therefore, find the fact to be that a public convenience and necessity exists for the establishing and operating of an automobile stage line between Salt Lake City and the Cardiff Mine, via Big Cottonwood Canyon and the South Fork; that the said applicant should be permitted to file his proposed schedule of rates with the Commission and begin the operation of said stage line, operating same under and in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

An order will be entered accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 10

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of June, A. D. 1918.

In the Matter of the Application of ALEX GIBSON, for permission to operate an automobile stage line between Salt Lake City and the Cardiff Mine in the South Fork of Cottonwood Canyon, Utah. } **CASE No. 45**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof.

IT IS ORDERED, That a certificate of convenience and necessity, be and is hereby, granted applicant, to operate an automobile stage line for the transportation of passengers between Salt Lake City and the Cardiff Mine, via Big Cottonwood Canyon and the South Fork.

IT IS FURTHER ORDERED, That said applicant shall publish and file with the Commission, a tariff naming rates for such transportation of passengers, which shall not exceed the following schedule:

Between Salt Lake City and the Cardiff Mine:
One way ---------- $2.00
Round Trip ---------- 3.00
Children under 12 years of age, one-half above fares.

provided, that the Commission may, upon proper showing, order such change in the fares charged, as circumstances may require.

IT IS FURTHER ORDERED, That said applicant, Alex Gibson, shall at all times operate such stage line in accordance with the rules and regulations prescribed by this Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

46. In the Matter of the Application of EDWARD CARROW, for permission to operate an automobile freight and passenger service between Salt Lake City and Brighton, in Big Cottonwood Canyon, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EDWARD CARROW, for permission to operate an automobile freight and passenger service in Big Cottonwood Canyon, Utah. } CASE No. 46

Submitted June 3, 1918. Decided June 8, 1918.

REPORT OF THE COMMISSION

By the Commission:

This matter came before the Commission on an application for a certificate of convenience and necessity for the operation of automobile truck lines for carrying freight and pas-

sengers from Salt Lake City to Brighton, at the head of Big Cottonwood Canyon, and intermediate points, via Murray, and also to occasionally carry freight or passengers up the South Fork of Big Cottonwood Canyon to the vicinity of the Cardiff Mine, and to intermediate points.

Applicant states in his petition that he intends to run a stage line beginning each year on or about the 10th day of May, and continuing until the latter part of October. In the petition the hours for leaving Salt Lake City and leaving Brighton are stated, and the fares proposed to be charged for both passenger and freight service are set out.

The granting of the petition was opposed by James Neilson, in a protest filed May 18, 1918, in which it is alleged that protestant has heretofore been authorized by the Commission to operate an automobile freight and passenger service between Salt Lake City and Brighton, and that he is now operating daily passenger service between such points, and has provided for such freight business between said points as the demand therefore requires; that he has made provision for increased passenger and freight transportation by equipment and facilities which are in all respects adequate for the present and future convenience of the public.

The protestant states that he is operating service upon a regular daily schedule, traveling in the most direct route to Cottonwood Canyon, via Holliday, where connection is made with the street cars of the Utah Light & Traction Company; that he was engaged in operating an automobile passenger and freight service up said Canyon to Brighton during the years 1916 and 1917, during which time he became familiar with the wants of the public and the demand for service between the points mentioned; that the principal demand for such service comes from residents of Salt Lake City during the summer months, in traveling to Brighton to summer residences and returning therefrom to Salt Lake City; that very little freight traffic or passenger traffic to Brighton originates in Murray; that the demand for transportation of passengers and freight at the present time, between the points named, does not require the use of more than one touring car, and the freight transportation requires only occasional hauling for mining companies operating in said Canyon; that protestant is able, with existing facilities, to furnishing adequate service for all present wants, and that he has provided sufficient equipment to furnish adequate transportation service as the demand

increases, either along the present route via Holiday, or via Murray if it shall be determined that regular or occasional service through that City is necessary or desirable; that there is no present demand for additional freight or passenger service up the South Fork of Big Cottonwood Canyon to the vicinity of the Cardiff Mine; that such service is impracticable on account of road conditions; that the operation of an additional automobile line between Salt Lake City and Brighton would result in ruinous competition and unnecessary waste of time, energy and equipment.

The case came up for hearing May 31, 1918. Testimony of the applicant was that he operated a freight line up Big Cottonwood Canyon, serving the various companies doing business in that Canyon, and also the people at Brighton, during the year 1917, and that he found the freight business profitable during said year of 1917; that during the year 1916 he had carried on a passenger transportation business over the same route, jointly with his freight service, but that in 1917 he sold his passenger business to one Ora Petty, and thereafter conducted only a freight business during the remaining part of that year. He further testified that he made as much or more on freight business in 1917 as he did on freight and passenger business in 1916.

Other testimony given on behalf of the applicant indicated that some mining operators, with properties in the Silver Fork Canyon, desired to have the applicant continue his service.

On behalf of the protestant it was testified that there was no need for additional passenger service to Brighton and intermediate points; that protestant had provided sufficient equipment to handle all the business along the route.

Protestant presented figures purporting to give the financial results of his operations in 1917, for the purpose of showing that his net receipts were not more than sufficient to provide reasonable compensation for the service performed. Some details of protestant's accounting were challenged by the applicant, but it appeared from the testimony that the returns, after providing for expenses and depreciation of equipment, were not large enough to permit of being divided as they would be if another line for passenger transportation was permitted to operate in competition with protestant's line.

There was very little testimony affecting the freight transportation feature of applicant's petition.

We must, at this point, take occasion to say that the protestant is apparently under a misapprehension as to the purport of the Commission's order granted to him under date of May 13, 1918. That order, which was based upon his application filed March 20, 1918, gave permission for the operation of a passenger stage line only. Indeed his petition did not specify that he desired to operate a freight transportation line. We must conclude, therefore, that the protest filed in this case was inadvertantly in error wherein it stated that the Commission had granted him permission to "operate an automobile freight and passenger service between Salt Lake City and Brighton."

Inasmuch, therefore, as there has been no order of this Commission permitting any freight line to operate in Big Cottonwood Canyon, and inasmuch as it was made to appear that the applicant herein had conducted a profitable business while handling the freight traffic only, during 1917, we find that it would be proper to grant that part of applicant's petition which asks for permission to operate a freight line from Salt Lake City via Murray and Big Cottonwood Canyon, to Brighton, serving the intermediate points, including points in the South Fork of said Canyon, and to deny that part of applicant's petition which asks for permission to operate a passenger transportation service over the same route, this denial being made on the ground that public convenience and necessity does not require an additional passenger service over the route in question.

An order will be entered accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 11

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of June, A. D. 1918.

In the Matter of the Application of EDWARD CARROW, for permission to operate an automobile freight and passenger service in Big Cottonwood Canyon, Utah. } CASE No. 46

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of Edward Carrow for a certificate of convenience and necessity to operate an automobile stage line for the transportation of passengers between Salt Lake City and Brighton, be, and is hereby, denied.

IT IS FURTHER ORDERED, That the applicant, Edward Carrow, be, and is hereby, granted a certificate of convenience and necessity authorizing him to operate a truck line for the transportation of property only, between Salt Lake City and Brighton, and intermediate points, including the South Fork of Big Cottonwood Canyon to the vicinity of the Cardiff Mine.

IT IS FURTHER ORDERED, That applicant shall file with the Commission a tariff naming rates and charges for the transportation of property, which shall not exceed the following schedule:

All freight, other than ore, between Salt Lake City and Brighton or South Fork:

$1.00 per cwt.

Ore: From mines to Midvale and Murray:

$6.00 per ton of 2000 lbs.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

47. In the Matter of the Application of KIMBALL & RICHARDS, for permission to cross tracks at the intersection of Gregson Avenue and Oregon Short Line tracks, Salt Lake City, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of KIMBALL & RICHARDS for permission to cross tracks at the intersection of Gregson Avenue and Oregon Short Line tracks in Salt Lake County, Utah.	CASE No. 47

Submitted May 28, 1918. **Decided June 11, 1918.**

REPORT OF THE COMMISSION

By the Commission:

The petition of the Oregon Short Line Railroad Company filed in the above entitled matter, came on for hearing before the Commission, in which it is asked that the Commission vacate and set aside a certain order issued in said matter on May 6, 1918, or that the entire expense of opening and establishing the crossing in question be imposed on Kimball & Richards.

The records in the above entitled matter disclose the following facts:

That on February 23, 1918, a request was filed by Kimball & Richards, asking the Commission to open up right-of-way and crossing at the intersection of Gregson Avenue and the Oregon Short Line right-of-way, as shown on a map filed with the Commission.

March 1, 1918, the Oregon Short Line Railroad Company, by its attorney, George H. Smith, was notified of the petition and requested to inform the Commission as to its attitude concerning the matter.

March 9, 1918, in reply to the above request of the Commission, the Attorney for said Company wrote informing the Commission that the Oregon Short Line Railroad Company had no objections to the establishment of the crossing; and thereupon the Commission sent out its special investigator, who made his report recommending that such crossing be

opened up; and thereafter Commissioner Stoutnour, upon further investigation and examination, filed his report as set forth in the files in this case, March 21, 1918, recommending the opening up of said street and crossing, which report included the matter of cost to the applicants as well as to the railroad. Upon examination of such report, the Commission issued its order, dated May 6, 1918.

The hearing upon the petition of the Oregon Short Line Railroad Company came on May 28, 1918, the testimony showing that said Gregson Avenue had been dedicated January 25, 1918, by the owners of the property through which it passes, for the perpetual use of the public, and that on the 17th day of April, 1918, by action of the County Commissioners of Salt Lake County, such dedication was accepted and approved.

The contention of the Oregon Short Line Railroad Company is that the provisions of the order issued May 6, 1918, are unjust and unreasonable, in that the establishment of said proposed highway is of no benefit and advantage whatever to the Oregon Short Line Railroad Company, but, on the contrary, is a distinct detriment in that it would cross the main lines of the said Oregon Short Line Railroad as well as the middle of the passing track, said passing track being also used to serve certain industries; that the establishment of said crossing would be of no benefit to the public generally, but only a benefit and advantage to Kimball & Richards in their real estate enterprise. The Oregon Short Line Railroad Company further takes the position that they should not be required to spend sums of money for the purpose of constructing and maintaining necessary safe-guards for such a crossing.

Upon that question Section 445 of the Compiled Laws of Utah, 1907, lays down the law that every railroad company shall be liable for damages caused by its neglect to maintain good and sufficient crossing at points where any line of travel crosses its road. Under the law the railroad is required to construct and maintain suitable conveniences for crossings for travel on highways and roads used by the public.

The question might arise in this case as to whether or not this is such a highway as is contemplated by law. The testimony was to the effect that Gregson Avenue has been dedicated by the owners of the land through which it extends, for public use, and that such intention of dedication is shown by a map filed in the office of the County Clerk, Salt Lake County, and that the acceptance of the dedication of said Avenue has

been proved by the action of the County Commission, as above referred to.

The above rule is supported by our Supreme Court in the case of Culmer vs. Salt Lake City, reported in 27 Utah Reports, Page 252, as follows:

> "Land is held to be dedicated when it is set apart by the owner for a public use. 'A dedication may be either express or implied. It is express when there is an express manifestation on the part of the owner of his purpose to devote the land to the particular public use, as in the case of a grant evidenced by writing. It is implied when the acts and conduct of the owner clearly manifest an intention on his part to devote the land to the public use.' And the authorities all hold that, to make a dedication complete, there must not only be an intention on the part of the owner to set apart the land for the use and benefit of the public, but there must be an acceptance of the dedication by the public."

It further appears, by way of showing the intention of dedication on the part of the owners of said land, that the avenue had been laid out and connected up with other streets, and that trees had been placed on either side of the avenue, showing that the land over which said avenue passes is open for public use.

An examination on the part of the Commission further discloses the fact that the present and prospective residents and holders of the property in the vicinity of the said crossing; and after a consideration of the testimony given in this case, together with an examination of the section of country through which the avenue runs, the Commission is of the opinion that the order heretofore entered is in keeping with the law and the rule governing such case; that the said order issued May 6, 1918, should stand, and that the petition of the Oregon Short Line Railroad Company should be dismissed.

An order will be entered accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of June, A. D. 1918.

In the Matter of the Application of KIMBALL & RICHARDS, for permission to cross tracks at the intersection of Gregson Avenue and Oregon Short Line tracks in Salt Lake County, Utah. } **CASE No. 47**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That the application of said Oregon Short Line Railroad Company be, and hereby is, denied and that said Oregon Short Line Railroad Company shall comply with the terms of grade crossing permit No. 21, issued by this Commission May 6, 1918.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

48. In the Matter of the Application of the MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to change, re-adjust and modify toll rates and its rules and regulations providing for service connection charge in the State of Utah.

Application in this matter was filed May 27, 1918, and partial hearing has been held. Upon petition of the applicants the matter has been postponed until April 1, 1919.

PENDING.

49. In the Matter of the Application of the SALT LAKE & DUCHESNE STAGE COMPANY, for permission to operate a passenger and express automobile stage line between Duchesne and Provo, Utah, via Fruitland, Strawberry, Heber and Provo Canyon.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & DUCHESNE STAGE COMPANY, for permission to operate a passenger and express automobile stage line between Duchesne and Provo, Utah, via Fruitland, Strawberry, Heber and Provo Canyon, Utah.	CASE No. 49

Submitted June 25, 1918. **Decided July 25, 1918.**

Appearances:
Fred L. Watrous for petitioner.
Gustin, Gillette & Brayton for protestant.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled matter came on for hearing at Duchesne, Utah, on the 25th day of June, 1918, upon the application of the Salt Lake & Duchesne Stage Company, together with a protest of the Daisy Stage Line Company. The parties were represented as above indicated, and the testimony taken was in effect as follows:

That Chris Anderson, Manager of the Company known as the Salt Lake & Duchesne Stage Company, had for some time operated an automobile stage line between Duchesne and Heber City and Park City, and that before and during the operation, and especially during the years 1916 and 1917, Mr. Anderson had spent his time and money upon the roads which were, before that time, almost impassable for automobiles; and that through his efforts he, in co-operation with the County Officers, improved the roads in such manner as to attract more travel through and over what is known as Strawberry Route;

that during the time mentioned he had arrangements with the Duke Stage Line to handle traffic between Heber City and Park City, and during the time he operated to Park City likewise had an understanding with the Daisy Stage Line to take his passengers from Park City on to Salt Lake, and he to take the Daisy Stage Line passengers from Park City on to Duchesne; that he desired to change the terminus of his stage line from Heber City to Provo City, thereby operating from Duchesne to Provo City, where passengers, if they desired, could connect with the Orem Line; that he was now operating such stage line between Duchesne and Provo, and was equipped to take care of any and all traffic between such points.

The Daisy Stage Line claims a preference right over the said Duchesne Stage Company upon the grounds that said Daisy Stage Line had succeeded to rights and privileges, of giving auto service as contemplated by a permission issued by the Commission in favor of Smoot and Sturn, dated the 1st day of April, 1918, which authorized P. D. Sturn and A. F. Smoot to establish and maintain an auto stage line for the transportation of passengers between Park City and Vernal, Utah, and that the traffic and demand for service over said route is not sufficient to warrant the operation of any more than one automobile stage line; that a large percentage of the traffic coming from Duchesne is usually routed direct to Salt Lake City, and that there would of necessity be required a transfer of passengers at Heber City if they were brought from Duchesne to Heber City by the applicant.

It further appeared that the said Smoot and Sturn did for a short time operate the stage line from Park City to Duchesne under an order of the Commission, but thereafter transferred their right to the said Daisy Stage Line. It also appears from the record that at the time permission was given to Smoot and Sturn the transportation of passengers by said Anderson from Duchesne to Heber City was not taken into consideration, notwithstanding it now appears that Mr. Anderson had been for some time and was, in fact, then operating between said points, except at times when the roads were impassabe. The reason, it would appear, for not taking into consideration the service offered by Mr. Anderson was that he had failed to file his schedule and rates, claiming a lack of understanding as to the requirements of the law.

The report submitted by the Daisy Stage Line during the period commencing May 11, 1918, and ending June 25, 1918,

shows 97½ passengers enroute from Salt Lake to Duchesne, for which they received on through fares $877.50, together with amount received on local fares, $443.34, making a total of $1,320.84 for passengers Salt Lake to Duchesne and intermediate points.

The report further shows that during the same time there were 77 passengers from Duchesne and intermediate points to Salt Lake, for which they received through fares of $693.00, local fares $389.43, making a total of $1,082.42, grand total $2,403.27 for forty-six days' service on the road.

The petitioner reports the number of passengers from Duchesne to Provo from June 1, 1918, to June 25, 1918, 59; the number of passengers from Provo to Duchesne from June 1, 1918, to June 26, 1918, 33, making a total of 92 passengers.

The reports, however, do not show the amount that it cost to furnish the service, yet a reasonable deduction from the gross receipts as indicated by the reports above mentioned would raise a question as to whether or not two auto service corporations in taking care of traveling public, at a reasonable price, would receive sufficient returns to make such service desirable and attractive.

No doubt, a reasonable auto service from Salt Lake, Provo and other points into the Duchesne country will tend to encourage and increase the traffic to and from the point in question, but at the present time it would appear that the traffic is not such as will guarantee any great returns for the service offered by the two companies in question.

If this were a case in which the petitioner had no other consideration or claim for a right to an order than the application made April, 1918, there would be no question as to the correctness of the attitude taken by the protestant. It appears, however, that at the time and before the Public Utilities Law became operative, the applicant or parties interested therein were engaged in the service of carrying passengers from Heber City to Duchesne, and, under such condition, he was not required by the terms of the Act to make application for a certificate of convenience and necessity, but it was necessary, under the law, for the parties so acting at the time the law became operative, to file with the Commission a schedule of rates, which would be a notice, not only to the Commission, but to the public that the party or parties so operating were offering and extending such service over the route designating the time and setting out the rates to be collected.

The files and records in this case show that Chris Anderson had been written to concerning the manner and time of filing schedule and rates, but for some reason no rates were filed. We might here observe, the matter of filing rates by public utilities has required considerable attention on the part of the Commission, in order to obtain rates and schedules, and many of the utilities in the State have delayed, others failed to file such rates, no doubt, on account of the lack of due appreciation of the requirements under the law.

The order issued to Smoot and Sturn was for the privilege of operating auto service between Park City and Vernal and was issued without any formal hearing and under the impression on the part of the Commission that if other service was being offered between and upon the routes in question, it was not sufficient to take care of the requirements of the public. Subsequent information has developed that there had been, and was for a long time prior thereto, auto service between Park City and Vernal, as above referred to.

The application herein covers the territory between Provo and Heber City, which forms a part of the route over which it is asked that the applicant be allowed to operate; and it further appears that there is no service between said Provo City and Heber City with the exception of a daily train operated by the Denver & Rio Grande Railroad Company.

In this case it is somewhat difficult to reach a decision, for the reason that both applicant and protestant have some claim and reasons for being granted a privilege and right to operate on the route in question and, after a full, careful consideration of the matters submitted in this case by the testimony, together with an examination of the records in the office of the Commission, it would appear that Mr. Anderson, representing the applicant, under the showing, is entitled to some consideration for the efforts he has made and for the service he has offered. His failure to file under the law, rates and schedules, no doubt, in part is responsible for the acts of the Commission in concluding that there was a necessity and convenience for the establishing of an auto service by Messrs. Smoot and Sturn.

If the testimony of Mr. Anderson is true, it may well be presumed that Messrs. Smoot and Sturn knew, or had reason to believe, that there was a service being offered by Mr. Anderson from Duchesne to Heber City, and that at the time the Daisy Stage Line absorbed and took over the interests of

Messrs. Smoot and Sturn it likewise, under the testimony, had reason to believe that a service was being offered for the purpose of transporting passengers from the points in question.

There is no dispute or contention as to the operation of the stage line from Heber City to Provo, or that the applicant is the only party offering service between those points. There does not appear to be any protest or objection on the part of the applicant against the service offered by the Daisy Stage Line, with the exception that it is the opinion of some of the witnesses that there is not sufficient patronage for two companies.

So, that from all the conditions and the history presented in this case, it would appear that unless the Commission is to penalize Mr. Anderson for his failure to file the necessary schedules and rates, he is entitled to a consideration equal to the protestants at least.

It appears from the files in this case, that the Daisy Stage Line, in connection with its protest, has also filed an application in which it prays that the Public Utilities Commission grant permission to operate passenger service over the route in question; said petition was considered in connection with the protest, and if leave is given under said petition, it must be predicated upon an assignment of rights and privileges under the order of the Commission heretofore issued in favor of Messrs. Smoot and Sturn.

It would seem that there is no objection to such petition, and, under the showing, it would appear that the proper thing to do is at least for the present to allow the operation of both companies.

We, therefore, find from the facts presented that the application of the Salt Lake & Duchesne Stage Company should be granted, and that a certificate of convenience and necessity should be issued accordingly; that the application of the Daisy Stage Line Company should likewise be granted, and that the protest of the said Daisy Stage Line Company should be dismissed.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING. Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 26th day of July, A. D. 1918.

In the Matter of the Application of the SALT LAKE & DUCHESNE STAGE COMPANY, for permission to operate a passenger and express automobile stage line between Duchesne and Provo, Utah, via Fruitland, Strawberry, Heber and Provo Canyon, Utah.

CASE No 49

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That said applicant, the Salt Lake & Duchesne Stage Company, be, and hereby is, granted a certificate that public convenience and necessity requires the operation of an automobile stage line between Provo, Utah, and Duchesne, Utah.

ORDERED FURTHER, That in the operation of such line said Salt Lake & Duchesne Stage Company shall at all times conform to and comply with the rules and regulations prescribed by the Public Utilities Commission of Utah governing the operation of auto stage lines.

ORDERED FURTHER, That said Salt Lake & Duchesne Stage Company shall immediately file with the Public Utilities Commission of Utah a schedule of its rates and charges which shall not exceed the schedule of rates prayed for in its application.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

50. In the Matter of the Application of UTAH-IDAHO CENTRAL RAILROAD COMPANY, for permission to amend its local and joint freight and passenger rates, rules and regulations within the State of Utah, to conform to the order (No. 28) of the Director General of Railroads, dated Washington, D. C., May 28, 1918.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH-IDAHO CENTRAL RAILROAD COMPANY, for permission to amend its local and joint freight and passenger rates, rules and regulations within the State of Utah, to conform to the Order (No. 28) of the Director General of Railroads, dated at Washington, D. C., May 25, 1918. } CASE No. 50

Submitted August 20, 1918. Decided September 30, 1918.

REPORT OF THE COMMISSION

By the Commission:

The petitioner is a Utah corporation, with its principal place of business at Ogden, Weber County, Utah. Prior to January 1, 1918, it was known as Ogden, Logan & Idaho Railway Company. It owns and operates an electric railroad system, having a main line extending from Ogden, Utah, to Preston, Idaho, with several branches. It operates both freight and passenger cars and trains over its lines, and is engaged in a general commercial railroad business. It also owns street railway lines in Ogden, Utah, Brigham City, Utah, and Logan, Utah, these properties being known as its city lines, while its properties other than street railways are known as its interurban lines. In the instant case we have nothing to do with the city lines, or with their financial condition, these having been given consideration in another proceeding (Case No. 43, decided July 16, 1918).

In an application filed June 7, 1918, the petitioner asks

authority to alter, change and amend its tariffs to conform to the changes in rates, fares and charges made applicable to Federal controlled railroads under Order No. 28, issued by William G. McAdoo, Director General of Railroads, said changes to apply on intrastate traffic, on its interurban lines.

The petitioner alleges that the rates, fares and charges now in effect do not yield an adequate return, and that it is necessary that it be allowed to increase its revenues in order to enable it to provide safe and efficient service for the transportation of freight and passengers, and in order to offset the increased cost of maintenance and operation of its railroad system.

After due notice to the public, the application came on for hearing before the Commission at Ogden, Utah, August 20, 1918. There were no protests filed, or made at the hearing.

The testimony introduced was to the effect that in the operation of its railroad system the petitioner comes into competition with Federal controlled roads whose rates, fares and charges have been advanced under General Order No. 28; that the attitude of the petitioner has been, and is, that it is not under Federal control and it did not, therefore, advance its rates to maintain a parity with Federal controlled lines; that the effect of advancing rates on Federal controlled lines and retaining the present rates on petitioner's lines is, and will be, to deprive the petitioner of its fair percentage and proportion of revenues derived from interline freight traffic, both intrastate and interstate, for the reason that its local rates are in some instances determining factors in arriving at petitioner's proportion of joint through rates.

Testimony was introduced and exhibits were filed tending to show that the petitioner does not derive revenue enough from the operations of its interurban lines, to pay operating expenses, interest on funded and unfunded debt, and depreciation on equipment, properly chargeable to said lines.

Up to March, 1917, the accounting system of petitioner had been such that there was no segregation of the accounts of city lines and interurban lines. For that reason it was not possible to ascertain results of interurban operations prior to that date. There was presented, however, a report for the last ten months of 1917, which showed a deficit for the interurban lines of the Company, amounting to $78,365.72.

A report covering the six months period ending June 30, 1918, showed the following:

Operating income of interurban lines		$ 40,818.29
Other income		248.11
Total income		$ 41,066.40
Interest on funded and unfunded debt chargeable to interurban lines	$116,713.41	
Depreciation on equipment used on interurban lines	2,899.98	
Total deductions	$119,613.39	
Deficit		$ 78,546.99

Testimony offered was to the effect that the capital stock of the petitioner is $5,000,000, and that its bonded indebtedness is $5,000,000, the latter amount being divided between city lines and interurban lines as follows:

City Lines	$1,134,500
Interuruban Lines	3,865,500

There would appear to be no reason to look into the capitalization of the Company with a view of ascertaining what returns should be allowed on the issue of capital stock, inasmuch as the testimony showed that no dividends are being paid thereon, but that the net income is more than exhausted in the payment of interest on funded and unfunded debt of the Company. There is likewise no reason to comment, at this time, on the question of depreciation further than to call attention to the fact that the only depreciation so far set up by the petitioner, as shown by its exhibits, is on equipment or rolling stock used in the Company's operations. The rate of depreciation on this class of property, and the total amount thereof, would seem to be moderate and not more than a proper allowance.

It is beyond dispute that there has been a very formidable increase in the cost of materials and labor that are necessary to be used and employed in the operations of a railroad. The evidence was conclusive that the petitioner has increased the wages of practically all classes of labor that it employs. Based

upon the hours worked during the year ending March 31, 1918, the annual increase has been $30,660.96, or 37 per cent over the wage scale of 1916. It was not contended by petitioner that its current wage schedule was as high as that being paid by Federal controlled lines, but it was stated that in order to retain its organization it would be necessary for petitioner to make wage increases corresponding in some degree, at least, to the increases made on Government controlled railroads.

As to material used for repairs and for general operations of the railroad, a schedule of price obtaining now and prices in effect in 1916, showed the average percentage of increase on various items that form the important purchases by railroads, to be 77 per cent. All of this is reflected, of necessity, in the operating expenses of the railroad, and it is apparent that with costs of operation advancing there must be an advance in income if the utility is to remain solvent, and if it is to continue to give service required by the public.

Under the showing made the petitioner is entitled to such relief by the increase of rates, fares and charges, as shall provide additional revenue with the least possible disturbance of the business and social life of the communty.

We take occasion to say again, however, that under conditions that are prevailing today, it should not be expected on the part of a utility, that it can be made whole by the increase of rates. The public has burdens to carry, as well as the utility companies. In very many instances these burdens are extremely heavy and irksome upon that part of the public which finds it necessary or convenient to use the facilities of transportation companies. In times of stress, such as these, it seems to us proper that the petitioner, and others similarly situated, should be willing to bear their part of the financial load that is being carried by everybody in common. Such relief as we are granting in this case should, therefore, be given by the public and accepted by the utility company, as an emergency measure which is not intended to fully cover the deficit of the Company, but which is intended as a fairly equitable division of the increased burden of expenses.

FREIGHT RATES

The petitioner's railroad line throughout much of the territory it serves, is parallel with the Oregon Short Line Railroad Company, the latter being a steam Federal controlled line. The Cache Valley Branch of the Oregon Short Line

Railroad Company has its terminus at Preston, Idaho, as does the petitioner. Both tap the rich agricultural district in Cache Valley, and the roads run almost side by side from Collinston to Ogden, serving the same communities. The petitioner has joint freight traffic arrangements with the various steam lines entering Ogden. There are also through traffic arrangements with the interuruban lines running south of Ogden.

The result of leaving the present freight rates on petitioner's road as they are, while the advanced rates are in effect on Federal controlled lines, is illustrated in the arrangement that exists for a division of rates between petitioner and the Western Pacific Railroad Company. Under this agreement the division on joint class rates, for instance, between California points and points on the Utah-Idaho Central Railroad, is made by allowing the latter its local rates from Ogden to point of destination. Therefore, with the 25 per cent increase on class rates applying from the point of origin to destination, the Western Pacific receives its division, including the 25 per cent increase, and it also receives the 25 per cent increase on the local rate from Ogden to the point of destination, thus giving to the Federal controlled line the entire 25 per cent increase, and leaving the petitioner with its local rate only. Thus, while the shipper pays the full rate, including the 25 per cent advance made under General Order 28, the petitioner receives no part of the increase.

Under the existing conditions, it would seem proper to allow the increase of freight rates as asked in the petition, with such modifications as seems to be demanded by purely local conditions. These modifications are:

1. The minimum charge for less than carload shipments should remain as at present;

2. The minimum scale of class rates as prescribed by General Order No. 28 should be disregarded.

The petitioner, in common with other interurban lines, has accepted the responsibility of providing freight transportation between communities located along its lines, and any radical change of the present scale of class rates and present minimum charge for small shipments or shipments moving short distances, would work an unnecessary hardship on the shipping public.

PASSENGER FARES

The development of interurban passenger transportation has been promoted by the building of electric lines. More fre-

quent train service has been provided and business and social conditions of local communities have been changed in many particulars by reason of better facilities being given for quickly and cheaply moving from place to place. We regret that a change in this order of things seem necessary. It is only because of the grave condition of the petitioner's finances—a condition that cannot be fully relieved by the freight increases herein provided—that we feel inclined to give consent to any disturbing of the existing scale of passenger rates. And, even under the impelling force of necessity, we approach the question with some misgivings as to the results of any order we might make.

The petitioner depends largely upon its passenger traffic for its revenues. It is quite probable that if its request to be permitted to advance its rates to the full parity with the rates provided in General Order No. 28, were granted, there would be a decrease of traffic seriously and adversely affecting its revenues, while at the same time discommoding the public it has accepted the duty of serving. We recognize the need of the petitioner for additional revenue, not only from its freight service, but from its passenger transportation, and we are inclined to go as far as prudence dictates to provide such increase, but it is not clear to us that it would be proper, at this time, to grant the petition in full. We are more inclined to a modified increase of fares that can be borne without great loss to the public, and that will not too seriously interfere with the volume of traffic, while at the same time it will provide some additional revenue for the petitioner.

While we know that interurban railways are subjected to many of the increases that have confronted the steam roads, we are of the opinion that the war time conditions do not affect the revenues of interurban electric lines to the extent that they do the revenues of steam roads. This would seem an additional reason for not permitting the advance of passenger fares to the level of the Federal controlled lines.

The argument that unless a parity of fares is maintained the interurban lines will injuriously affect the revenues of the Government controlled lines, is met, in our view, by the undoubted willingness and even desire of the Government to curtail passenger traffic on lines over which it has assumed control. It seems to us that in this emergency which is requiring the full motive power and man power on the Government controlled lines to handle the traffic offered, the interurban

lines have a distinct duty and service to perform for the Government in taking over the bulk of the passenger business where they can do so because of parallel lines, and thus relieving the Federal lines of so much traffic, and releasing valuable equipment for Government service, and for the essential industries connected with the war. If this is accepted as a fact, it follows that the fixing of passenger fares lower for interurban lines than those fixed by the Government for lines under its control will not be deterimental to the Government controlled lines. The same argument does not apply to the freight traffic for the reasons indicated herein before.

The petitioner has several classes of passenger fares in effect at the present time, as follows:

One-way fare, three cents a mile.

Return trip fare, one hundred eighty per cent of one-way fare.

500-mile mileage fare, two cents a mile.

1000-mile mileage fare, two cents a mile.

Students' school fare, one and a half cents a mile, (approximately).

It is reasonable to assume that there were good and sufficient reasons for making these various classifications, and that when adopted the fares fixed were not considered prejudicial or discriminatory as between classes of passengers. This being conceded, and the public having become accustomed to the graded system of fares, there appears to us no sufficient reason for abolishing the reduced rate return trip tickets and mileage tickets. In taking this position we are not criticizing the provisions of Mr. McAdoo's General Order No. 28. There were doubtless valid reasons for the sweeping changes made in that order, but those reasons probably do not apply to interurban passenger service, which is designed to handle short-haul traffic in fairly populous districts, providing rapid and regular service, thus differing in many important respects form steam roads, which serve widely separated districts, and render passenger service under difficulties not met with by the petitioner and other electric lines. We, therefore, are inclined to let the return trip ticket remain in use, on the basis of one hundred eighty per cent of the three-cent one-way fare; and to permit an increase in the present mileage rates.

Students' school fares, under present tariffs, approximate one and one-half cents a mile. The petitioner asks for the pri-

vilege of increasing this ten per cent. The cause of education is of paramount importance to the communities served by this petitioner, and we are not inclined, under present conditions, to permit any action that would tend to discourage or retard grade school, high school and college training. The effect on the revenues of the petitioner of denying this ten per cent increase, will not be such as to materially affect the aggregate returns.

The baggage charges now in effect on petitioner's line, vary but slightly from the charges provided for in General Order No. 28, such variations as there are exist only in the charges for short haul movements where the passenger fare does not exceed $1.50. We, therefore, will let the present baggage tariff stand unchanged.

We, therefore, find:

1. That the financial condition of the petitioner is such that it is unable, at present, to meet its fixed obligations and provide adequate depreciation on its equipment and other property, and that it is not now, and has not in the past, been able to pay dividends on the capital invested in the business.

2. That unless its revenues are increased it will be unable to meet its obligations and to continue giving the necessary service to the public.

3. That petitioner should be permitted to increase its freight rates on intrastate traffic to the basis provided by General Order No. 28, issued by William G. McAdoo, Director General of Railroads, with the following exceptions:

(a) Class rate to be advanced 25 per cent, disregarding the minimum scale prescribed by General Order No. 28.

(b) No advance to be made in the present minimum charge on less than carload shipments.

4. The petitioner should be permitted to establish the following basis of passenger fares:

One-way fare, three cents a mile.

Return trip fare, one hundred eighty per cent of one-way fare.

500-mile mileage fare, two and a half cents a mile.

1000-mile mileage fare, two and a quarter cents a mile.

Students' school fare, one and a half cents a mile.

5. That there should be no change in existing baggage charges.

6. That petitioner should be permitted to put the rates and fares herein provided for, in effect on one day's notice to the public and to the Commission.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 30th day of September, A. D. 1918.

In the Matter of the Application of the UTAH-IDAHO CENTRAL RAILROAD COMPANY, for permission to amend its local and joint freight and passenger rates, rules and regulations within the State of Utah, to conform to the Order (No. 28) of the Director General of Railroads, dated at Washington, D. C., May 25, 1918. } **CASE No. 50**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof.

IT IS ORDERED, That petitioner, the Utah-Idaho Central Railroad, be, and it is hereby, authorized to advance its freight rates to the basis prescribed in General Order No. 28, issued by William G. McAdoo, Director General of Railroads, with the following exceptions:

(a) Class rates to be advanced twenty-five per cent; minimum scale prescribed by General Order No. 28, to be disregarded.

(b) The minimum charge for a single shipment whether class or commodity, shall be that effective prior to the issue of General Order No. 28.

ORDERED FURTHER, That petitioner be, and it is hereby, authorized to establish and put in effect the following basis of passenger fares:

One-way fare, 3 cents per mile.
Return trip fare, 180 per cent of one-way fare.
500-mile mileage books, 2½ cents per mile.
1000-mile mileage books, 2¼ cents per mile.
Students' school tickets, 1½ cents per mile.

ORDERED FURTHER, That in publishing passenger fares on above basis, fractions up to and including two and one-half cents shall be disregarded, and that sufficient shall be added to amounts over two and one-half cents to make fares end in 0 or 5.

ORDERED FURTHER, That increased rates and fares authorized herein may be made effective on one day's notice to the public and the Commission.

ORDERED FURTHER, That tariffs naming such increased rates and fares shall bear on the title page the following notation:

"Issued upon less than statutory notice under authority of Public Utilities Commission's Order, dated September 30, 1918, Case No. 50."

By the Commission.
(Signed) T. E. BANNING,
(SEAL) Secretary.

51. In the Matter of the Application of S. D. KISAMOS, JOHN GASWRAKIS, JOHN MICHELOG and STANISLAO SILVAGNI, co-partners, under the name of STAR LINE, for a certificate of convenience and necessity for the operation of an automobile freight and express line between Price and Hiawatha, and Price and Sunnyside, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of S. D. Kisamos, John Gaswrakis, John Michelog and Stanislao Silvagni, co-partners, under the name of STAR LINE, for a certificate of convenience and necessity for the operation of an automobile freight and express line between Price and Hiawatha, and Price and Sunnyside, Utah.

CASE No. 51

Submitted June 29, 1918. Decided August 19, 1918.

Stanislao Silvagni for petitioners.

W. D. Riter for protestant, Denver & Rio Grande R. R. Co.

Wm. Engle for protestant, Arrow Line.

J. Huey for protestant, Hiawatha Line.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

A hearing on the above application was had at Price, Utah, June 29, 1918. The applicants were represented by themselves, the protestant, Denver & Rio Grande Railroad Company, was represented by W. D. Riter, of Salt Lake City.

The testimony discloses the fact that Hiawatha and Sunnyside are connected with Price as a center, by county and state highways, also by the Denver & Rio Grande Railroad; that freight trains are operated by the railroad company. There are also automobiles operating for passenger service, and these carry express and light freight. The amount of freight and express carried by automobile was limited, as testified by the witnesses.

The applicants' plan was to buy a truck and run two or three times a week between the points mentioned. It further appeared that the applicants were operating an automobile service under the order of the Commission, from Price to Sunnyside, but had been denied the right to operate between Price and Hiawatha for the reason that there was not sufficient traffic to justify the giving of more than one service, which service was being given by the Hiawatha line; that some of the business firms had automobiles of their own and were using them at times for the purpose of delivering goods and merchandise to their customers when necessary.

It was further testified that nearly all the heavy freight delivered to Hiawatha had gone by train, except some few parcels that had been taken by automobiles; that in each town, namely, Hiawatha and Sunnyside, as well as Price, there were business houses which furnished the inhabitants with merchandise and other supplies. It appeared that trains operating between Price and Hiawatha, and Price and Sunnyside, were daily carrying passengers as well as freight, and there did not seem to be any demand for service in addition to what is now being rendered. It was testified by the proprietors of the Arrow Auto Line that they were handling express and freight between Price and Sunnyside; that there was about two or three tons a week, consisting principally of ice cream and meat, and that they were taking care of all the patronage that was offered.

With reference to the convenience of shipping freight from Price to Hiawatha, it appears from the testimony that the stage line now operating hauls express and freight to the amount of about five hundred pounds a month; that they had taken care of all demands made upon them.

It would appear from the consideration of all the testimony that there is no necessity for the establishing of a further convenience for the operation of automobile freight and express lines between Price and Hiawatha and Price and Sunnyside. The petition should, therefore, be denied.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of August, A. D. 1918.

In the Matter of the Application of the STAR LINE, for a certificate of convenience and necessity for the operation of an automobile freight and express line between Price and Hiawatha and Price and Sunnyside, Utah. } **CASE No. 51**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

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

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

52. In the Matter of the Application of SALINA CITY, for permission to increase its water rates. (For railroad use.)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of SALINA CITY, for permission to increase its water rates. (For railroad use.) } **CASE No. 52**

ORDER

Upon motion of the applicant herein, and by the consent of the Commission;

IT IS HEREBY ORDERED, That the application of Salina City, for permission to increase its water rates, for railroad use, be, and same hereby is, dismissed.

By order of the Commission.

Dated at Salt Lake City, Utah, this 25th day of June, A. D. 1918. (Signed) T. E. BANNING,
(SEAL) Secretary.

53. In the Matter of the Application of J. F. HANSEN, for permission to operate an automobile stage line between Price and Castle Gate, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. F. HANSEN, for permission to operate an automobile stage line between Price and Castle Gate, Utah. } **CASE No. 53**

Submitted June 29, 1918. Decided August 8, 1918.

J. F. Hansen for petitioner.
W. D. Riter for Denver & Rio Grande R. R. Co.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

In a petition filed with the Commission on May 31, 1918, the petitioner asks that a certificate of convenience and necessity be granted him, authorizing the operation of an automobile stage line between Price and Castle Gate, Utah.

Protest against the granting of this application was filed by the Denver & Rio Grande Railroad Company, on June 14, 1918, in which it is alleged that the service already being given by protestant is sufficient to take care of the traffic between those points.

The matter came on for hearing before the undersigned Commissioner, at Price, Utah, June 29, 1918.

Testimony disclosed the fact that Mr. Hansen was the owner of a Dodge car, and expected to make a trip between the points named every two hours if the business justified it. Mr. Hansen further testified that he had had considerable experience in the business of operating automobiles, for the last four years, and had carried passengers in all directions at different prices.

In this case, as in other cases presented for the consideration of the Commission, there did not appear to be any evidence to show the necessity and convenience of establishing an automobile service, i. e., such service as would have to be operated upon a schedule at a stated price. To the question as

to how many people desired transportation between Price and Castle Gate, the witness said he could not tell, but that there were a number of machines on the road between these points all the time; that the passengers who desired transportation were mostly men who worked in mines and were hunting work, and occasionally traveled from one point to another. The travel was irregular and uncertain.

There have been several applications for permission to operate automobile stage lines over the same route, or part of it, but it would appear from the location of the towns, and the kind, nature and extent of travel, that to confine the operator to travel upon a schedule would be a hardship. In fact it would not appear that the conditions and demands would warrant the issuing to Mr. Hansen, the applicant herein, a certificate of convenience and necessity. The application, therefore, should be denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(SEAL) (Signed) HENRY H. BLOOD,
Commissioner.

Attest:

(Signed) T. E. BANNING, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of August, A. D. 1918.

In the Matter of the Application of J. F. HANSEN, for permission to operate an automobile stage line between Price and Castle Gate, Utah. } **CASE No. 53**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the petition in this proceeding be, and it is hereby, denied.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

54. In the Matter of the Application of CHARLES SCALZO and CELESTE ROMANO, co-partners, to do business as HELPER-PRICE STAGE LINE, for permission to operate automobiles for carrying of passengers.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of CHARLES SCALZO and CELESTE ROMANO, co-partners, for permission to operate an automobile stage line for the carrying of passengers between Helper and Price, Utah, under the name of HELPER-PRICE STAGE LINE.

CASE No. 54

Submitted June 29, 1918. Decided August 8, 1918.

Charles Scalzo and Celeste Romano for petitioner.
W. D. Riter for protestant, D. & R. G. Railroad Co.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Application was filed herein, by Charles Scalzo and Celeste Romano, co-partners, under the name of Helper-Price Stage Line, on June 3, 1918, setting forth that it was the desire of petitioners to operate an automobile stage line between Helper and Price, Utah, a distance of seven miles, for the carrying of passengers.

Protest of the Denver & Rio Grande Railroad Company against the granting of said application, was filed with the Commission on June 14, 1918. Protestant alleges that it is the owner and operator, as a common carrier, of a main line of railroad, passing through Price and Helper, and as such affords the public ample passenger service between the points named, and that there is no need of a duplication of service.

Hearing on the above subject was had June 29, 1918, at Price, Utah.

It appeared from the testimony that the men were about thirty-eight years old, and natives of Italy; that they had been in this country about twenty years. Mr. Scalzo had been work-

ing in a grocery store and had operated an automobile two years. He began carrying passengers in June, 1918, owning a Paige automobile.

Mr. Romano had been working in the coal mines, and later worked as a shoemaker. He had owned an automobile but three months, and had but six months experience in driving a machine. He had parked his car on Helper streets and when persons wanted to go to Price he would take them for 75 cents each, and $1.25 for the round trip, and he had been making one or two trips a day, with sometimes three or four passengers.

It further appeared that the people carried by the applicants were men who worked at Helper and would occasionally go down to Price when anything of an unusual nature was taking place.

Testimony on the part of the protestant, Denver & Rio Grande Railroad Company, was to the effect that passenger trains were operating between the points named in the petition.

After a careful consideration of the testimony, together with the conditions and circumstances existing, it appears that there is no necessity for establishing an automobile passenger service between Price and Helper; that the amount and regularity of the traffic is uncertain; and further that neither of the parties named in the application have had the necessary experience as required by the rules and regulations of the Public Utilities Commission governing the operation of automobile stage lines, and they did not make a showing sufficient to justify the conclusion that they had had such experience in handling automobiles as would allow them to operate under the exception clause stated in the rules and regulations of the Commission. The application should, therefore, be denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of August, A. D. 1918.

In the Matter of the Application of CHARLES SCALZO and CELESTE ROMANO, co-partners, for permission to operate an automobile stage line for the carrying of passengers between Helper and Price, Utah, under the name of HELPER-PRICE STAGE LINE.

CASE No. 54

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made part hereof:

IT IS ORDERED, That the petition in this proceeding be, and it is hereby, denied.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

55. In the Matter of the Application of PETE CALLAS, for permission to operate an automobile stage line between Castle Gate and Price, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of PETE CALLAS, for permission to operate an automobile stage line between Castle Gate and Price, Utah. } **CASE No. 55**

Submitted June 29, 1918. Decided August 8, 1918.

Pete Callas for petitioner.
W. D. Riter for Denver & Rio Grande R. R. Co.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Application was filed with the Commission on June 17, 1918, asking for permission to establish an automobile stage line between Castle Gate and Price, Utah. On June 19, 1918, the Denver & Rio Grande Railroad Company filed its protest to the granting of said application, on the grounds that it is engaged in transporting passengers between the points named, as a common carrier, and that the service given is ample, and that there is no need for a duplication of service, such duplication being extravagant and unnecessary.

The matter came on for hearing before the undersigned Commissioner, at Price, Utah, on June 29, 1918.

Testimony was submitted by the applicant, from which it appeared that he was the owner of a Buick automobile; that he had been working in the mines at Helper for some time, and had been operating the automobile about six or seven months; that during such time he had been carrying passengers from Helper to Price, and from Price to Helper and Castle Gate, Utah. He had no particular schedule, but took passengers whenever he found somebody that wished to go. There seemed to be no particular class of passengers, or any regular traffic.

It further appeared that the applicant had not had the necessary experience in the operation of an automobile, as re-

quired under the Rules and Regulations adopted by the Public Utilities Commission of Utah.

The protestant, Denver & Rio Grande Railroad Company, submitted testimony together with its schedule, showing the operation of passenger trains between the points in question.

From the showing it would appear that there is not sufficient reason or any necessity for the establishing of an automobile stage line between the points referred to in said petition; that it would be most difficult to operate an automobile stage line between these points at specific hours at a reasonable price, with any hope of profit. The application should, therefore, be denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
(SEAL) Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of August, A. D. 1918.

In the Matter of the Application of PETE CALLAS, for permission to operate an automobile stage line between Castle Gate and Price, Utah. } **CASE No. 55**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the petition in this proceeding be, and it is hereby, denied.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

56. In the Matter of the Application of JOHN C. DENTON, for permission to operate an automobile stage line from Magna, Utah, to Saltair Beach, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN C. DENTON, for permission to operate an automobile stage line from Magna, Utah, to Saltair Beach, Utah. } CASE No. 56

Submitted June 21, 1918. Decided July 9, 1918.

REPORT OF THE COMMISSION

By the Commission:

This application was filed May 31, 1918. Applicant requests a certificate of convenience and necessity authorizing the operation of a stage line from Magna, Utah, via Garfield, Utah, to Saltair Beach.

The granting of this petition was protested by J. H. Yates, of Magna, Utah, and H. M. Booth, of Garfield, Utah, the grounds of protest being that the said J. H. Yates has heretofore been granted by this Commission, permission to operate a stage line between Magna, Utah, and Garfield, Utah, and the said H. M. Booth has been granted, by this Commission, permission to operate a stage line between Garfield, Utah, and Saltair Beach. The protestants assert that the two lines from Magna to Garfield, and Garfield to Saltair Beach, have combined and consolidated to the extent that a through service is being operated from Magna to Saltair Beach, via Garfield, passengers being transferred from one stage line to the other at Garfield. The joint arrangements are such that protestants claims they are prepared to handle all passenger traffic between Magna and Saltair.

The case came on for hearing before the Commission on June 21, 1918. Testimony showed that Magna is a town of from 3,000 to 4,000 inhabitants, and Garfield has a population of about 1,500 people. The distance between Magna and Garfield is about two miles, and between Garfield and Saltair is about four miles. The rate of fare charged between Magna

and Garfield is 50c one way, and 75c round trip; and between Garfield and Saltair 50c one way and 75c round trip. The through rate of fare is a combination of these two locals.

The applicant herein proposed to make the same charge that is now being made. He bases his request for a certificate upon the allegation that the public necessity demands service additional to that being rendered. The testimony of the protestants, however, was that the traffic between Magna and Garfield and Saltair Beach, is not sufficient to justify the additional service being given, and not sufficient to demand or justify regular service of the lines at present operating. Complying with a request of the Commission, H. M. Booth filed a statement, subsequent to the hearing, showing that the total number of passengers carried by his line during the ten days from June 21 to June 30, 1918, inclusive, was 52, and the total amount of fares collected was $39.50; thus giving him an average gross income of only $3.95 a day. Both of the protestants declared that they were prepared to extend their service as fast as the traffic demanded it.

The purpose of the Public Utilities law is to prevent wasteful and unnecessary competition, and in administering the law it has been the aim of the Commission to grant only such service as is required adequately to care for the business offered.

Inasmuch as there appeared to be no general demand from the public for increased service, and in view of the assurance given by those who have already been authorized by this Commission to conduct stage lines between the points mentioned in the petition that they are prepared to, and will, adequately take care of all business offered between those points, it appears to the Commission unnecessary to permit, at this time, the operation of a competitive stage line over the same route. The Commission will watch the development of traffic on this line, and will hold the case open for a review of the findings herein, in case it shall be found that the protestants' stage lines are unable to properly take care of the traffic between Magna and Saltair.

We find, therefore, that there is no present public necessity for additional motor stage service between Magna, Utah, and Saltair Beach, and that the service at present being given by the protestants herein, is, at this time, adequate to meet

the needs of the public. The petition will, therefore, be denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of July, A. D. 1918.

In the Matter of the Application of JOHN C. DENTON, for permission to operate an automobile stage line from Magna, Utah, to Saltair Beach, Utah. } **CASE No. 56**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the petition in this proceeding be, and it is hereby denied.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

57. In the Matter of the Application of the CONSOLIDATED AUTO STAGE LINE, for permission to increase its fares and charges for passenger service between Salt Lake City and Bingham, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CONSOLIDATED AUTO STAGE LINE, for permission to increase its fares and charges for passenger service between Salt Lake City and Bingham, Utah. } CASE No. 57

Submitted June 17, 1918. Decided July 12, 1918.

Appearances:
Thomas Ramage, for applicant.

REPORT OF THE COMMISSION

BLOOD, Commissioner.

In a petition filed June 17, 1918, the Consolidated Auto Stage Line asks permission to increase the fares between Salt Lake City and Bingham. The present schedule of fares now on file with this Commission provides for a single fare of $1.25 and round trip fare of $2.00, between Salt Lake City and Bingham. The petitioner asks to be permitted to increase its fare by the addition of 25c to the one-way fare and 50c to the round trip fare.

It is alleged that there has been an increase in prices paid for material and repairs necessary for the automobiles used on the stage line, and an increase in the cost of operation, including the wages of drivers, the cost of gasoline, and various other items that enter into the operating charges incident to this business. Meantime, owing to competion, fares were reduced from $2.50 for round trip and $1.75 for single fare in 1916, to the present rate of $2.00 for round trip and $1.25 for single fare.

Accompanying the petition there was a proposed new tariff carrying the advanced rates.

Notice of the hearing, which was held June 28, 1918, at 10:00 o'clock a. m., was published in Salt Lake and Bingham newspapers and, in addition, notification was given by posting

notices in such a way as to give the public information of the date of the hearing.

No protests were filed, and at the time of the hearing no one appeared as protestant.

Testimony was taken from the various members of the Consolidated Auto Stage Line, each of whom testified that under the present rates it is impossible to give the people the required service without loss to the operators. It developed at the hearing that since the consolidation of the Star Line and the Culver Line there had been no accurate records kept from which it would be possible to ascertain the receipts and disbursements of the Consolidated Company. Records have been kept, however, of the total number of passengers carried and of the fares collected, this having been required in order that report could be made to the Government of the war tax on each fare. Mr. Culver had also kept some kind of a record of his receipts and expenditures. Transcripts from these records were filed with the Commission after the hearing as exhibits in the case, but on examination were found to be somewhat unsatisfactory as a basis for accurately determining the present financial condition of the petitioner.

It appeared from the testimony introduced by the petitioner and by cross-examination of the witnesses that the total expense of operating the stage line, together with overhead expenses, licenses, taxes, insurance, and depreciation, exceeded the total revenue derived from transportation.

The item of depreciation was arrived at by deducting from the original cost of an automobile the price for which it could be sold in exchange for a new car when the old one became unfit for use on the road. There was apparently no provision made for dividends to the owners and operators of cars, or for interest on inventments.

The organization of the Consolidated Auto Stage Line seems to be somewhat loose. It is not a corporation or a partnership. Apparently each member of the organization owns and operates his own cars, and the consolidation seems to consist of the use of the same offices at the termini and the use of the consolidated name. There should be introduced immediately a change of method that will place the control definitely in the hands of responsible officers of the Company, and a system of accounting should be immediately introduced that will reflect the Company's condition at any time. Receipts and disbursements should be accounted for by the Company

instead of individual parties to the merger being free to retain earnings from their cars and to pay their individual expenses of operation.

While, as stated, there can be no accurate determination of the condition of the Company as to its receipts and disbursement, it was made apparent by the testimony, and it is a matter of common knowledge, that there has been a large increase in the cost of practically everything that enters into the operation of stage lines. The allegation in the petition as to the advanced cost of labor and material since 1916 was substantiated by testimony.

It is apparent, therefore, that with advanced costs of operation and with stationary income, there must inevitably come a time when the service would deteriorate or be conducted at loss. Either the fares charged in 1916 were too high or present fares are too low. The testimony seemed to show that under former conditions as to cost of operation there was no great profit to the operators. While some economies have been made by the consolidation, which has eliminated in a measure wasteful competition and has reduced overhead charges, these savings are apparently not sufficient to cover the additional expense, due to advancing costs.

We, therefore, find that the petitioner, in order to maintain adequate service, should have additional revenue and should be permitted to increase its fares and charges in accordance with the proposed schedule by advancing the one-way fare between Salt Lake City and Bingham, Utah, from $1.25 to $1.50, and by advancing the round trip fare between Salt Lake City and Bingham, Utah, from $2.00 to $2.50, these advanced fares to include the Government war tax.

We find also that the petitioner should be required to install forthwith a system of accounting that will accurately show the company's financial condition.

An appropriate order will be issued.

Dated at Salt Lake City, Utah, this 12th day of July, A. D. 1918.

(Signed) HENRY H. BLOOD,
Commissioner.

I concur:

(Signed) JOSHUA GREENWOOD,
Commissioner.

(SEAL)

Attest:

(Signed) HAROLD S. BARNES,
Assistant Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of July, A. D. 1918.

In the Matter of the Application of the CONSOLIDATED AUTO STAGE LINE, for permission to increase its fares and charges for passenger service between Salt Lake City and Bingham, Utah. } **CASE No. 57**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Consolidated Auto Stage Line, be, and the same hereby is, permitted and authorized to increase its fares and charges by advancing the one-way fare between Salt Lake City and Bingham, Utah, from $1.25 to $1.50, and by advancing the round trip fare between Salt Lake City and Bingham, Utah, from $2.00 to $2.50, these advanced fares to include the Government war tax.

IT IS FURTHER ORDERED, That said Consolidated Auto Stage Line shall forthwith install a system of accounting that shall accurately show the Company's financial transactions and reflect its financial condition.

This order shall be effective July 20, 1918.

By the Commission.

(Signed) HAROLD S. BARNES,
Asistant Secretary.

(SEAL)

58. J. H. YATES,

Complainant,

v.

J. W. JONES,

Defendant.

This complaint was filed against the defendant for operating an auto stage line, competing with the established line. Letter addressed to defendant, and case closed.

59. In the Matter of the Application of THE UINTAH RAILWAY COMPANY, for permission to increase its present rates on the Wagon Line of said Company operating in Uintah County, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UINTAH RAILWAY COMPANY for permission to increase its present rates on the Wagon Line of said Company, operating in Uintah County, Utah. } CASE No. 59

Submitted June 27, 1918. Decided August 16, 1918.

W. D. Halpin for petitioner.
Don B. Colton for protestants.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The petitioner asks that an order issue establishing rates twenty-five per cent above those set out in Wagon Freight Tariff P. U. C. U. No. W-4. The petitioner insists that all classes of railroad laborers have been given increase in pay; that on account of such advance it became necessary for the petitioner to adopt similar increases of wages to all wagon line

employees; said advance of rates to be fixed as set out in the application.

This case came on for investigation at Vernal, Utah, on the 27th day of June, 1918. Opposition to such advance was urged upon the ground that the freight rates proposed were unreasonably high, and for the further reason that the freight being hauled could be carried at a much lower rate.

It appears that the wagon haul involved in this application is a continuation of the railroad haul and rate; that the Uintah Railway Company carries the freight to the point where it is transferred to wagons.

It is claimed by the petitioner that the wagon freight expenses during the first five months of the year 1918, amounted to $10,371.32, and that the revenues derived from the business during the same period, by wagon, was but $8,143.72; that it was necessary to pay out large sums of money for maintenance, especially in the matter of buying horses, as shown by the statements filed. The protestants contended that the accounts kept by the applicant do not clearly show whether or not the wagon line is paying; that the report fails to show what is derived by the Company for return hauls of their teams from Vernal and intermediate points to Watson; that they believed from the testimony at the hearing that the Company is receiving a reasonable profit for the service rendered; that before any increase was allowed it should be clearly shown that the freight department itself is not receiving sufficient remuneration for the hauling of freight at the present price.

The Company claims that large sums of money have been paid out for the building of roads from Watson to Vernal and Ft. Duchesne, and large amounts have been paid out for horses, wagons and harness. Yet, as claimed by the protestants, the accounts of the applicant to some extent run into and form a part of other service given by the Railway Company. No doubt this condition has been occasioned by the relationship of the operation of different services by the one Company. However, an attempt to segregate the passenger and mail accounts from the wagon service, was made by the Company.

The following is a statement showing the operating expenses of the wagon line of petitioner, parcel post and passenger service, for the five months period ending May 30, 1918:

	Wagon Line	Parcel Post	Passenger	Total
80—Superintendence	$ 524.64	$ 305.86	$ 413.74	$ 1,244.24
81—Drivers	2,268.33	1,322.45	.....	3,590.78
82—Wagon and Stage Repairs and Equipment	856.35	499.26	.....	1,355.61
83—Forage	3,188.47	1,818.07	.....	4,936.54
84—Station Service and Supplies	1,410.80	822.52	1,116.62	3,349.94
85—Insurance	32.56	18.99	.....	51.55
86—Tolls	411.05	239.65	1,403.30	2,054.00
87—Loss and Damage	156.77	.....	.....	156.77
88—Repairs to Buildings and Structures	46.80	27.29	37.05	111.14
89—Horses	1,105.49	644.51	.....	1,750.00
90—Operating Passenger Autos			10,682.47	10,682.47
91—Depreciation of Wagon Equipment	.....	.....	.....	.....
92—Depreciation of Autos	.....	.....	830.00	830.00
93—Other Expenses	36.73	21.42	.....	58.15
94—Operating Freight Tractor	403.88	.....	.....	403.88
Total	$10,371.87	$ 5,720.02	$14,483.18	$30,575.07

The above is compiled from statement submitted by the petitioner, and has been arrived at by determining the cost per ton and apportioning the entire expense on that basis. The report shows that 801 tons of freight and parcel post were handled during the five months covered by the report, of which 506 tons were freight and 295 tons parcel post. The expense allotted to passenger service in accounts Nos. 80, 84 and 88, is an arbitrary 1/3 of the total. This may or may not be the proper allowance. The amount allotted to passenger expense in account No. 86 is reported to be the actual tolls on passenger automobiles. Accounts 90 and 92 are wholly chargeable to passenger account.

The report as filed by the petitioner shows a falling off in the business of the Company during the months of January to May of the present year, and also a falling off in the expense of the service, which might indicate a lack of attention in giving the service, or that the shippers are making arrangements to do their own freighting, for the reasons that were stated in the investigation, which were that they can obtain the hauling at lower rates than the rates offered by the Company.

However, from the showing made by the reports, which have been carefully analyzed and checked as well as they can be under the circumstances and conditions, it would seem that if the service is to be maintained some relief should be given by allowing the applicant to advance its rates. The hearing in this case showed that shippers may, if they desire, interfere materially with the freight service of the applicant by making arrangements with private teams to do their hauling. This, no doubt, has been done, and has resulted in the amount of

freight hauled by the Company being greatly decreased, and such practice, if allowed, might extend to the boycotting of the service given by the Company, possibly to such extent that the service furnished would have to be abandoned.

After careful investigation of the matters set out in the petition, and after full consideration of testimony given for the petitioner, and an analysis of the statements filed by the Company, which later are not as satisfactory as they should be, but which must be taken and used as far as they will throw light upon the proposition of rates, it would appear that a fifteen per cent increase in rates between the points named in the petition should be granted in order to give some relief.

The Company should be required to segregate its accounts so as to show, without question, the cost of the freight service separate from other services given by the applicant. The Commission will require a monthly statement to be made, showing the results of operations under the advanced rates, in order that it may be informed as to whether or not the rates are adequate and sufficient.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of August, A. D. 1918.

In the Matter of the Application of the UINTAH RAILWAY COMPANY for permission to increase its present rates on the Wagon Line of said Company, operating in Uintah County, Utah. } **CASE No. 59**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and, the Commission having, on the date hereof

made and filed a report containing its findings of fact, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of said Uintah Railway Company to increase its wagon freight rates 25 per cent, be, and is hereby denied.

ORDERED FURTHER, That applicant be, and is hereby, authorized to increase its present freight rates fifteen (15%) per cent, effective upon not less than five (5) days notice to the Commission and the public.

ORDERED FURTHER, That said applicant shall render to the Public Utilities Commission of Utah a monthly statement showing the operating expenses and revenues of its wagon freight line, compared with the same month of the preceding year.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

60. DUCHESNE STAGE & TRANSPORTATION COMPANY,

Complainant,

vs.

WALTER BARNES STAGE LINE, Defendant.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

DUCHESNE STAGE & TRANSPORTATION CO.,
vs.
WALTER BARNES STAGE LINE.
} CASE No. 60

Submitted June 27, 1918. Decided August 8, 1918.

M. B. Pope for complainant.
Walter Barnes for defendant.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing at Duchesne, June 27, 1918, upon the complaint of the Duchesne Stage and Transportation Company.

The complainant in this matter alleges that it is a corporation existing under the laws of Utah and engaged in the business of transporting passengers and express between Helper, Utah, and Vernal, Utah, by automobile; that it began such service in 1912 by operating an auto stage line between Colton, Utah, and Vernal, Utah; that thereafter and during the winter of 1914, said stage line was changed from Colton to Helper, and since that time and until the present, it has operated a daily automobile stage line and transported passengers and express, and also United States mail between said points; that the said Company, for the purpose of making it possible to carry said passengers, mail and express, over the road, has expended large sums of money to improve the road; that it has furnished adequate and sufficient service for the traveling public at a reasonable price; that in November, 1917, it filed with the Public Utilities Commission of Utah a schedule of rates, fares and charges.

It further alleges that in the month of April, 1918, the Public Utilities Commission granted to Walter Barnes Stage Line a permit to operate an automobile stage line between Vernal and Helper, Utah, for the purpose of transporting passengers and express; that said permit is in violation of the rights of the complainant corporation, and it asks that said permit be cancelled and annulled.

The sworn testimony taken upon the occasion of the hearing, disclosed the facts to be that the complainant was an organization as alleged, and that it had been operating over the route in question, and that it had expended sums of money for the purpose of making the road passable at said point, especially the point where the road leads up over the mountain at an elevation of over 9,000 feet; that in order to facilitate the business of carrying persons, mail and express, the Company had established stations on either side of the said mountain by building houses, stables and yards where horses were kept for immediate use when necessary, and that parties were employed to look after such stations and when necessary assist the stages to cross the mountain and get over the road; that the service of transporting passengers and express in connection with the carrying of United States mail enabled the corporation to carry said mail at the price contracted for with the Government; that the improvement of the roads by the Company and the establishing of the aforesaid stations was necessary, as it was almost impracticable at certain seasons of the

year to get through the mountains and make the connection between Vernal and intermediate towns, and Helper.

At the hearing the defendant stage line was represented by Walter Barnes, who gave testimony to the effect that he had for some time been operating an auto stage line from Vernel to various points, including Price, and at times made trips from Vernal to Salt Lake City; that during the winter months he was not able to make the trip by way of Duchesne and over the mountain, but that during such time he did go from Roosevelt or Myton to Price, whenever possible; that he was prepared to give service and that the service he was furnishing was more direct and more convenient than the one being furnished by the plaintiff in the case.

Mr. Barnes, however, admitted that the plaintiff company was entitled to a great deal of credit for the effort and money they had expended upon the road, and further stated that he did not believe there was sufficient travel to warrant a daily service of two automobile corporations; that he began operating an auto between Vernal and Helper for the reason that this was a better route than the one referred to above, and for the reason that a great number of the people from Vernal desired him to handle the service. In support of such claim reference was made to a petition numerously signed by people living at Vernal, which was filed with the Commission at the time of his application for a certificate of convenience and necessity.

Mr. Barnes admitted that he did not have sufficient equipment to take care of a daily service and was giving such service as was required under the permission granted, and in accordance with the published schedules as to time and rates.

The record in this case discloses the facts that Mr. Barnes, on February 11, appeared before the Commission, at which time the matter of obtaining a certificate of convenience and necessity was gone over, but there is no claim on the part of Mr. Barnes that he did not know that a service was being offered by the complainant herein, his claim being that the service he desired to give was more convenient and direct.

On February 16, 1918, a petition was filed in favor of the service proposed to be given by Mr. Barnes, signed by a number of residents of Vernal, Utah, and approving his proposed schedule of rates and charges. After some investigation, about February 21, a communication was addressed to Mr. Barnes advising him that the Commission had accepted the schedule of rates and charges, and giving permission to begin the op-

eration as proposed. No formal hearing was had at the time, and it no doubt appeared to the Commission that the giving of such service would not interfere with the rights of any one, especially the rights of plaintiff herein, notwithstanding the Duchesne Stage & Transportation Company had, on November 9, 1917, filed with the Commission its schedule of rates and fares, and was operating.

There can be no question but that the Duchesne Stage and Transportation Company is entitled to a great deal of conideration for the part they have taken, not only in carrying United States mail over and into the Duchesne country at all seasons of the year, but for what they have done by way of building and assisting to build roads over certain portions of the route, and for the necessary effort put forth in establishing station on either side of the high point over which the road leads. An examination of the road and the stations was made by the Commissioner.

The question of giving service is most important and contemplates reasonable, convenient, sufficient and certain service. The public is not so much concerned as to who furnishes the service, but it is concerned in the quality of service, and especially its availability, whenever desired. Mr. Barnes did not attempt to operate a daily stage line. The work of operating a daily stage from Vernal to Helper is important to the people who live in the Uintah Basin, and the need of it is no doubt more apparent in the winter time than in the summer, for the reason that in the summer time the roads are open and give more of an incentive for the traveling public to use their own conveyances, while in the winter the travel is obstructed by muddy roads and snow upon the mountain tops.

At the hearing Mr. Barnes admitted that he would not be able to operate a service to Helper during the winter months. In fact, he did not attempt to operate a daily service at any time of the year.

It appeared from the testimony that the demand for passenger service was not sufficient to justify the services of the Duchesne Stage & Transportation Company and the Walter Barnes Stage Line at the present time, and yet it further appeared from an examination of the roads that were being improved, that interest in that section of the State is growing and it would perhaps, in the future, require more and better service to take care of the travel.

The successful operation of an automobile stage line by

Mr. Barnes would indicate some necessity for a service additional to that being offered by the Duchesne Stage & Transportation Company.

It would further appear that Mr. Barnes had purchased some equipment for taking care of the service he proposed to give, and he no doubt relied upon the action of the Commission in granting him the opportunity to give such service, as justification for his investment, and from such view-point he is entitled to some consideration.

It is further apparent that the Duchesne Stage & Transporation Company should be given a preference over Mr. Barnes, especially in carrying passengers from Roosevelt via Duchesne, to Helper, for the reason that over that particular part of the route the said company had expended considerable money and established the stations referred to hereinbefore.

In view of all the conditions and circumstances under which the Barnes Stage Company began operation over the route, and in view of his claim that it would be a hardship upon him to suspend operations at once, and in view of his attitude that as soon as he is able to dispose of his equipment or to find other fields of operation he would be willing to discontinue giving the service over the route, we find:

First: That the Duchesne Stage & Transportation Company, on account of their efforts heretofore made, should be given some preference right over the route in question.

Second: That the new equipment now owned by the Duchesne Stage & Transportation Company appears to be sufficient to take care of the traveling public.

Third: That thirty days time should be given the Walter Barnes Stage Line to withdraw and discontinue the operation of passenger traffic by automobile, upon the route in question.

We further find that the Duchesne Stage & Transportation Company should be required to take care of the traveling public on this route, in a reasonable, convenient and expeditious manner, in keeping with the schedule of rates heretofore published by it.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest: (Signed) T. E. BANNING, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of August, A. D. 1918.

DUCHESNE STAGE & TRANSPORTATION CO.,

vs.

WALTER BARNES STAGE LINE.

CASE No. 60

This case being at issue upon complaint and answers on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the defendant, the Walter Barnes Stage Line, shall, on or before September 7, 1918, discontinue operations between Vernal, Utah, and Helper, Utah, and shall notify the Public Utilities Commission of Utah in advance, the date upon which operation will be discontinued.

ORDERED FURTHER, That the Duchesne Stage & Transportation Company shall at all times comply with the Rules and Regulations of the Public Utilities Commission of Utah governing automobile stage lines, and afford safe, reasonable and convenient service for all passengers.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

61. In the Matter of the Application of MANTI TELEPHONE COMPANY, a corporation, for permission to increase its rates and rentals for telephone service.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MANTI TELEPHONE COMPANY, a corporation, for permission to increase its rates and rentals for telephone service. } CASE No. 61

Submitted August 23, 1918. Decided August 29, 1918.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above matter came on for hearing at Manti, Utah, July 9, 1918, upon petition of the Manti Telephone Company. The petitioner asks that it be allowed to advance its telephone rates, on the grounds that the present rates and rentals are wholly insufficient to provide funds with which to pay the costs of operation and the maintenance of its plant; that the costs of operation have been materially advanced on account of the advance in wages and material necessary in giving such service.

There was no opposition or protest with the exception that during the hearing there were certain individuals who opposed the advance for the reason that they understood the Company was receiving sufficient income for the maintenance of the service, and had paid reasonable dividends on the investment; and further, for the reason that if the rates were increased the Company would lose a number of its subscribers.

The testimony on the part of the applicant was to the effect that the petitioner was a telephone corporation under the law, owning and operating a telephone system for public use in Manti City, Utah; that its stock was divided among one hundred of its residents; that for a number of years past, and at the present time, the rates charged for telephone service are as follows:

For residence telephones $1.00
For business telephones 1.50
(per month)

that under said rates the Company is not receiving sufficient revenue to pay the costs of operation, to allow for depreciation and obsolescence of equipment, and to provide a reasonable return on the investment; that in order that the revenues from the operation of this system may be sufficient to meet the requirements of the service, the rates should be advanced as follows:

For residence telephones $1.25
For business telephones 1.75
(per month)

A financial statement contained the following: The Company invested in plant and equipment, about $13,500. Since that time there has been added to the investment about $2,000, making a total present investment of about $15,500. Up to the present time the number of telephones in use is 367, divided as follows:

Residence telephones	324
Business telephones	38
Free telephones	5
Total	367

The annual rental revenues from these telephones would be as follows:

Home telephones	$3,888.00
Business telephones	684.00
Total	$4,572.00
Expense for operating the plant for 1917, amounted to	$3,063.67
Taxes paid for that year amounted to	217.19
Total	$3,280.86

The increase in the cost of material and labor required for the operation of the system, amounted to about 20 per cent to 30 per cent, or about $1,000, the greater portion of which will go for operators' wages.

It appeared further that the investment had paid to its stockholders $9,000 in dividends in eleven years, but that no part of the earnings had been set apart for depreciation or maintenance; that the condition of the plant was such that

it would require considerable means with which to replace some of the cable lines and other parts of the equipment necessary to give proper service; that in addition to the taxes of 1917, there would be this year:

Income tax	$ 88.74
Increase of operators' salaries	546.00
Estimated cost of batteries required	200.00
Total	$834.74

It also appeared by the testimony that a dividend of $1,500 was paid out for last year, which would be about 10 per cent. This year, it would appear from the testimony, after paying the additional expenses named, the Company would have a net earning of $800, or about 6 per cent on the investment, without any advance, leaving, however, nothing for the depreciation fund.

The receipts under the present rates would give $4,572; under the advanced rates $5,358.00, thereby adding to the revenue $786.

It would appear that if the immediate and necessary expenditures are taken care of, and 6 per cent be set aside for depreciation and maintenance, and 7 per cent be allowed for the investment, the stockholders should be satisfied at this particular time. If the statement made by the Secretary and Treasurer is correct, and it appears to be so, then, in order to supply the deficiency above mentioned, the advance should be allowed.

It would appear proper to here say that the Company should take care of the necessary depreciation fund before paying out any dividends to the stockholders, and if the amount herein specified is not sufficient, or if it is too large, then the experience of the near future would demonstrate what amount is necessary for depreciation.

After a careful consideration of the testimony given in this case, together with the reports filed herein, it is the opinion that the rates asked for, viz: $1.25 per month for residence telephones, and $1.75 for business telephones, should be allowed, and that 6 per cent for the present, until otherwise ordered changed, should be set aside as a depreciation fund for the purpose of taking care of the necessary maintenance of

plant and equipment used in giving proper service, and it is so concluded and decreed.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of August, A. D. 1918.

In the Matter of the Application of MANTI TELEPHONE COMPANY, a corporation, for permission to increase its rates and rentals for telephone service. } **CASE No. 61**

This case being at issue upon petition on file, and having been duly heard and submitted, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the Manti Telephone Company be, and it is hereby, authorized to file a new schedule of rates, effective September 1, 1918, which shall not exceed the following:

For residence telephones ----------$1.25
For business telephones ---------- 1.75
(per month)

ORDERED FURTHER, That said applicant shall establish a depreciation fund, and shall annually set aside six per cent of the total value of the plant for this purpose.

ORDERED FURTHER, That said applicant shall publish and file with the Commission, a schedule of all rates, rules and regulations, such schedule to be published in conformity with tariff circular No. 3.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

62. **In the Matter of the Application of residents of Lehi, Utah, asking that water be furnished them by the City of Lehi.**

This application came before the Commission upon communication being received from residents of Lehi, asking the Commission to assist them in obtaining water connections.

PENDING.

63. **In the Matter of the Application of CLARK ELECTRIC POWER COMPANY for permission to increase the rate on electric water heaters for electric range customers.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CLARK ELECTRIC POWER COMPANY for permission to increase the rate on electric water heaters to electric range customers. } **CASE No. 63**

Submitted July 12, 1918. Decided July 17, 1918.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant herein is an electric corporation engaged in developing and distributing electricity in Tooele County, Utah, its post office address being Tooele, Utah. In an application filed June 28, 1918, permission is asked to increase the rate on electric water heaters to electric range customers of $1.50 per kilowatt of capacity to $3.00 per kilowatt of capacity. Applicant alleges that the rate hitherto charged of $1.50 per kilowatt of capacity, is inadequate.

The applicant filed with the Commission, on May 31, 1918, its schedule of rates for electric service, to be made effective June 1, 1918. Sheet No. 3 of said schedule shows rates for fuel service applying to territory within Tooele County. The charges are stated to be four cents per K. W. H. for the first 100 K. W. H. per month, and two cents per K. W. H. for all additional energy. Item No. 4 on this sheet reads as follows:

"(4) WATER HEATERS used in connection with electric ranges, $3.00 per k. w. of capacity per month."

Prior to the filing of this new schedule there had been no published rate on electric water heaters, applicant's schedule dated August 1, 1917, making no provision for water heaters, although the service was being given and flat rate of $1.50 per kilowatt of capacity was being charged under special arrangement with certain consumers.

On June 4, 1918, there were filed in the office of the Commission, letters dated at Tooele, June 3, 1918, and signed by E. O. Sowerine, A. B. Young and Carlos Bardwell. Each of the letters made formal protest against the increase of the flat rate of $1.50 per month to $3.00 per month, for electric water heaters.

The case came on for hearing at Tooele City, Utah, on July 12, 1918, at 10 o'clock a. m. The Clark Electric Power Company was represented by C. S. Anderson, its superintendent, and the protestants were represented by E. O. Sowerine and Carlos Bardwell.

The testimony in support of the application was given by Mr. Anderson, and was to the effect that about one year ago his Company had established a flat rate of $1.50 per month, per kilowatt of capacity on electric heaters. Under this rate there had been installed nine heaters of one kilowatt capacity, one of one and one-half kilowatt capacity, and two of two kilowatt capacity. The charges of $1.50 per month is equivalent to an energy charge of .2 cent per K. W. H. for the current used by these heaters if they are continuously operated. The undisputed testimony showed that it is the custom to keep these heaters practically continuously in operation.

It appeared from the evidence that the applicant is under contract with the Utah Power & Light Company to pay .7 cents per K. W. H. for power, and that at the present time it is a continuous purchaser of power under this rate. It was further testified that power generated in applicant's own plants costs approximately as much as that purchased from the other company. At the time the flat rate was introduced the applicant was in a position to supply all of its customers with power from its own plants during a large part of the year, and had to purchase power only during about three months of each year.

At that timie it was thought that excess power could be profitably utilized in supplying these water heaters, and the superintendent felt justified in making a very low flat rate such as was established. He testified, however, that he also was under the impression that this service would be required only during the summer season, but experience has shown that winter and summer use is made of the electric heater, and now that the energy required to operate these heaters must be purchased, the applicant has felt the necessity of making some increase in the rate charged.

The protestants testified that their understanding with applicant's superintendent was that the $1.50 rate would remain in effect for an indeterminate period, and that they were induced to make the installation both of electric ranges and water heaters because of the very low rate for current used by the latter device. They testified further that if the advance is permitted they will be compelled to discontinue the use of the electric range and the heater. It was suggested during their testimony that if the water heater rate were raised in accordance with the application, there should be a corresponding reduction in the rate charged for current for electric range, so as to equalize the advanced. This solution of the problem was opposed by the applicant.

Considerable testimony was taken as to what amount of current is used by electric water heaters in comparison with the amount used by the electric ranges. It appears that an electric heater of one kilowatt capacity will use in thirty days continuous operation, 720 K. W. H. An electric range will, on the average, because of only part-time use, consume about 100 K. W. H. per month. The charge for the current used by the electric range would on this basis be $4.00 per month, or four cents per K. W. H., while the charge for the current used by the water heater would be $1.50 per month, notwithstanding it used 7.2 times the amount of current used by the range. Stated in another way this means that if the same rate were applied to the current used by the water heater that is applied to that used by the electric range, the monthly charge for a one kilowatt capacity heater, would be $28.00 instead of $1.50.

After a full consideration of the matter we can only conclude that the flat rate of $1.50 per month for water heater of one kilowatt capacity, is unreasonably low. From the evi-

dence submitted it is clear that this service is performed by the applicant for electric range customers, at a direct loss, inasmuch as the current is sold at less than the Company can generate it for, and less than the price for which it can purchase power.

In regard to the suggestion of the protestants that if an increase is granted on the electric water heater rates there should be a corresponding reduction on rates for fuel used in electric ranges, it is manifest that nothing would be gained by such an adjustment. The same net loss would be sustained by the Company for furnishing the joint service. Again, there was no evidence to indicate that the schedule of fuel rates was unreasonably high. Indeed, it was shown that the combined rate if made up in the way suggested by the protestants, would show a loss to the Power Company.

An electric range using 100 K. W. H. per month, produces a revenue to the Company of $4.00 per month. An electric heater of one kilowatt capacity, using 720 K. W. H. per month, produces a revenue to the Company of $1.50 per month. Thus, the supplying of 820 K. W. H. produces a revenue of $5.50 per month. Under the Company's contract of .7 cents per K. W. H., as the cost of the current, the 820 K. W. H. costs $5.74, and produces a revenue of $5.50, or a net loss of 24c per month on each range and heater combined.

In view of this condition we would feel inclined to order a still further advance in the water heater rate, or a discontinuance of what is apparently an uneconomical service, were it not for the fact that the protestants and other customers have made expenditures by the installation of water heaters with the understanding that they were to receive this service, and it would be in some measure unfair to them now to issue an order that would take from them a convenience. We are, therefore, inclined to permit the continuance of the water heater service until and unless it shall be shown that an abuse is being made of what was designed as a privilege. The number of these heaters is not sufficient to very materially affect the revenues of the Power Company.

On this showing, we find that effective August 1, 1918, the applicant should be permitted to increase its rate on electric water heaters, used in connection with electric ranges, to

$3.00 per month for each kilowatt of capacity, its other fuel rates to remain as published.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

I concur:

(Signed) JOSHUA GREENWOOD,
Commissioner.

(SEAL)

Attest:

(Signed) HAROLD S. BARNES,
Assistant Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Uath, on the 17th day of July, A. D. 1918.

In the Matter of the Application of the CLARK ELECTRIC POWER COMPANY for permission to increase the rate on electric water heaters to electric range customers. } **CASE No. 63**

This case being at issue upon petition and protests on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings of fact, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Clark Electric Power Company, be, and the same hereby is, permitted and authorized to increase its rate on electric water heaters used in connection with electric ranges, from $1.50 per month for each kilowatt of capacity, to $3.00 per month for each kilowatt of capacity, said increased rate to become effective August 1, 1918.

By the Commission.

(Signed) HAROLD S. BARNES,
(SEAL) Assistant Secretary.

64. In the Matter of the Application of JULIUS DAMENSTEIN, for a transfer of Certificate of Convenience and Necessity No. 4 from Earl Sutton to Julius Damenstein.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JULIUS DAMENSTEIN, for a transfer of Certificate of Convenience and Necessity No. 4, from Earl Sutton to Julius Damenstein. } **CASE No. 64**

Submitted July 23, 1918. **Decided July 31, 1918.**

Dan B. Shields for petitioner.

REPORT OF THE COMMISSION

By the Commission:

Hearing on this application was held at the office of the Commission, July 23, 1918. Julius Damenstein gave testimony in line with the statements made in his application, which were as follows:

That on or about the 15th day of April, 1918, the applicant and Earl Sutton entered into an agreement by the terms of which the applicant was to furnish equipment for, and said Earl Sutton was to operate, a certain motorcycle stage line between the intersection in Bingham Canyon of Carr Fork and main Bingham Canyons, to the Upper Bingham and Highland Boy, respectively; that Mr. Sutton was to have a working interest in the business; that it was agreed that Mr. Sutton should make application for authority to operate said stage line, and subsequently a certificate of convenience and necessity was issued to Mr. Sutton; that Mr. Damenstein was the real party in interest and the owner of the motorcycle used, and the responsible financial head of the business.

It was further testified that subsequent to the issuance of the said certificate, to-wit, on June 18, 1918, the said Earl Sutton discontinued operating the said motorcycle line, and since that date has not fulfilled the obligations of a common carrier, and is not now engaged in the business; that on and after the said date, the said Julius Damenstein commenced and con-

tinued the operation of the motorcycle line, and is operating it at the present time.

Earl Sutton was not present or represented at the hearing, notwithstanding notice had been sent to him of the day and hour on which the hearing would be held. There was no protest to the granting of the application.

It appeared from the testimony that there is a necessity for a continuance of the motorcycle stage line transportation over the route in question, and that Mr. Damenstein is prepared to, and, according to his testimony, will, continue the business and give the service required by the public.

A supplemental application was filed with the Commission, July 23, 1918, in which it is alleged that since the application herein was made to the Commission for the transfer of Certificate of Convenience and Necessity No. 4 from the name of Earl Sutton to that of Julius Damenstein, the said Damenstein has determined to incorporate his interests under the laws of the State of Utah in a corporation to be known as "The Motor Line"; that the interests of said Motor Line will be identical with the interests of this applicant. Applicant, therefore, requests the Commission in making the change of name requested in the original application, to authorize the change from the name of Earl Sutton to "The Motor Line," a corporation. We see no reason why this should not be permitted.

In our opinion it will not be necessary that a new certificate of convenience and necessity issue, but the applicant herein should file with this Commission an adoption notice setting forth that The Motor Line owns sufficient equipment, and is prepared to and will operate the said motorcycle stage line over the said route, and that it is prepared to and will carry out the conditions and requirements of Certificate of Convenience and Necessity No. 4, heretofore issued to the said Earl Sutton under date of May 6, 1918, and that it adopts and will operate under the schedule and at the fares, rates and tolls provided for in said certificate.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

SUPPLEMENTAL CERTIFICATE OF CONVENIENCE AND NECESSITY No. 4

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 31st day of July, A. D. 1918.

In the Matter of the Application of JULIUS DAMENSTEIN, for a transfer of Certificate of Convenience and Necessity No. 4, from Earl Sutton to Julius Damenstein. } **CASE No. 64**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 4, heretofore issued to Earl Sutton under date of May 6, 1916, be, and the same hereby is, transferred to Julius Damenstein, under the firm name of "The Motor Line."

IT IS FURTHER ORDERED, That the applicant herein shall file with this Commission, notice of its adoption of the certificate above mentioned, and that it will operate under the schedules and at the fares, rates and tolls provided for in said certificate.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

65. **In the Matter of the Application of EUGENE CHANDLER, for certificate authorizing the operation of an automobile stage line between No. 10 Carr Fork, Bingham Canyon, Utah, and Highland Boy Mine, Salt Lake County, Utah, and Copperfield, Salt Lake County, Utah.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EUGENE CHANDLER, for certificate authorizing the operation of an automobile stage line between No. 10 Carr Fork, Bingham Canyon, Utah, and Highland Boy Mine, Salt Lake County, Utah, and Copperfield, Salt Lake County, Utah. } CASE No. 65

Submitted July 23, 1918. Decided July 30, 1918.

Dan B. Shields, for petitioner.

REPORT OF THE COMMISSION

By the Commission:

Eugene Chandler files his application alleging that there is a necessity for additional means of conveyance between Bingham Canyon and Highland Boy Mine, also Bingham Canyon and Copperfield, located in Salt Lake County, Utah; that at present the only authorized mode of conveyance between the places named is a motorcycle stage line; that there are approximately two thousand people residing at Highland Boy, and a like number at Copperfield and vicinity, and that it is necessary in order to accommodate the travel between the points named to furnish an additional service for transportation.

A hearing was had upon the above application before the Commission at its office, July 23, 1918. There were present at said hearing, the petitioner as well as one Julius Damenstein, who was interested in the service given by the operation of the motorcycle referred to in the petition.

The testimony disclosed the facts to be about as set out in the application, evidence being given by the applicant and corroborated by other witnesses as to the insufficiency of serv-

ice offered by the parties operating the motorcycle line, to take care of the traveling public. It was also admitted by Mr. Damenstein that there was a necessity for the operation of automobiles as contemplated by the petitioner. It would, therefore, appear to be necessary and convenient to authorize the operation of additional service as referred to in the petition.

We, therefore, find that a certificate of convenience and necessity should be issued to the said Eugene Chandler.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 13

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 30th day of July, A. D. 1918.

In the Matter of the Application of EUGENE CHANDLER, for certificate authorizing the operation of an automobile stage line between No. 10 Carr Fork, Bingham Canyon, Utah, and Highland Boy Mine, Salt Lake County, Utah, and Copperfield, Salt Lake County, Utah. } **CASE No. 65**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, Eugene Chandler, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for

the transportation of passengers between Bingham Canyon and Highland Boy Mine, also Bingham Canyon and Copperfield, located in Salt Lake County, Utah.

ORDERED FURTHER, That the said Eugene Chandler shall file with the Public Utilities Commission of Utah, schedule of fares and charges, which shall not exceed the following:

50 cents for adults, and
25 cents for children,
Between Bingham Canyon and Highland Boy, or
Between Bingham Canyon and Copperfield.

ORDERED FURTHER, That the said Eugene Chandler shall at all times operate said stage line in accordance with the Rules and Regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

66. In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, to discontinue the maintenance of an agency station at Mendon, Utah, between December 31st and October 1st of each year.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, for permission to close its Station at Mendon, Utah, between December 31st and October 1st of each year. } **CASE No. 66**

REPORT OF THE COMMISSION

By the Commission:

On May 31, 1918, the Oregon Short Line Railroad Company filed application for permission to close its station at Mendon, Utah, between December 31st and October 1st of each year.

The petitioner alleges that the principal shipments from Mendon consist of sugar beets, which move between October 1st and December 31st, each year; that the Utah-Idaho Central Railroad Company operates through Mendon, and that the residents and business men of that city patronize the electric line named; that there is a good station building at Mendon, and that its passenger trains pass this point during the day time; that between December 31st and October 1st, if permission be granted to close the station, shelter for such passengers who desire to use its line will be afforded by the waiting-room in the station building, which can and will be cared for by petitioner's section men.

No hearing was held on the matter herein involved.

The report of the Special Investigator of this Commission shows that but few people are interested in the question; that Mendon is a town of about four hundred inhabitants, served by both the Oregon Short Line Railroad and the Utah-Idaho Central Railroad; that the station building of the Oregon Short Line Railroad is on the east of the town, while the Utah-Idaho Central Railroad station building is located in the center of the town, and, therefore, more readily accessible for passengers and persons receiving freight shipments.

Commissioner Blood paid a visit to Mendon, July 5th, 1918, for the purpose of interviewing certain citizens and ascertaining what, if any, objections would be offered to the granting of the petition. His report bears out the statement of petitioner that practically all merchandise moves via the Utah-Idaho Central Railroad, and while the residents of Mendon feel that such a move will naturally tend to reduce the prestige of their town, they realize that during these strenuous times every effort should be made to conserve man-power and that no serious protest should be made against granting the petition.

Therefore, the Commission having caused investigation to be made and being fully advised in the premises, finds that the business done by petitioner, the Oregon Short Line Railroad Company, at its station at Mendon, Utah, is insufficient to warrant maintaining an agency station at that point between December 31st and October 1st of each year.

The Commission expressly reserves the right to require

petitioner to reopen said station should future business conditions warrant such action.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:

(Signed) HAROLD S. BARNES,
Assistant Secretary.

ORDER

At a General Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of July, A. D. 1918.

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, for permission to close its Station at Mendon, Utah, between December 31st and October 1st of each year. } **CASE No. 66**

This case being at issue upon petition on file, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof;

IT IS HEREBY ORDERED, That the petitioner, the Oregon Short Line Railroad Company, be, and same is hereby, authorized to discontinue Mendon, Utah, as an agency station between December 31st and October 1st of each year, until such time as business conditions warrant regularly maintaining an agent at that point.

This order shall be effective July 15th, 1918.

By the Commission.

(Signed) HAROLD S. BARNES,
(SEAL) Assistant Secretary.

67. **In the Matter of the Application of the MOAB-BLUFF STAGE & TRANSPORTATION COMPANY, for a certificate of convenience and necessity to operate an automobile stage line between Moab and Bluff, Utah.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the MOAB-BLUFF STAGE AND TRANSPORTATION CO., for a certificate of convenience and necessity to operate an automobile stage line between Moab and Bluff, Utah. } **CASE No. 67**

Submitted July 23, 1918. Decided August 13, 1918.

F. B. Hammond, Jr., for petitioner.

REPORT OF THE COMMISSION

By the Commission:

This matter came on for hearing at Monticello, Utah, July 23, 1918, before F. M. Abbott, Special Investigator, who was appointed to take the testimony for the Commission.

It appears from the transcript of the testimony taken and now on file with the Commission, that there was represented at the hearing, the petitioner, by its attorney, F. H. Hammond, Jr.

Notice of the hearing was liberally given, but there appeared no protests or opposition in writing or otherwise, with the exception that the records in the office of the Commission disclose the fact that on November 10, 1917, a schedule was filed by one George Bender, covering the route between Moab and Monticello. The record further shows that on November 2, 1917, Frank Halls filed a schedule covering the route from Monticello to Big Indian, and that the same Frank Halls, under date of June 22, 1918, wrote the Commission informing them that he was operating the stage line between Monticello and Big Indian, and making connections with said George Bender, who at that time was operating between Big Indian and Moab, and that they intended to continue the line as Bender and Hall; that they understood there was another concern expecting to commence operation on the first of July,

under the name of the Moab-Bluff Stage & Transportation Company, which would be in opposition and prejudicial to the operation of such Bender and Hall.

The application herein was filed May 20, 1918. In answer to Frank Halls' communication of June 22, 1918, and after the filing of the application herein, the Commission, under date of July 18, 1918, advised said Hall that the application had been filed, enclosing copy thereof, and at the same time forwarded to Mr. Hall a notice of the hearing upon said application, and it would appear by the files in this office, and the testimony given at the hearing concerning the notice given, that Frank Halls and George Bender were notified of such hearing, but did not appear. It further appeared that the parties, Bender and Hall, had discontinued the operation of the service heretofore referred to.

Testimony disclosed the facts to be that a partnership had been entered into by J. T. Pehrson, C. R. Christensen, H. E. Pehrson, J. M. Bailey, W. H. Christensen, John Christensen and Chester Black, under the name of the Moab-Bluff Stage and Transportation Company, such partnership being formed for the purpose of carrying the United States mail, parcel post, express and passsengers between Moab and Bluff, and intermediate points; that they were prepared to take care of the traffic, having three Buick automobiles and three Ford touring cars, as well as one trailer used to handle excess baggage and mail; that in order to meet the demands and give service during periods when the roads were bad, they had fourteen horses for the hauling of passengers, mail and express, and were thereby prepared to take care of the service during the entire year; that the horses would not be used for passenger vehicles, unless absolutely necessary.

It further appeared that the members of the partnership were men who were interested in the welfare and development of that section of the State.

The roads between the points named herein, are not the best, in fact they are very rough, and very little work is done on them to keep them in good condition. Considerable effort and time is required to make the trip, it being a distance of about 117 miles from Moab to Bluff.

The conditions under which the public must travel in that section of the State, and the distance necessarily covered, would certainly suggest the necessity of establishing a service that could be depended upon. Transportation in that terri-

tory, such as is contemplated and offered by the applicant herein, is important, and it is the purpose of the law in taking control of automobile passenger lines, to establish a more convenient and certain means of getting over the country. In order to accomplish such end, it is the desire of the Commission to encourage efforts put forth for that purpose.

Under the showing it appears that there is a necessity for the establishing of a service better and more certain than has been, heretofore, in operation, and that there is not now, nor has there been, a service that could be entirely depended upon by the public. It would be to the interest and benefit of the people in that section of the State if responsible parties should be given authority to build up a stage line service such as appears to be contemplated by those who are connected with the application filed herein.

The applicant is apparently equipped to take care of the service, and after a careful examination of the testimony taken, together with what appears in the records, we find that the applicant should be granted a certificate of convenience and necessity to operate over the territory described in the application.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 16

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 13th day of August, A. D. 1918.

In the Matter of the Application of the MOAB-BLUFF STAGE AND TRANSPORTATION CO., for a certificate of convenience and necessity to operate an automobile stage line between Moab and Bluff, Utah. } **CASE No. 67**

This case being at issue upon petition on file, and having

been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof.

IT IS ORDERED, That the applicant, the Moab-Bluff Stage & Transportation Company, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers, express and freight, between Moab, Utah, and Bluff, Utah.

ORDERED FURTHER, That the said Moab-Bluff Stage & Transportation Company shall file with the Public Utilities Commission of Utah, and post at each station on its route, schedule of fares and charges, as specified in its supplemental application filed with the Commission on July 29, 1918.

ORDERED FURTHER, That the said Moab-Bluff Stage & Transportation Company shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

68. In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to cancel the rate of six-trip tickets for 25 cents between Logan and Providence, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to cancel the rate of twenty-five cents for six-trip tickets between Logan, Utah, and Providence, Utah. } CASE No. 68

Submitted July 26, 1918. Decided July 29, 1918.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant herein alleges that it has had in effect since December, 1916, a rate of six-trip tickets for twenty-five cents between Logan, Utah, and Providence, Utah, which tickets have been generally used by passengers between these points; that when this rate was made there was no agent at Providence, and it was in order to make the purchase of tickets convenient for the traveling public that the six-trip tickets were issued; that since the time of making such arrangement the applicant has constructed a depot at Providence, and has an agent regularly in charge thereof.

Permission is, therefore, asked to cancel the rate of twenty-five cents for six-trip tickets, and leave in effect a straight five-cent fare between the two points.

No protest was received from the citizens of Providence or of Logan, notwithstanding the Commission gave notice by posting, and also by sending to the Mayor of the Town of Providence, and also to leading citizens, copies of the application and notices of the hearing on the matters involved.

The hearing was held July 26, 1918, at Providence, Utah, and the applicant was represented by J. W. Ellingson, its Traffic Manager, and C. F. Muller, its Assistant General Manager. The Town of Providence was represented by a commit-

tee appointed by the Town Board, consisting of Mayor George M. Pickett, Bishop Joseph Campbell, and Henry A. Thuerer, a prominent merchant of the Town.

Testimony for the applicant was given by J. W. Ellingson, and it was to the effect that the rate in question was initiated by the applicant under date of December 1, 1916, before the enactment of the law establishing the Public Utilities Commission; that the said rate was intended as a convenience to the applicant, first, in securing its rightful revenue; second, in accounting, and third, in assisting conductors on trains in making collection of fares, which otherwise would have to be collected in cash by the conductors because there was no agent at Providence to sell tickets; that there has been constructed a depot at Providence, and a ticket agency is maintained; that the present minimum one-way ticket between any other points on the line of the applicant's railroad, is five cents, and on the street railway systems in Ogden, Brigham City and Logan, the minimum rate is five cents, this rate having been made effective by order of this Commission dated July 16, 1918, in Case No. 43.

It was further testified that the distance between the two points is 1.8 miles, and that the fare of five cents is not unreasonable or discriminatory, and that it should be made effective in order to remove the discrimination that would prevail if the five-cent fare is demanded within the corporate limits of Logan City, while less than five cents is charged for transportation from Logan City to Providence.

Opportunity was given for the citizens' committee representing the Town of Providence, to cross-examine the witness for the applicant, but after the applicant's testimony had been introduced, Mr. Campbell, representing the committee, stated that there would be no protest against the granting of the application; that on the showing made it appeared to be a just and reasonable request, and that the interested parties in the Town of Providence would not object to the proposed increase in fares. This was corroborated by Mr. Pickett, and by Mr. Thuerer, and the matter was thereupon taken under advisement.

From the evidence adduced, we find that the applicant should be permitted to discontinue the sale of six tickets for twenty-five cents between Providence, Utah, and Logan, Utah, and that a rate of five cents for each fare each way between these towns should be instituted.

We further find that this should be made effective July 31, 1918, after which date none of the said tickets should be honored for transportation between the said points, all outstanding tickets to be redeemable in cash at the cost price thereof, if presented for redemption on or before December 31, 1918.

An order will be entered accordingly.

(Signed) HENRY H. BLOOD,
Commissioner.

I concur:

(Signed) JOSHUA GREENWOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of th PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah,, on th 29th day of July, A. D. 1918.

In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to cancel the rate of twenty-five cents for six-trip tickets between Logan, Utah, and Providence, Utah. } **CASE No. 68**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Utah Idaho Central Railroad Company, be, and the same hereby is, permitted and authorized to discontinue the sale of six tickets for twenty-five cents between Providence, Utah, and Logan, Utah, and establish in place thereof, a rate of five cents for each fare each way between these towns.

ORDERED FURTHER, That this order be made effec-

tive July 31, 1918, after which date none of said tickets shall be honored for transportation between the said points; and that all tickets shall be redeemable in cash at the cost price thereof, if presented for redemption on or before December 31, 1918.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

69. In the Matter of the Application of H. M. NELSON, for permission to operate an automobile freight service between Salt Lake City and Brigham, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. M. NELSON, for permission to operate an automobile freight service between Salt Lake City and Brigham, Utah. } **CASE No. 69**

ORDER

Upon motion of the petitioner, H. M. Nelson, and by the consent of the Commission,

IT IS HEREBY ORDERED, That the proceedings in the above entitled case be, and the same hereby are, dismissed.

By order of the Commission.

Dated at Salt Lake City, Utah, this 5th day of August, A. D. 1918.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

70. In the Matter of the Application of JOE MELICH, M. R. POPOVICH, MIKE GAVRILOVICH, PETE BORICH, PETE LOVRA and MARTIN KOLASVICH, a co-partnership doing business under the name of the PHOENIX-SALT LAKE AUTO LINE COMPANY, for permission to operate an automobile stage line from Salt Lake City to Phoenix, via Bingham Canyon, and from Bingham to Phoenix.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of Joe Melich, M. R. Popovich, Mike Gavrilovich, Pete Borich, Pete Lovra, and Martin Kolasvich, a co-partnership doing business under the name of the PHOENIX-SALT LAKE AUTO LINE COMPANY, for permission to operate an automobile stage line from Salt Lake City to Phoenix, via Bingham Canyon, and from Bingham to Phoenix, Utah.

CASE No. 70

Submitted August 13, 1918. Decided August 28, 1918.

Charles A. Rice for petitioners.
Dan B. Shields for protestants.

REPORT OF THE COMMISSION

By the Commission:

Applicants herein ask for a certificate of convenience and necessity authorizing them to operate an automobile stage line between Salt Lake City and Bingham Canyon, and the town of Phoenix; also a certificate of convenience and necessity authorizing them to operate an automobile stage line between Bingham Canyon and Phoenix.

Protest was made against the granting of the application, by M. P. Culver, representing the Consolidated Auto Line, and Eugene Chandler, who operates a stage line from Carr Fork to Highland Boy, Phoenix, Copperfield, and intermediate points.

Hearing was had on August 13, 1918, and testimony was taken which indicated that at the time this application was filed applicants herein were not aware that certificates of convenience and necessity had been granted by this Commission for the operation of an automobile stage line between Carr Fork and Phoenix, but that they did know of a certificate having been granted for the operation of a stage line between Bingham Canyon and Salt Lake City.

Mr. Melich, one of the applicants, and the principal witness on behalf of those applying for this certificate, based his request for favorable action by this Commission, upon his testimony that the Bingham to Salt Lake auto stage line was not sufficiently equipped to care for the traffic, and that the cars were overloaded. The protestants testified that they were taking care of the business and furnishing adequate service, both on the Salt Lake-Bingham line and on the Carr Fork-Phoenix line, and intended to continue to do so, and would give sufficient service.

Subsequent to the hearing the Commission made a personal visit to Bingham Canyon and to the town of Phoenix and other points in that district, and carefully investigated the traffic conditions on the lines operated by the individuals and companies that have been granted certificates of convenience and necessity. Residents of the district were interviewed and an effort was made to learn the true condition. Our conclusion, based upon the testimony and upon the personal investigation mentioned herein, is that reasonably adequate service is being rendered on both lines, and that as the demand for additional equipment developes, the present operators are prepared to, and will, render the necessary service.

The purpose of public utility regulation is to reduce to a minimum, wasteful competition, and to provide by regulation for the giving of proper service by a utility to the public. Experience has taught that unrestricted competition results in reduced efficiency. State commissions have repeatedly held that where an established service is being rendered, and where such utility is rendering, or is competent to render, the service necessary, they will not encourage or allow a competitive utility to enter the field.

On this point we quote with approval the following opinion written by Commissioner Emmett of the New York Public Utilities Commission, Second District, in the matter of the

petition of T. S. Ashmead, et al., reported in P. U. R. 1916 D, page 10:

> "Experience had demonstrated that competing companies, operating in a single field, were never likely to achieve such secure financial standing as to enable them, collectively, to give as good service as a single well-regulated monopoly, which was kept up to the mark by efficient state regulation, would be in a position to supply. The safeguard, of course, in all such cases—the justification for this seeming approval of the monopolistic idea —lay in the fact that, along with the power to establish a virtual monopoly, the Commission was given the power to compel these monopolies to serve the public more faithfully than had generally been the practice before the passage of the law."

The Commission is of the opinion that the service at present being rendered between Salt Lake City and Bingham Canyon, and between Carr Fork and Phoenix and other towns in that district, is fairly adequate and should not be disturbed.

The Commission takes this occasion to say, however, that it will carefully watch the operation of the stage lines already doing business in that district, with a view of having the rules and regulations established by the Commission observed. Particularly it is felt that over-crowding of vehicles should not be permitted, and wherein the number of vehicles is not sufficient additional auto stages should be provided to the end that the public be given the very best possible service commensurate with its needs. The application will, therefore, be denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 28th day of August, A. D. 1918.

In the Matter of the Application of Joe Melich, et al., co-partners doing business under the name of the PHOENIX-SALT LAKE AUTO LINE COMPANY, for permission to operate an automobile stage line from Salt Lake City to Phoenix, via Bingham Canyon, and from Bingham to Phoenix. } **CASE No. 70**

This case being at issue upon petition and protests, on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application in this proceeding be, and it is hereby, denied.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

71. In the Matter of the Application of the UINTAH TELEPHONE COMPANY, for permission to construct a telephone line from the Stewart Ranch in Wasatch County, Utah, to Park City, Summit County, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UINTAH TELEPHONE COMPANY, for permission to construct a telephone line from the Stewart Ranch in Wasatch County, Utah, to Park City, Summit County, Utah. } CASE No. 71

Submitted August 23, 1918. Decided August 26, 1918.

Don B. Colton for petitioner.
Charles M. Morris for protestant.

REPORT OF THE COMMISSION

By the Commission:

Petitioner made application for a certificate of convenience and necessity authorizing it to construct a telephone line from Stewart's Ranch on the upper Provo River, Wasatch County, Utah, to Park City, Summit County, Utah, a distance of 21 miles, said line to be a continuation of a line already constructed from Vernal to Stewart's Ranch.

The Kamas-Woodland Telephone Company filed a protest to the granting of the petition, and alleged; that if said proposed telephone line were constructed and permitted to compete with protestant's telephone line between Stewart's Ranch and Park City, or to compete for business at any intermediate points traversed by the telephone line of protestants, said competition would result in financial loss to the protestant, and to the serious impairment of the present service of protestant throughout its entire system.

Hearing on the petition was set to be held at Park City, Utah, on August 23, 1918, at eleven o'clock a. m. Later, on application of the petitioner and the protestant, the place of holding the said hearing was changed to the Commission's offices in Salt Lake City, the day and hour remaining as originally set.

At the hearing, the petitioner, by its attorney, Don B. Colton, Esq., made a statement to the effect that petitioner desired to establish, at Stewart's Ranch, a testing station, but did not wish to make that point a public toll station, nor did it desire to handle any of the commercial business originating in territory between Stewart's Ranch and Park City. It was stated that the sole purpose of the building of the new line was to secure a more direct route of communication from the Uintah Basin territory to Salt Lake City and other points, and that inasmuch as the one line proposed to be constructed would be in almost constant use, it would be desirable that it be relieved of handling any business originating in the territory served by the Kamas-Woodland Telephone Company.

On behalf of protestant, its attorney, Charles M. Morris, Esq., withdrew that part of the protest which sought to prevent the establishing of a telephone station at Stewart's Ranch, and expressly stipulated protestant's willingness that a testing station to be used by the Uintah Telephone Company for keeping its line in order, might be established at that point, with the understanding that the owners, managers and agents of Stewart's Ranch, and members of their families, might be permitted to use petitioner's line for communication with Park City and Salt Lake City, regular toll charges to be collected by the petitioner for such service. Under this stipulation and agreement between the parties in interest in this proceeding, the Commission took the case under advisement.

It appeared from the statement of the petitioner, at the hearing, that in order to establish telephonic communication between the Uintah Basin and Salt Lake City and the adjacent territory, a line had to be used which connected with the Eastern Utah Telephone Company, at Price, and through that Company with the Mountain States Telephone & Telegraph Company. This very circuitous route rendered the service uncertain, unsatisfactory and inadequate. In order to get more direct and better service, the new line had been projected. It was the intention to construct this line with a copper metallic circuit. Owing to the fact that this line has to cross a mountain range east of Stewart's Ranch, it was difficult to keep the line open and in operation during the winter. It was necessary, therefore, to the successful operation of this extension, that a testing station be established at or near Stewart's Ranch.

It appears further that the petitioner found it necessary, in order to secure a direct route, to cross the Stewart prop-

erty, and it secured permission to do so on condition that a station would be established at the Ranch which would be available for use by the owners and agents thereof, when they desired to communicate with Salt Lake City and other points.

Stewart's Ranch is the terminus of the Kamas-Woodland Telephone Company's branch line, and that Company had extended its line so as to give service to the district centering at said ranch. The revenue derived had not been large, and if it were divided it would not be practicable to maintain the service.

After full consideration of the conditions, and after giving full weight to the statements of petitioner and protestant, the Commission finds as follows:

1. That the petitioner should be granted a certificate of convenience and necessity to construct its proposed line between Stewart's Ranch and Park City.

2. That petitioner should be permitted to establish a testing station at Stewart's Ranch, said testing station to be used by petitioner's employes for the purpose of keeping its line open and in operation, and to be used also, when desired, by the owners, managers and agents of Stewart's Ranch and their families, but not to be used by the general public, and not to be considered as a public toll station.

3. That petitioner should be permitted to establish a schedule of rates and tolls to be charged for the service rendered to the owners, managers and agents of Stewart's Ranch, and their families.

4. That petitioner should file with the Commission its schedule of rates and tolls for service over said line.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 20

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 26th day of August, A. D. 1918.

In the Matter of the Application of the UINTAH TELEPHONE COMPANY, for permission to construct a telephone line from the Stewart Ranch in Wasatch County, Utah, to Park City, Summit County, Utah. **CASE No. 71**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That petitioner, the Uintah Telephone Company, be, and hereby is, authorized to construct, operate and maintain a telephone line for toll service, between Stewart's Ranch and Park City, Utah, said line to be constructed in conformity with the Commission's tentative general order dated February 4, 1918; and to establish and maintain a testing station at Stewart's Ranch, which station may also be used by the owners, managers and agents of Stewart's Ranch and their families, but not by the general public.

ORDERED FURTHER, That applicant shall, before said toll line is open for service, publish and file with the Commission a schedule showing charges to be assessed for the service rendered owners, managers and agents of Stewart's Ranch, and their families, together with a schedule showing its toll rates over said line.

Provided, that upon a showing by applicant that the above order, when applied to the construction described herein is unjust or unreasonable, the Commission may, by special order, grant such relief as may be deemed necessary.

By the Commission.

(Signed) T. E. BANNING.

(SEAL) Secretary.

72. **In the Matter of the Application of L. D. VAN WORMER, for permission to operate an automobile stage line from Milford, Utah, to Beaver, Utah, and all intermediate points.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of L. D. VAN WORMER, for permission to operate an automobile stage line from Milford, Utah, to Beaver, Utah, and all intermediate points. } **CASE No. 72**

Submitted August 14, 1918. Decided August 20, 1918.

L. D. Van Wormer for petitioner.

W. R. Martin for protestant, Beaver-Milford Transportation Co.

H. A. Larson for protestant, Utah Transportation Co.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

As per notice of hearing in the above entitled matter, the undersigned Commissioner, on the 14th day of August, 1918, at Milford, Utah, called the same for hearing.

There appeared in person representatives of the Utah Transportation Company and the Beaver-Milford Auto Company. Both of said corporations had filed protests and objections to the issuance of the order asked for by the petitioner.

At the time of the hearing the petitioner, L. D. Van Wormer, appeared in person and voluntarily withdrew his application, whereupon the hearing was discontinued.

The withdrawal being, in effect, a motion to dismiss the application, an order dismissing same should be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of August, A. D. 1918.

Upon motion of the petitioner, and by the consent of the Commission:

IT IS ORDERED, That the proceedings in this matter be, and they are hereby, dismissed.

(Signed) T. E. BANNING.
(SEAL) Secretary.

73. In the Matter of the Application of HYRUM DAVIS, for permission to operate an automobile stage line between Milford, Utah, and Newhouse, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HYRUM DAVIS, for permission to operate an automobile stage line between Milford, Utah, and Newhouse, Utah. } **CASE No. 73**

Submitted August 14, 1918. Decided August 20, 1918.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for investigation at Milford, Utah, on August 14, 1918, at 8:30 p. m., and from the testimony taken it appeared that the applicant, Hyrum Davis, had entered into a contract with the Federal Government for the carrying of United States mail, daily, between Milford, Utah, and Newhouse, Utah; that Milford is a railroad station located in Beaver County, Utah, on the Salt Lake Route; that Newhouse is a mining camp, and is the point at which the stage line from Garrison, Utah, and Ely, Nevada, terminates; that there is considerable traffic going east and west; that notwithstanding the operation of a spur or extension of the Salt Lake Route,

which carries passengers and freight between and to the points named, such service does not meet all the requirements of the traveling public; that for years past the travel along the route in question has been accomplished by automobiles, some of which automobiles have been operated by Mr. E. F. Sherwood; that it is the purpose of the applicant to establish a service giving daily service between the points named, and it further developed that there were no competing, authorized transportation lines other than that above mentioned; that the applicant is equipped with the necessary automobiles to take care of such service.

Mr. E. F. Sherwood, who had been operating the line heretofore, appeared and gave testimony to the effect that notwithstanding he had been operating a passenger stage line between the points in question, in connection with the mail service, he had no objection to the application of Mr. Davis being granted, and that it was not his intention to continue operating such stage line.

It appearing that there is a necessity for establishing a permanent and regular means of travel between the points named, for the purpose of giving service to the traveling public, and that applicant, under the showing, is competent and able, and willing to render such service, it is recommended that a certificate of convenience and necessity be issued to applicant, Hyrum Davis, as requested in his petition filed with the Commission.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
(SEAL) Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 18

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of August, A. D. 1918.

In the Matter of the Application of HYRUM DAVIS, for permission to operate an automobile stage line between Milford, Utah, and Newhouse, Utah. } **CASE No. 73**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Hyrum Davis, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers between Milford, Utah, and Newhouse, Utah.

ORDERED FURTHER, That the said Hyrum Davis shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING.
Secretary.

(SEAL)

74. **In the Matter of the Application of ANDREW CORRY, for permission to operate an automobile stage line for the transportation of passengers between Cedar City and Paragoonah, Utah, and intermediate points.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ANDREW CORRY, for permission to operate an automobile stage line for the transportation of passengers between Cedar City, Utah, and Paragoonah, Utah, and intermediate points. } **CASE No. 74**

REPORT OF THE COMMISSION

By the Commission:

Application having been filed with the Public Utilities Commission of Utah by Andrew Corry for a certificate that public convenience and necessity require the operation of an automobile stage line between Cedar City, Utah, and Paragoonah, Utah, and intermediate points; and the Commission having caused investigation to be made, finds that said applicant is engaged in transporting United States mail between Cedar City and Paragoonah and makes this trip on regular schedule; that W. P. Barton, who formerly operated over this route, no longer being engaged in handling United States mail, has transferred all his rights, title and interest in such route to applicant, Andrew Corry; that public convenience and necessity require such service; and that said applicant is equipped and qualified to operate such stage line;.

Now, therefore, we find and do hereby certify that public convenience and necessity requires the establishment of an automobile stage line for the transportation of passengers over said route.

An order will be entered accordingly.

Dated at Salt Lake City, Utah, this 9th day of August, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 14

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 9th day of August, A. D. 1918.

In the Matter of the Application of ANDREW CORRY, for permission to operate an automobile stage line for the transportation of passengers between Cedar City, Utah, and Paragoonah, Utah, and intermediate points. } **CASE No. 74**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Andrew Corry, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers between Paragoonah and Cedar City, Utah, and intermediate points.

ORDERED FURTHER, That the said Andrew Corry shall file with the Public Utilities Commission of Utah, and post at each station on this route, schedule of fares and charges, which shall not exceed the following:

Between Cedar City and Enoch	$ .50
Between Cedar City and Summit	1.00
Between Cedar City and Parowan	1.50
Between Cedar City and Paragoonah	1.75
Between Enoch and Summit	.50
Between Enoch and Parowan	1.00
Between Enoch and Paragoonah	1.25
Between Summit and Parowan	.50
Between Summit and Paragoonah	1.00
Between Parowan and Paragoonah	.50

ORDERED FURTHER, That the said Andrew Corry shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING.

(SEAL) Secretary.

75. In the Matter of the Application of JOHN MORTENSEN, for permission to operate an auto stage line for the transportation of passengers, and a freight truck line for the transportation of property, between Parowan and Milford, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN MORTENSEN, for permission to operate an auto stage line for the transportation of passengers and a freight truck line for the transportation of property between Parowan and Milford, Utah. } **CASE No. 75**

REPORT OF THE COMMISSION

By the Commission:

Application having been made to the Public Utilities Commission of Utah by John Mortensen of Parowan, Utah, for certificate that public convenience and necessity requires the establishment of an automobile stage line for the transportation of passengers and an auto freight truck line for the transportation of property, between Milford, Utah, and Parowan, Utah, and the Commission having caused investigation to be made, finds that said applicant has in the past and prior to the effective date of the Public Utilities Act of Utah, transported passengers and property over said route, such transportation having been when occasion demanded and upon no established schedule; that passengers frequently require transportation between such points and over such route, and that there is a regular movement of property between such points;

that at the time such application was filed there were two stage lines operating between Milford and Beaver, and intermediate points, but no stage line operating between Beaver and Parowan.

Now, therefore, we find and hereby certify that public convenience and necessity requires the establishment of an automobile stage line for the transportation of persons, and an auto freight truck line for the transportation of property over the above named route, provided that the certificate does not authorize said applicant to transport either persons or property between Milford and Beaver or intermediate points in competition with established lines operating between such points.

An order will be entered accordingly.

Dated at Salt Lake City, Utah, this 9th day of August, A. D. 1916.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 15

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 9th day of August, A. D. 1918.

In the Matter of the Application of JOHN MORTENSEN, for permission to operate an auto stage line for the transportation of passengers and a freight truck line for the transportation of property between Parowan and Milford, Utah. } **CASE No. 75**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, John Mortensen, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers between Parowan and Milford, Utah; and a freight truck line for the transportation of property between Parowan and Milford, Utah, but in either case not for the transportation of persons or property between Milford and Beaver or intermediate points.

ORDERED FURTHER, That the said John Mortensen shall file with the Public Utilities Commission of Utah, and post at each station on this route, schedule of fares and charges, which shall not exceed the following:

Furniture, new and second-hand, honey cans (empty returned) ----------$1.00 per cwt.
All other freight ---------- .75 " "
Passengers between Milford and Parowan ----------$4.00
Between Milford and Paragoonah----- 3.50

ORDERED FURTHER, That the said John Mortensen shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING.
(SEAL) Secretary.

76. In the Matter of the Application of the ALTA AUTO BUS AND STAGE COMPANY, for permission to increase its rates.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the ALTA AUTO BUS AND STAGE COMPANY, for permission to increase its rates. } **CASE No. 76**

REPORT OF THE COMMISSION

ORDER

By the Commission:

Application having been made by the Alta Auto Bus and Stage Company, of Sandy, Utah, for permission to increase

the passenger fare between Salt Lake City and Alta, twenty-five cents for each passenger, making the fare from Salt Lake City to Alta, $2.50, and the fare from Alta to Salt Lake City, $2.00, with intermediate points in proportion; and to discontinue the sale of round trip tickets;

And a showing having been made that the increased cost of materials, and the increased cost of doing business, as evidenced by statement submitted August 10, 1918, warrants such advance; and no protests having been received against the granting of the application; and the Commission having caused investigation to be made and being in possession of the facts in the case, finds as follows:

1. That the discontinuing of round trip rates should not be permitted.
2. That the part of the application which requests permission to advance one-way fares twenty-five cents, in both directions, should be granted.
3. That an equivalent advance in round trip fares should be permitted.

IT IS THEREFORE ORDERED, That the applicant, the Alta Auto Bus and Stage Company, be, and hereby is, authorized to publish and put into effect on five days' notice to the Commission and the public, fares which will not exceed the following:

From Salt Lake City to Alta	$2.50
From Alta to Salt Lake City	2.50
Round trip between Salt Lake City and Alta	4.00

IT IS FURTHER ORDERED, That notices be posted at all points from which this stage line operates, and also that a notice be posted upon each car in operation by this Company, advising the public of such change in rates.

By the Commission.

Dated at Salt Lake City, Utah, this 15th day of August, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

77. **In the Matter of the Application of J. W. JONES and J. C. DENTON, for permission to operate an automobile stage line for passengers between Magna and Saltair, Salt Lake County, Utah.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. W. JONES and J. C. DENTON, for permission to operate an automobile stage lines for passengers between Magna and Saltair, Salt Lake County, Utah. } **CASE No. 77**

Decided August 16, 1918.

REPORT OF THE COMMISSION

By the Commission:

This application was filed June 27, 1918. Applicants requested a certificate of convenience and necessity, authorizing the operation of an automobile stage line between Magna, Utah, and Saltair, Utah, via Garfield, Utah. This application followed closely a similar petition filed by John C. Denton, one of the applicants in this case, which application was denied by the Commission on July 9, 1918—Case No. 56.

No hearing was held on this petition; but applicants, through their attorney, were requested on July 6, 1918, to advise if they were willing to submit the testimony in the former case referred to above as the testimony in this proceeding. No written reply was received to this communication, but in a telephone conversation the Commission was advised that this was agreeable to applicants. The further request was made by applicant that the Commission investigate the service now being given by the present stage line. Investigation conducted by the special investigator of the Commission does not show that conditions have changed since the order referred to herein was issued, and it appears that there does not exist any public convenience or necessity which requires the

operation of additional stage lines between Magna, Utah, and Saltair, Utah.

The application should, therefore, be denied.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of August, A. D. 1918.

In the Matter of the Application of J. W. JONES and J. C. DENTON, for permission to operate an automobile stage lines for passengers between Magna and Saltair, Salt Lake County, Utah. } **CASE No. 77**

This case being at issue upon petition on file, and having been submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the petition in this proceeding be, and it is hereby, denied.

By the Commission.

(Signed) T. E. BANNING.
Secretary.

(SEAL)

78. In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to increase its rates, fares and charges.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to increase its rates, fares and charges. } **CASE No. 78**

Submitted Sept. 10, 1918. Decided Oct. 4, 1918.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The petitioner is a corporation organized under the laws of the State of Maine, doing business in the State of Utah, and having its principal place of business in Salt Lake City, Utah. It owns and operates an electric railway line extending from Salt Lake City, Utah, to Payson, Utah, together with a branch line extending from Granger, Utah, to Magna, Utah. It operates both freight and passenger cars and trains over its line, and is engaged in a general railroad business.

In an application filed August 10, 1918, the petitioner asks authority to change and increase its rates, fares and charges, so that as so changed, increased and amended, they will conform with General Order No. 28, issued by William G. McAdoo, Director General of Railroads. The reasons alleged for seeking the increases are that the rates proposed to be increased were fixed and established in or about the year 1913, and were, at that time, fair, just and reasonable, but that while such rates, fares and charges have remained stationary, the cost of operation of petitioner's railroad has constantly increased, that petitioner is in direct competition with the Denver & Rio Grande Railroad and the Los Angeles & Salt Lake Railroad, which competing lines of railroad are now operated by the President of the United States; that the Director General of Railroads has ordered wages of all classes of employes advanced, under General Order No. 27, and that the petitioner is accordingly under the necessity of granting corresponding

increases in wages to its employes; that materials and supplies essential to railroad operations have advanced in price from 40 to 200 per cent over former costs; that the departure from the territory served by the petitioner of large numbers of men who have entered into the service of the United States, has materially and substantially decreased the population served by it, and that this condition, together with the wide-spread patriotic determination of those who remain to practice thrift and ecenomy, and avoid unnecessary expenditures, has resulted, and will continue to result, in a positive, serious and substantial reduction in the volume of traffic over its said lines; that the Director General of Railroads and the Interstate Commerce Commission have found and determined that increased rates, fares and charges were reasonable and necessary for lines under Federal control; that the proposed increased rates, fares and charges are necessary to keep the rates of petitioner substantially on a parity with the rates established and in force on competing lines, and to avoid injustice and discrimination between shippers and passengers, to avoid affecting prejudicially the rates and income of the United States Railroad Administration in the territory served by the petitioner, and to prevent competition which will be injurious to the Government, the petitioner and the public; that the proposed increases in rates, fares and charges, are necessary in order that petitioner shall have and receive a fair, reasonable and just compensation for service performed and a just return upon its investment.

The case came on for hearing before the Commission, September 10, 1918. No protests were filed with the Commission and no one appeared in person to offer any objection to the proposed advance.

Testimony given on behalf of the petitioner, by Ross Beason, its Traffic Manager, showed that the Company has outstanding:

Common Stock	$3,000,000.00
Preferred Stock	1,980,000.00
Funded Debt	1,250,000.00
Unfunded Debt	968,325.58
Total	$7,198,325.58

Testimony was introduced to show that the property cost $3,800,000.00, and that of this amount the stockholders invest-

ed $1,600,000.00, the balance being represented by funded and unfunded debt.

The petitioner's financial statement for the year 1917 shows the following figures:

Passenger revenue	$327,683.59	
Freight revenue	107,188.10	
Miscellaneous revenue	44,053.89	
Gross revenue		$478,925.58
Operating expenses		292,207.89
		$186,717.69
Taxes		34,683.86
Operating income		$152,033.83
Interest charges	$100,457.90	
Amortization of bond discount	6,539.56	106,997.56
Net income available for dividends		$ 45,036.27

This net income, if paid out in dividends to stockholders, would have made a return of 2.27 per cent on the outstanding preferred stock, or 2.8 per cent on the actual cash investment of $1,600,000.00 made by stockholders. Petitioner claimed that no dividends have ever been paid to stockholders, but net incomes have been carried as a corporate surplus, which at the end of 1917, and including the net income of that year, amounted to $118,323.31.

A financial statement covering the first seven months of 1918, showed substantial increases over 1917, based on comparative monthly averages, in gross revenues, operating expenses, and operating income, but a decrease in net income, due, apparently, to a larger proportionate interest charge during that period.

Testimony was offered showing that petitioner has not set up a depreciation reserve on its property, except on its rolling stock. Other property used in giving service to the public is wearing out, and no adequate reserves are being provided to pay for replacements. There was certain testimony showing that the petitioner has not spent the usual sum for maintenance of ways and structures, its average per mile for

1917 being $466 for this item, while other electric interurban lines in Utah have expended for this item $921 and $1,076 per mile, respectively. Apparently, maintenance has been deferred and proper and adequate depreciation has not been accrued. Had these items been covered, the corporate surplus, which now stands as a credit to stockholders in lieu of dividends, would have been exhausted.

The petitioner, in common with others who employ labor and use materials, is faced with increased costs on every hand. It was shown that since 1915 the average wage increase has been 68.7 per cent, and that during the same period there has been an increase of 70.4 per cent in the cost of important items of material and supplies. Taxes were also shown to have increased.

In summing up the testimony presented we are forced to the conclusion that the revenues of petitioner are not, under present conditions, sufficient to meet its requirements, and that it is entitled to some measure of relief. We repeat here, however, what we have so frequently said before, that this petitioner, and others similarly situated, should be willing to bear a part of the added burden imposed on all alike by the conditions now prevailing. We cannot undertake to make utility companies whole by providing for sufficient additional revenues to cover the entire increased cost of operation. It must be borne in mind that the people who are the patrons of this petitioner also are struggling under the weight of financial burdens heaped upon them as a result of war conditions. All should bear the load together.

The adjudication we feel justified in making in the instant case reflects our judgment of what is right and proper in the premises. We have not granted the petition in full, nor have we refused it in its entirety. The public is asked to carry part of the load, and the petitioner is required to bear the other part, until normal conditions are restored.

Having determined that relief is necessary, we are next confronted with the problem of providing additional revenue in such a way as to make the least possible disturbance of the business and social activities of the communities served by the petitioner.

FREIGHT RATES

The petitioner's line is located advantageously for the handling of traffic originating in the populous communities in

Salt Lake and Utah Counties. It has developed the freight business about as fully as could have been expected. A very large percentage of the local freight moving between the cities and towns along its line is handled by the petitioner. Its freight revenue for 1917 amounted to $107,188.10, which was 22.4 per cent of the total gross receipts for that year.

The petitioner claims that the effect of maintaining a lower freight rate on its line than on the Federal controlled roads would be to injuriously affect the revenues of the Government lines. This may be true in a limited degree. The Los Angeles & Salt Lake Railroad and the Denver & Rio Grande Railroad, both of which parallel petitioner's line all the way from Salt Lake to Payson, and serves the same communities, are both now under Federal control. Much of the business now being done by the electric line was formerly done by the steam roads with which it competes. Some little additional diversion of traffic might result from disparity of rates, but the amount would probably not be large.

Of more vital importance, in our view, is the claim that the lower rates on the electric line operates as a discrimination against shippers and the public located along the Federal controlled roads. This is manifestly true. For instance: A shipment of coal originating on the Utah Railroad, which is not under Federal control, and consigned to a dealer whose yards are located on a Federal controlled line, say between Provo and Salt Lake City, would be assessed the increased rate; while if consigned to a dealer located on petitioner's line, perhaps in the same town, it would move under the lower rate, by having it billed by way of petitioner's line from Provo to destination.

Again, all joint rates between Federal controlled and non-Federal controlled lines were raised in accordance with General Order No. 28. The division of rates between petitioner's road and certain Federal controlled lines is such that petitioner is allowed only its local rate from the junction point to the place of destination. If, therefore, it is not permitted to increase its local rate, a condition arises under which a shipment originating on a Federal controlled line and consigned to a point on petitioner's line must bear the increased rate, all of which increase is taken by the Federal controlled road. Only by increasing its local rate can the petitioner share in the increase. Until this local rate is increased the Federal controlled line will collect and retain the increased rate over

its own line and over the connecting line. This is a very unjust arrangement and offers an argument in favor of maintaining a parity of rates where joint traffic arrangements are in effect.

In order to avoid discrimination and injustices, and to provide for the present extraordinary financial obligations and needs of petitioner, due in large measure to advanced costs of material and labor, we are inclined to allow the 25 per cent increase to go into effect. There are certain modifications, however, of General Order No. 28, that should be made for the protection of shippers along petitioner's line. One of these has reference to the minimum charged for less than carload shipments, and another to the minimum scale of class rates. The conditions under which interurban railroad traffic is carried on, are in many respects different from those under which steam railroad operations are conducted. In a general way the steam lines are serving, primarily, widely separated districts, and their freight revenues are derived from long hauls. Short haul traffic is not considered profitable by them, and for this reason, probably, General Order No. 28 carried provisions for an increase of the minimum charge for less than carload shipments, and for an increase in the scale of class rates. Both of these provisions would operate injuriously to those who find it convenient or necessary to ship short distances, or in small consignments. The interurban lines, by their very name and nature, are designed to fill a need of the public for quick service between communities located near each other, or at no great distances. It is probably true that their operating expenses are lower than are those of the large steam lines. We are of the opinion that there should be no disturbance of the present arrangement as to the minimum class rates and the minimum charge for small shipments. With these exceptions we see no reason why the provisions of General Order No. 28, relating to a 25 per cent increase of freight rates, and an increase of minimum charge on carload shipments, should not go into effect.

PASSENGER FARES

The passenger tariffs now in effect on petitioner's line, provides for the following fares:

One way fare, 3 cents a mile.
Return trip fare, 166 2/3 per cent of one-way fare.
500-mile mileage fare, 2½ cents a mile.

1000-mile mileage fare, 2 cents a mile.
Commutation fare, 2 cents a mile.
Students' school fares, 1½ cents a mile.

The effect of granting the petition and permitting the advances to the level of General Order No. 28, would be to leave the one-way fare as it is, to abolish return trip tickets and mileage books, and to advance the commutation fares and students' fares 10 per cent. We have not been able to convince ourselves that the petition should be granted in full, because of the sweeping changes that would result. We feel that it would not be just to the public that is depending upon the petitioner's line for transportation, that so radical a change should be permitted. If it is argued that it is just because it conforms with the changes made on the Government controlled lines, the answer is that the conditions under which passenger transportation is conducted on the steam lines, are altogether different from those obtaining on electric lines. While, of course, the interurban lines have felt, in common with all other transportation companies, the burden of increased costs of operation, it will not be contended that the cost of performing passenger service by an electric interurban line is so great as it is on the steam lines. The interurban lines have been built for the express purpose of taking care of traffic between communities living at no great distances from each other. Petitioner's line serves a district where the density of population is such as to justify lower rates than could be given if it traversed a sparsely settled district and linked together widely separated communities. The steam roads with which this line comes into direct competition, cover a territory in part of their length, that has very little population, and from which, therefore, the revenue is comparatively slight. The density of traffic in petitioner's territory would, therefore, seem to justify a difference in rates and fares between petitioner's line and those under Federal control.

It may be suggested further, that the United States Railroad Administration seems to be more than willing to have the interurban electric lines take over the passenger business where it is possible for them to do so. By doing this and relieving the Federal controlled lines of the responsibility of carrying the passengers in the short haul district covered by the electric lines, equipment and man-power of steam roads is released for more vital and important service of the Government in connection with the movement of freight for war

and other purposes. It would seem to be the patriotic duty of the electric lines to prepare to handle the business thus diverted to them. The argument, therefore, that the advances should be permitted to the level of General Order No. 28, in order that the revenues of the Government lines shall not be adversely affected, loses its weight.

In general, therefore, we conclude that it will be prudent to permit only such increase of fares as seem to be absolutely necessary by reason of the financial condition of petitioner as shown at the hearing, and in order that the passenger traffic shall bear part of the burden of the increased costs of operation.

We believe the public is entitled to round trip fares below those applying as a basic one-way fare, and that the mileage and commutation book arrangement under which frequent riders may secure rates somewhat below those accorded to occasional patrons of the road, should be continued in use. We shall, however, authorize an advance in round trip, mileage and commutation fares.

We cannot, as at present advised, feel that it would be just as proper to permit any increase in the rate now accorded to students of educational institutions. The cause of education should be promoted in every way possible. While the ten per cent increase asked for is not great, we believe the service can be continued at the existing rate, without seriously affecting the petitioner's revenues.

We, therefore, find:

1. That the financial condition of the petitioner requires that its revenues be increased in order that it may be able to meet its fixed obligations, provide for depreciation on its property and give a return on the capital actually invested in the business.

2. That petitioner should be permitted to increase its freight rates to the basis provided by General Order No. 28, issued by William G. McAdoo, Director General of Railroads, with the following exceptions:

(a) Class rates to be advanced 25 per cent, disregarding the minimum scale prescribed by General Order No. 28.

(b) No advance to be made in the present minimum charge on less than carload shipments.

3. That petitioner should be permitted to establish the following basis of passenger fares:

One-way fare, 3 cents a mile.
Return trip fare, 180 per cent of one-way fare.
500-mile mileage fare, 2½ cents a mile.
1000-mile mileage fare, 2¼ cents a mile.
Commutation fares, 2.2 cents a mile.
Students' school fare, 1½ cents a mile.

4. That there should be no change in the existing baggage charges.

5. That petitioner should be permitted to put the rates and fares herein provided for, in effect on one day's notice to the public and the Commission.

An appropriate order will be entered.

(Signed) HENRY H. BLOOD,
Commissioner.

I concur:

(Signed) JOSHUA GREENWOOD,
(SEAL) Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of October, A. D. 1918.

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to increase its rates, fares and charges. } **CASE No. 78**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That petitioner, the Salt Lake & Utah Railroad Company, be, and it is hereby, authorized to advance

its freight rates to the basis prescribed in General Order No. 28, issued by William G. McAdoo, Director General of Railroads, with the following exceptions:

(a) Class rates to be advanced twenty-five per cent; minimum scale prescribed by General Order No. 28, to be disregarded.

(b) The minimum charge for a single shipment whether class or community, shall be that effective prior to the issue of General Order No. 28.

ORDERED FURTHER, That petitioner be, and it is hereby, authorized to establish and put in effect the following basis of passenger fares:

One-way fare, 3 cents a mile.
Return trip fare, 180 per cent of one-way fare.
500-mile mileage fare, 2½ cents a mile.
1000-mile mileage fare, 2¼ cents a mile.
Commutation fares, 2.2 cents a mile.
Students' school fare, 1½ cents a mile.

ORDERED FURTHER, That in publishing passenger fares on above basis, fractions up to and including two and one-half cents shall be disregarded, and that sufficient shall be added to amounts over two and one-half cents to make fares end in 0 or 5.

ORDERED FURTHER, That increased rates and fares authorized herein may be made effective on one day's notice to the public and the Commission.

ORDERED FURTHER, That tariffs naming such increased rates and fares shall bear on the title page the following notation:

"Issued upon less than statutory notice under authority of Public Utilities Commission's Order, dated October 4, 1918, Case No. 78."

By the Commission.

(Signed) T. E. BANNING.

(SEAL) Secretary.

79. In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to increase its rates, fares and charges.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to increase its rates, fares and charges. } CASE No. 79

Submitted August 30, 1918. Decided October 10, 1918.

W. H. Bradley for petitioner.

REPORT OF THE COMMISSION

By the Commission:

The petitioner is a railroad corporation, organized under the laws of the State of Utah, and is a public carrier, engaged in a general railroad transportation business, owning and operating railway lines between Mohrland and Utah Railway Junction, and between Thistle, Utah, and Provo, Utah, and operating also over the rails of the Denver & Rio Grande Railroad Company, between Utah Railway Junction and Provo, Utah.

In an application filed August 14, 1918, petitioner asks permission to advance rates, fares and charges on intrastate traffic over its lines to the level of the rates, fares and charges named in General Order No. 28 issued by William G. McAdoo, Director General of Railroads.

The petitioner, in common with other railroads in the State of Utah, advanced its rates, fares and charges, under authority of General Order No. 28, making the increases provided for in said order effective as to passenger fares and baggage charges, June 10, 1918, and as to freight rates, June 25, 1918.

Subsequently the petitioner's railway was released from Federal control and, therefore, was restored to the jurisdiction of this Commission.

On August 3, 1918, this Commission issued its General Order No. 3, directing the petitioner to cease and desist, on and after August 5, 1918, from charging, collecting, demand-

ing or receiving any rates, fares or charges shown in tariffs or schedules published under authority of said General Order No. 28, naming increased rates, in so far as same applied to traffic moving wholly over Non-Federal controlled railroads and wholly within the State of Utah, and to reinstate the rates, fares and charges shown in tariffs published and on file with the Commission prior to the effective dates of General Order No. 28, in so far as Utah state traffic is concerned.

Thereupon, petitioner restored the said rates previously in effect, the action being taken, however, under protest.

The case came on for hearing August 30, 1918. No protests were filed and no one appeared at the hearing to offer objections to the granting of the petition.

Testimony was offered to show that the petitioner had, prior to the effective dates of General Order No. 28, maintained the same level of rates, fares and charges as was in effect on the Denver & Rio Grande Railroad Company's lines, and that such parity of rates was desirable and necessary, because of the peculiar conditions presented by the joint use of petitioner's lines and the lines of the Denver & Rio Grande Railroad Company.

It was shown that petitioner is a coal road, built and operated primarily to move the output of various coal mines in the Utah coal fields. The Denver & Rio Grande Railroad also serves mines in the same fields, and the coal handled by both roads finds its market throughout Utah and surrounding states and coast points; so that the traffic conditions surrounding the operation of both roads are identical. In fact, each road operates for part of its distance over the lines of the other road.

It was alleged in the petition, and testimony was offered to show, that the effect of General Order No. 3 issued by this Commission is discriminatory, in that the Denver & Rio Grande Railroad Company, under Federal control, maintains advanced rates, while the petitioner is required to charge lower rates for the same service; and that it is further discriminatory, in that said General Order No. 3 operates to yield a higher rate on coal delivered to Federal controlled carrier connections than on that delivered to Non-Federal controlled carrier connections when moving from the same originating points and to the same destination.

The petitioner offered testimony to show that it had established extensive joint facility arrangements with the Denver

& Rio Grande Railroad Company and the Los Angeles & Salt Lake Railroad Company, the lines of both of which companies are under Federal control, and that petitioner pays its proportion of the cost of the operating expenses of these joint facilities, which places an undue burden on the petitioner, inasmuch as higher wages and other expenses are now in effect, with no off-setting increase of revenue, such as is enjoyed by the Federal controlled lines.

It was further shown that this petitioner had been subjected to the necessity of submitting to an increased wage scale, equivalent to the scale put into effect under General Order No. 27, issued by William G. McAdoo, Director General of Railroads, and that petitioner had increased its wage scale, dating said increase back to January 1, 1918, as had been done by Federal controlled lines.

It was claimed that the petitioner is compelled to maintain its scale of wages equal to the wages paid by Federal controlled roads, in order to hold its organization, and that if it is necessary for the Federal controlled lines to have the increased rates, fares and charges, in order to enable them to pay the additional wage scale and to keep up other increasing costs of operation, it is likewise necessary that the petitioner, doing business under similar conditions with the Federal controlled lines, also have an increase in revenue. The result of this Commission's General Order No. 3 was to reduce the revenues of the petitioner, while, of course, it could not in any was effect a reduction in its operating expenses.

It undoubtedly is true that industrial conditions obtaining at this time have resulted in a very serious increase in operating costs. Not only is this true because of the advance in wages, but because there has also been a very large increase in the cost of material used in the business of railroading. With advancing cost of operation, and with no advance in the gross revenue, it is clear that there must come a time when the utility could not continue to do business.

This Commission is charged with protecting the interests of the public, but it is also its duty to deal fairly with the carrier. The peculiar conditions shown to exist by the testimony in this case, and a consideration of the earnings of the Company, incline us to the opinion that there should be maintained a parity of freight rates between this petitioner's lines and the Federal controlled lines; in other words, we are inclined to grant the petition and to permit the advancing of all

freight rates, with the exception of the minimum scale of class rates and the minimum charge for a single shipment, to the level prescribed by Mr. McAdoo's General Order No. 28.

We have arrived at this conclusion by a consideration of the financial showing made by the petitioner, from which it appeared that on an investment of $7,576,840.99, as of June 30, 1918, the net income would be sufficient to give an annual return of 3.8 per cent. This figure was based upon the results for the month of June, 1918. During the month of July, 1918, with the increased rates in effect, as per General Order No. 28, the estimated annual return on the investment was shown to be 5.9 per cent, which latter would probably indicate what the return would be after a restoration of the increased rates.

In connection with this net income return, however, it should be stated that no reserve to cover depreciation in fixed improvements, such as ties, rails, bridges, buildings, etc., has been hitherto made by the petitioner. It has charged off depreciation on its equipment, but not on its other property. It is claimed that, inasmuch as this Company's road was built in 1914, it will soon be confronted with the necessity of making extensive renewals of ties, rails, etc. The depreciation that is being deferred was stated to be about $4,500.00 per month.

There was also testimony to the effect that Federal controlled lines have instituted a pension system for their employes, and the petitioner alleged that it would be necessary for it to make similar provisions for its workers. This would entail another expenditure, estimated at $4,400.00 per month, based upon its July, 1918, wage scale.

If, therefore, the two items of depreciation of property, other than equipment, and pension system expenses, were taken into consideration and the amounts that should be set up in these accounts were deducted from the net income, the result would be a reduction of the annual return on the investment, based upon present rates applied to June, 1918, financial statement from 3.8 per cent to 2.4 per cent and based upon the advanced rates applied to July, 1918, financial statement from 5.9 per cent to about 4.6 per cent.

The petitioner does comparatively little passenger business, the passenger revenues shown for the months of June and July, 1918, being about two-thirds of one per cent of the total operating revenues. The one-way fares now in effect are above the three cents per mile basis of General Order No. 28, and therefore could not be advanced. The only way in

which the application of the provisions of General Order No. 28 would affect the passenger fares of the petitioner would be in the abolishing of round trip fares, as the petitioner has no mileage, commutation or students' rates in effect.

The present one-way and round trip fares seem to us quite high enough for the service performed, and we, therefore, cannot permit the discontinuing of round trip fares.

The baggage charges at present in effect are above those prescribed in General Order No. 28, and, therefore, require no change or discussion.

We, therefore, find:

1. That the petitioner should be permitted to increase its freight rates on all intrastate traffic within the State of Utah to the level of the rates prescribed by General Order No. 28, issued by William G. McAdoo, Director General of Railroads, with the following exceptions:

(a) Class rates to be advanced 25 per cent, disregarding the minimum scale prescribed by General Order No. 28.

(b) No advance to be made in the present minimum charge on less than carload shipments.

2. That no changes should be made in existing passenger fares or baggage charges.

3. That increases herein provided for should be permitted to become effective on ten days' notice to the public and to the Commission.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of October, A. D. 1918.

In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to increase its rates, fares and charges. } **CASE No. 79**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That petitioner, the Utah Railway Company, be, and it is hereby, authorized to advance its freight rates to the basis prescribed in General Order No. 28, issued by William G. McAdoo, Director General of Railroads, with the following exceptions:

(a) Class rates to be advanced 25 per cent; minimum scale prescribed by General Order No. 28, to be disregarded.

(b) The minimum charge for a single shipment whether class or commodity, shall be that effective prior to the issue of General Order No. 28.

ORDERED FURTHER, That no changes be made in the existing scale of passenger fares and baggage charges.

ORDERED FURTHER, That increase rates authorized herein may be made effective on ten days' notice to the public and the Commission.

ORDERED FURTHER, That tariffs naming such increased rates and fares shall bear on the title page the following notation:

"Issued upon less than statutory notice under authority of Public Utilities Commission's Order, dated September 30, 1918, Case No. 79."

By the Commission.

(Signed) T. E. BANNING.

(SEAL) Secretary.

80. In the Matter of the Application of A. P. HEMMINGSEN, for permission to operate an automobile stage line between Lark, Utah, and Salt Lake City, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. P. HEMMINGSEN, for a Certificate of Convenience and Necessity, granting him authority to conduct an auto stage line between Lark and Salt Lake City, Utah. } **CASE No. 80**

Submitted Sept. 27, 1918. Decided Oct. 5, 1918.

REPORT OF THE COMMISSION

By the Commission:

The above application was filed with the Commission July 22, 1918. Notice of Hearing first issued was dated the 19th day of August, 1918, setting the 22nd day of August for the hearing. Upon August 22, Attorney I. E. Willey, representing the applicant and J. H. Welch, protestant, appeared and informed the Commission that a tentative agreement for a settlement was under consideration by the parties concerned, and asked for a continuance of two weeks. Thereupon, the continuance was had until 2:00 o'clock, September 5, 1918. Notice of said hearing was given by the Secretary under date of August 22, and for good and sufficient reason an order was entered postponing said hearing from September 5 to September 27, 1918.

On September 5, 1918, Mrs. A. P. Hemmingsen, wife of the applicant, appeared and represented to the Commission that she had received no notice concerning the postponement until September 27, and thereupon she was sworn and testified, as appears on the record in this case.

On the 27th day of September there were no appearances for either party, Mrs. Hemmingsen being informed that unless she was notified to appear her presence would not be required and that her testimony given would be considered by the Commission.

It appeared in the testimony that the petitioner, A. P. Hemmingsen, had been operating between the points men-

tioned in the petition; that the petitioner had purchased the interest of the protestant; that there was no other stage line operating between the points, with the exception that Mr. Welch operated last year from April until the 1st of June. It further appeared that the petitioner carried the mail to Lark; that he had one car, a seven-passenger Buick; and had had years of experience in carrying passengers.

From the testimony it would appear that there is a necessity for the operation of an automobile service such as is set out in the petition; that the petitioner is equipped for and is qualified to give such service, and is entitled to a certificate of convenience and necessity, as asked for in said petition; that the protest of J. H. Welch under the showing should be dismissed.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.
Attest:
(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY

No. 24

At a Session of the Public Utilities Commission of Utah, held at its office in Salt Lake City, Utah, on the 5th day of October, A. D. 1918.

In the Matter of the Application of A. P. HEMMINGSEN, for a Certificate of Convenience and Necessity, granting him authority to conduct an auto stage line between Lark and Salt Lake City, Utah.	**CASE No. 80**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, A. P. Hemmingsen, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers between Lark and Salt Lake City, Utah.

ORDERED FURTHER, That applicant shall file with this Commission a schedule of fares for said transportation, and a schedule showing the times of departing and arriving at the points mentioned herein.

ORDERED FURTHER, That the said A. P. Hemmingsen shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING.

(SEAL) Secretary.

81. In the Matter of the Application of WILLIAM LUND, for a certificate of convenience and necessity to operate an automobile passenger, freight and express line, between Modena and Enterprise, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WILLIAM LUND for certificate of convenience and necessity to operate an automobile passenger, freight and express line, between Modena and Enterprise, Utah.	CASE No. 81

Decided August 20, 1918.

REPORT OF THE COMMISSION

By the Commission:

This is an application filed by William Lund, of Modena, Iron County, Utah, asking for a certificate of convenience and necessity authorizing the operation of a stage line for the transportation of persons and property between Modena, Utah, and Enterprise, Utah.

Petitioner represents he has secured the contract for carrying the United States mail over the route, and desires to operate his passenger and freight line in connection with the mail line; that during favorable weather conditions automobiles will be operated, and during weather conditions which will not permit of such operation, horse-drawn vehicles will be substituted; that it is the desire of the petitioner to operate such stage line as follows:

Leave Modena—12 o'clock noon.
Arrive Enterprise—2:30 p. m.
Leave Enterprise—3:00 p. m.
Arrive Modena—5:30 p. m.

and to charge the following fares for the transportation of persons:

Between Modena, Utah, and Enterprise, Utah:
One-way _____$2.50
Round trip _____ 4.50

Children over six and under twelve years of age, one-half rate. Children under six years of age, free.

Baggage allowance, forty pounds for adults, twenty pounds for children.
Excess baggage _____50c per 100 pounds
Freight and Express_____50c per 100 pounds
Minimum charge _____10c

The Commission having caused an investigation to be made, and being fully advised in the premises, finds:

1. That present and future public convenience and necessity requires and will require the operation of an automobile stage line for the transportation of persons and property between Modena, Utah, and Enterprise, Utah.

2. That said applicant should be granted authority to establish and carry on an automobile stage business for the transportation of persons and property as prayed for in said petition.

3. That the schedules, rates, fares and charges, set out hereinbefore, are approved, subject to future changes and modifications.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No 17

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of August, A. D. 1918.

In the Matter of the Application of WILLIAM LUND for certificate of convenience and necessity to operate an automobile passenger, freight and express line, between Modena and Enterprise, Utah.

CASE No. 81

This case being at issue upon petition on file, and having been submitted, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That the applicant, William Lund, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of persons and property between Modena and Enterprise, Utah.

ORDERED FURTHER, That the said William Lund shall file with the Public Utilities Commission of Utah, and post at each station on the route, schedule of fares and charges, which shall not exceed the rates, fares and charges set out in the report attached hereto.

ORDERED FURTHER, That the said William Lund shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

82. In the Matter of the Application of the BINGHAM & GARFIELD RAILROAD COMPANY, for permission to increase its rates, fares and charges.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BINGHAM & GARFIELD RAILWAY COMPANY, for authorization to raise its rates, fares and charges. } CASE No. 82

Submitted August 29, 1918. Decided October 11, 1918.

A. C. Ellis for petitioner.

REPORT OF THE COMMISSION

By the Commission:

The Bingham & Garfield Railway Company in its petition filed herein asks that it be permitted to file tariffs containing such increases, changes and amendments as to make its rates, fares and charges on intrastate traffic conform to the rates, fares and charges designated in General Order No. 28 of the Director General of Railroads, and supplements thereto; and predicates its grounds for such change upon reasons set out in the petition. The principal allegations upon which said Company relies for favorable action on the part of the Commission are as follows:

That the Director General of the United States Railroad Administration, by authority given him to take possession of, and assume control over, the transportation systems of the United States, did take over the railway owned, controlled and operated by said petitioner; and that, thereafter, under General Order No. 27, an increase in wage and salary scales of all Federal controlled railroads was ordered, and that under such order the petitioner was under the necessity of granting an increase in wages and salaries of its employes to correspond with those granted upon competing lines; that on the 25th day of May, 1918, the President of the United States, acting through the Director General of Railroads, issued General Order No. 28, which provided for increased rates, fares and

charges; that, in keeping with the said General Order No. 28, the petitioner filed with the Public Utilities Commission of Utah its tariffs, such tariffs being put in effect and maintained; that, thereafter, on August 2, 1918, the Public Utilities Commission, by its General Order No. 3, required that the rates, fares and charges in operation before the advance made under said General Order No. 28 be reinstated.

Prior to the issuance of said General Order No. 3 by the Commission, the petitioner had been released and relinquished from Federal control, and said Railway Company was not at the time of the issuance of said General Order No. 3, nor since that time, under Federal control.

Petitioner contends that the issuing of an order as prayed for in the petition herein filed is justified for the following reasons:

First: That the Denver & Rio Grande Railroad Company, a Government controlled railroad, is necessarily a competitive carrier to the petitioner herein, and that the Los Angeles & Salt Lake Railroad Company, a Government controlled railroad, as well as the Western Pacific Railroad Company, a Government controlled railroad, are connected with said petitioner's lines, participating with it in the divisions of the rates advanced in accordance with said General Order No. 28.

Second: That the rates, fares and charges established by the petitioner and in force prior to the effective date of General Order No. 28 were fair, just and reasonable, but on account of the changed conditions, with reference to increased cost of material, fuel, wages and salaries, said rates have become unfair, unreasonable and unjust to the petitioner; that the fares established by General Order No. 28 are fair, just and reasonable; that the said increases asked for should be allowed to avoid a prejudicial effect to the rates and incomes of the United States Railroad Administration; that said increases should be allowed to avoid and prevent competition in rates, fares and charges which will be prejudicial, harmful and injurious to the said administration, to the petitioner and to the public; that the rates should not be fixed only with reference to the financial results or necessities of petitioner, but also with reference to other lines whose rates are necessarily affected by them.

The testimony in this case discloses the fact that the petitioner is a railroad corporation, doing business in the State of Utah, and owns and operates as a common carrier for hire a

line of railway extending from Bingham to Garfield, Salt Lake County, Utah; that the distance so operated is about twenty miles, with eighty miles of side tracks and industry tracks; that the said railway was constructed principally for the purpose of carrying ore from the Utah Copper Company's mines to Garfield, where said ore is smelted; that the greater portion of the railway owned by the Company consists of branches, spurs and switches, which form a part of the great mining process in connection with the operation of the Utah Copper Mine; that the petitioner is owned and controlled by the same corporation that owns, controls and operates said mines; that outside of the business of transporting the ores from said mine to the smelter at Garfield there is but little traffic handled by the petitioner; that the traffic handled by petitioner does not necessarily come in competition with the Denver & Rio Grande Railroad Company, except to a very limited extent; that the Denver & Rio Grande Railroad Company is a corporation under the control of the Government and operates into what is known as Bingham Canyon, that its principal business on this Bingham branch is carrying ores from mines different to and separated physically from the mines served by the petitioner; that since General Order No. 3 became effective as to fares and rates of the petitioner, the amount of its tonnage has not been diminished or increased.

The testimony offered by the petitioner did not attempt to show by the financial condition of the Company, whether or not they were giving service at a reasonable rate, but petitioner relied for favorable action on the part of the Commission upon the statement that its rates should be maintained on a level with the rates published and collected by Government controlled companies. This question has been passed upon by the Commission, as indicated in its General Order No. 3, a copy of which was served upon petitioner.

To grant this petition, with no showing as to the financial needs of the Company, would, in our opinion, be contrary to the intent of the law, against public policy, and would establish a dangerous precedent, inasmuch as it might open the way to other applications for increased rates, based upon insufficient consideration. The burden of increasing costs is now heavy upon the public, and if only those utilities whose revenues are in danger of depletion by reason of war conditions are granted advances, the aggregate added cost to those who use utility service and facilities will be large. It has been and

is the opinion of the Commission that, so far as practicable, there should be no increase granted unless on a showing that indicates some financial needs. Indeed, we have frequently stated our belief that, even in cases where utility corporations are suffering a reduction in revenue, which reduction has gone to a point that leaves only a meagre return on the investment, we should not attempt to make the utility whole, but should require it to bear its just proportion of the burden the war has placed upon everybody.

In this case, there is confessedly no financial need for the increase in revenues. The one important argument is that rate parity should be maintained. This, we think, is not of sufficient weight to justify the granting of the petition in this case, in the absence of proof of financial needs.

We appreciate the fact that conditions might arise that would demand special consideration, but it does not appear, under the showing made by the petitioner, that any relationship, or physical connection exists between the petitioner and the Government controlled railroads mentioned herein that would warrant the Commission in allowing an advance of rates as asked for in this case.

We are, therefore, of the opinion that the petition should be denied.

An appropriate order will issue.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of October, A. D. 1918.

In the Matter of the Application of the BINGHAM & GARFIELD RAILWAY COMPANY, for authorization to raise its rates, fares and charges. } **CASE No. 82**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investi-

gation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the Bingham & Garfield Railway Company, for permission to increase its rates, fares and charges to the level of General Order No. 28, issued by William G. McAdoo, Director General of Railroads, be, and hereby is, denied.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

83. In the Matter of the Application of J. F. HUNTER, for permission to operate an automobile freight line between Price and Fort Duchesne, Utah, via Myton and Roosevelt, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. F. HUNTER, for permission to operate an automobile freight line between Price and Fort Duchesne, Utah, via Myton and Roosevelt, Utah.	CASE No. 83

Decided August 22, 1918.

REPORT OF THE COMMISSION

By the Commission:

J. F. Hunter, of Price, Utah, filed an application for permission to operate a truck line for the transportation of property between Price, Utah, and Ft. Duchesne, Utah, via Myton and Roosevelt, alleging that present and future convenience and necessity does and will require the operation of such a freight line.

There is at this time no freight line of record with the Commission, operating over this route.

No hearing was held on the application, but copies of petition were furnished various prominent men located at the points named above, also to the Uintah Railway Company, which operates from Watson, Utah, to Vernal and Ft. Duchesne. No protest was made by said Railway Company, and the only information received from other parties notified, was from the Town Clerk of Myton, who, on behalf of the Mayor of Myton, advised that such service was demanded by the public convenience and necessity, and recommended applicant as a reliable man, who would give good service to the public.

Now, therefore, the Commission finds.

1. That public convenience and necessity requires the operation of a freight line for the transportation of property between Price, Utah, and Ft. Duchesne, Utah, via Myton and Roosevelt.

2. That the petition of J. F. Hunter should be granted.

3. That petitioner should file with the Commission a schedule of rates and charges, as well as a schedule showing time of arrival and departure of his freight truck.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.
Attest:
(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 19

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 22nd day of August, A. D. 1918.

In the Matter of the Application of J. F. HUNTER, for permission to operate an automobile freight line between Price and Fort Duchesne, Utah, via Myton and Roosevelt, Utah. } **CASE No. 83**

This case being at issue upon petition on file, and having been submitted, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, J. F. Hunter, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of property between Price and Ft. Duchesne, Utah, via Myton and Roosevelt, Utah.

ORDERED FURTHER, That the said J. F. Hunter shall file with the Public Utilities Commission of Utah, schedule of rates and charges, as well as a schedule showing time of arrival and departure of his freight truck at the points on said route.

ORDERED FURTHER, That applicant shall at all times operate said stage line in accordances with the rules and regulations of the Public Utilities Commission of Utah governing such operation.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

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84. In the Matter of the Application of MARSHALL AND MILNE, for permission to increase their rates for service on their automobile freight line between Lund and St. George, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MARSHALL AND MILNE, for permission to increase their rates for service on their automobile freight line between Lund and St. George, Utah. } CASE No. 84

Submitted Sept. 16, 1918. Decided Sept. 26, 1918.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The hearing of the above application came on at St. George, Utah, September 14, 1918, at ten o'clock a. m.

Applicants in this case contend that they are entitled to an order of this Commission granting them the privilege of increasing the freight rates between Lund, Iron County, and St. George, Washington County, Utah, and intermediate points. The application alleges that the principal place of business is St. George, Utah, and that applicants are giving an automobile freight and express service between Lund, Utah, and St. George, Utah, and intermediate points; that they have been operating for some time under the rates filed with the Commission, but that said rates do not produce sufficient returns to reasonably pay for such service.

The present express rates are as follows:

Between St. George and Lund (Washington and Leeds), $1.00 per hundred pounds. Minimum charge 25c.

The present freight rates are as follows:

Between St. George and Lund (Washington and Leeds), furniture, plate glass, empty cans, long water pipe and lumber, shingles, etc.	$1.50 per cwt.
All other freight	.90 " "
Ore, Maximum	.90 " "
Ore, Minimum	14.50 per ton.

It is desired to change the above rates as follows:

EXPRESS

Between St. George and Lund (Washington and Leeds), $1.25 per hundred pounds, minimum charge 25c.

FREIGHT

Between St. George and Lund, (Washington and Leeds), furniture, plate glass, empty cans, long water pipe and lumber, shingles, etc.---------$1.50 per cwt.
All other freight ---------- 1.00 " "
Ore, Minimum ----------15.00 per ton
Ore, Maximum ----------20.00 per ton
Machinery, etc., weighing over 1,000 pounds, by contract only.

It is claimed by the petitioners that an advane is warranted on account of the cost of operating the trucks necessarily used in giving the service; that gas, oil and material used in keeping up the automobiles, continually are advancing.

Testimony disclosed the fact that Lund is a station on the Salt Lake Route; that St. George is located about one hundred miles from Lund; that the freight is carried over a highway leading from Lund, through Cedar City, Kanarraville, Leeds and Washington, to St. George; that during some seasons of the year the roads traveled on this route are dusty and considerably cut up, while at other times they are more favorable for travel; that the road from Kanarra to St. George drops from an altitude of about 5,000 to 2,200 feet, thereby making the up-haul, especially, a constant grade for a distance of about forty-five miles.

It appeared from a statement filed by Mr. Milne, that the amount invested was $2,800, being the cost of the truck. The amount paid out for the operation on the service was $3,-155.82. The statement further shows that the receipts for the operation were $5,533.59, giving a balance of $2,377.77. It is claimed by the petitioner that his truck has depreciated in the amount of fifty per cent, such depreciation being estimated by garage men who have had experience in that territory, the amount of depreciation being $1,400. There can be no question but what the depreciation claimed by the petitioner is very high, as it would indicate a necessity of replacing the truck every two years. It is true that the travel over this road re-

sults in much wear and causes heavy depreciation to vehicles of that kind. Allowing such depreciation there would remain $977.77 to remunerate the petitioner for the time he spent in the operation of the service. No amount is charged for wages, in the report, and it is presumed this was omitted for the reason that the petitioner operates his own machine. No amount is set aside for depreciation during the coming year. We are of the opinion, however, that that has been taken care of by the fifty per cent depreciation for the past year.

At the hearing there was no opposition, with the exception of Mr. D. H. Cannon, who appeared in opposition to that part of the schedule providing for a charge for delivery outside of a prescribed portion of the City, as follows:

For freight, express or baggage, anything less than 100 pounds:

Minimum ----------10c
Maximum ----------25c

For freight, express or baggage over 100 pounds, ¼ cent per pound.

At the suggestion of the Commissioner, applicants proposed a modification of that part of the schedule as follows:

For freight, express or baggage, anything less than 500 pounds:

Minimum ----------10c
Maximum ----------25c

For freight, express or baggage over 500 pounds, ten cents per hundred pounds.

This, apparently would meet the objection, in part at least, of Mr. Cannon.

Protest was made to the rate of $1.50 per hundred upon knocked-down boxes, used for shipping fruit and other articles. This charge has been collected under the rate for "long water pipe, lumber, shingles, etc.," without enumerating such commodity. It would appear, however, that it would come under the same class as lumber and shingles, and without any further showing that there is a discrimination and that the rate is too high upon such commodity, we are inclined to allow the rate to stand.

After a careful consideration of the testimony given, together with an examination of the roads over which the freight is carried, we are of the opinion that for the present, at least,

the advanced rates should be allowed. It is not intended, however, by this order, to establish a rule of depreciation at the rate claimed by the petitioners.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
(SEAL) Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 26th day of September, A. D. 1918.

In the Matter of the Application of MARSHALL AND MILNE, for permission to increase their rates for service on their automobile freight line between Lund and St. George, Utah. } **CASE No. 84**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicants, Marshall and Milne, be, and they are hereby, permitted and authorized to increase their rates for service on their automobile freight line between Lund and St. George, Utah, to the following:

EXPRESS

Between St. George and Lund, (Washington and Leeds), $1.25 per hundred pounds, minimum charge 25c.

FREIGHT

Between St. George and Lund, (Washington and Leeds), furniture, plate glass, empty cans, long water pipe and lumber, shingles, etc._____$1.50 per cwt.
All other freight _____ 1.00 " "
Ore, Minimum _____15.00 per ton
Ore, Maximum _____20.00 per ton
Machinery, etc., weighing over 1,000 pounds, by contract only.

ORDERED FURTHER, That applicants shall amend that part of their schedule providing for a delivery charge, as follows:

For freight, express or baggage, anything less than 500 pounds:

Minimum _____10c
Maximum _____25c

For freight, express or baggage over 500 pounds, ten cents per hundred pounds.

This order shall be effective October 1, 1918.
By the Commission.
(Signed) T. E. BANNING,
(SEAL) Secretary.

85. In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue operation of that portion of the Fairfield Branch between Topliff and Boulter, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue operation of that portion of the Fairfield Branch, between Topliff and Boulter. } CASE No. 85

REPORT OF THE COMMISSION

By the Commission:

The above matter was brought to the attention of the Commission on the representation of Mr. D. S. Spencer, that for some time the Fairfield Branch of the Los Angeles & Salt Lake Railroad Company had been in an undersirable condition; that the grade was narrow and the rails were too light for the traffic; that on account of such conditions it had become necessary to haul freight long distances, by way of Stockton to Salt Lake, Midvale and other points, requiring a 103 mile haul when some of such commodity would not require more than a 50 mile haul if moved over the Fairfield branch; that it was the purpose of the Company to rehabilitate and operate that part of the Fairfield branch that was necessary from Lehi Junction to Topliff, by widening and straightening the grade and installing heavier rails; that there was no real necessity for such rehabilitation farther than the point at Topliff and that the line between Topliff and Boulter, a distance of 14 miles, could reasonably be discontinued for the present; that permission to make change on the part of the railroad company had been granted by the Federal Railroad administration; but that before such improvements were made it was necessary and desirable to obtain the permission of the Public Utilities Commission to discontinue, for the present, the operation of the service between Topliff and Boulter; that it was not the intention, at this time, to abandon that portion of the road; that such rehabilitation and operation of the branch re-

ferred to, would greatly shorten the distance necessary for the hauling of freight, especially of lime rock used by sugar factories and other institutions; that the handling of such commodities could be done at less expense as well as reduction of energy and man power.

It was further represented that the only use that had recently been made of the part of the branch from Topliff to Boulter was to haul one car of ore a week taken from the Del Monte Mine, which is located some few miles east of the railroad; that the amount of revenue from such operation is very much less than the necessary operating expenses; that the hauling of such ore by the Company from the mine to Topliff would be but a short distance farther than to Del Monte, and that, therefore, the change would not seriously handicap the company operating said mine.

After making such investigation as was possible of the matters connected with the application, and basing our action upon the representations made by the applicant, there appears to be no reason why a discontinuance of operation of that part of the branch should not be allowed; in fact, it would appear that if the representations are true there are good reasons for allowing such discontinuance. The Commission is, therefore, of the opinion that permission should be given to discontinue the operation, for the present and until further order of the Commission, of that part of the Fairfield Branch of the Los Angeles & Salt Lake Railroad Company, between Topliff and Boulter.

An appropriate order will be entered.

Dated at Salt Lake City, Utah, this 29th day of August, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of August, A. D. 1918.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue operation of that portion of the Fairfield Branch, between Topliff and Boulter.

CASE No. 85

This case being at issue upon petition on file, and having been submitted, and investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That applicant, Los Angeles & Salt Lake Railroad Company be, and the same hereby is, permitted and authorized to discontinue the operation of that part of the Fairfield Branch between Topliff and Boulter, for the present, and until further order of the Commission.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

86. In the Matter of the Application of the AMERICAN RAILWAY EXPRESS COMPANY, for permission to increase its express rates.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the AMERICAN RAILWAY EXPRESS COMPANY, for permission to increase its express rates. } CASE No. 86

Decided September 7, 1918.

REPORT OF THE COMMISSION

By the Commission:

In a petition filed with the Commission, July 5, 1918, applicant asked for authority to increase all express rates and charges now in effect within the State of Utah, by adding to the present rate, ten per cent thereof. It was alleged in the petition that the applicant is a corporation organized to act from and after the first day of July, 1918, as the agent of the Director General of Railroads, in the conducting of a general express transportation business, interstate and intrastate, upon all line of railroad under Federal control, and upon other lines, and including such express business within the State of Utah, taking over on said date the business theretofore conducted by the several express companies operating upon the lines of railroad of which possession was taken and control assumed by the President of the United States, on December 28, 1917.

The reasons stated for the request are: That the existing rates are insufficient for the service given under present abnormal conditions, and do not produce sufficient revenue to meet the actual operating expenses; that the applicant is not only unable to earn a reasonable, or any, return for its intrastate transportation service within the State of Utah, but must do business at an actual loss if said rates remain unchanged; that the express rates now in effect on intrastate business within the State of Utah, are the same as the rates prescribed by the Interstate Commerce Commission for interstate business within the same general territory, and that

the shippers in the State of Utah have had rates in all substantial respects the same, whether applied to shipments interstate or intrastate, and that this uniformity of rates is desirable and of great value to the citizens of the State of Utah; that because of the abnormal traffic conditions now prevailing, an application was made to the Interstate Commerce Commission for an increase of not less than ten per cent in all express rates and charges, and by an order of said Interstate Commerce Commission, dated June 17, 1918, and made public June 22, 1918, said application was granted and permission given to make an increase of ten per cent, without the customary notice to the public.

Applicant, therefore, asks that it be authorized by the Commission, to make the same increases in the rates and charges applicable to intrastate express business in the State of Utah, as authorized on intrastate business.

There was included in the petition, a tabulation of the gross receipts and expenses of the express business, compiled from a report of the operations of express companies doing more than 95 per cent of the total express traffic of the United States, including all of the express transportation business in the State of Utah, from which it appeared that for the year 1917 there was a deficit of $2,515,425. The applicant alleged that the expenses of operation, and the net deficit, have increased still further during the six months period, January to June, inclusive, 1918.

The Mutual Creamery Company, Nelson-Ricks Creamery Company, Peterson Creamery Company, Ephraim Creamery & Storage Company, and Clover Leaf Dairy, filed, on August 6, 1918, a protest against the granting of the application, or granting any advance whatsoever in the present express rates on milk and cream in the State of Utah, and alleged that the protestants have expended half a million dollars in plants and equipment, and approximately $180,000 in the development of the dairy business throughout the district in which they operate; that the express rates for milk shipped distances exceeding 50 miles, between points in the State of Utah, prior to any recent advance in rates in other localities for the transportation of the same commodities by express, were from nineteen to forty per cent higher than the intrastate express rates for the same commodities between points in the States of Colorado, Idaho, Montana, Oregon and Washington; and higher than the interstate rates applying between points

in Colorado and Kansas, and between points in Colorado and Wyoming, and between points in other states; that to increase said express transportation rates on milk and cream between points in the State of Utah, will have a tendency to retard the development of the dairy business in this State; that an increase in express rates on milk and cream would further increase the unlawful discrimination against protestants and in favor of concerns engaged in the same lines of business in the other states mentioned; and that an increase of ten per cent in those states, with no advance in Utah, would still leave a discrimination against the protestants, of from nine per cent to thirty per cent.

Protestants, therefore, prayed that the application be denied as pertaining to express rates on milk and cream between points in the State of Utah.

During the pendency of these proceedings, Mr. Luther, M. Walter, Assistanat Director Division of Public Service and Accounting of the Railroad Administration, paid a visit to the Commission and explained the desire of his department to effect uniformity of rates, state and interstate, in all parts of the United States. His attention was called to the discrimination alleged in milk and cream rates. Upon Mr. Walter's return to Washington, he had a conference with the applicant herein, which resulted in an agreement being effected between applicant and protestants, and thereupon protestants' attorney notified the Commission that it would be satisfactory to his clients if the application were granted, with the understanding that there would be no increase of the present cream rates, and that the increase in milk rates would be ten per cent, but not to exceed the present cream rates.

Inasmuch as the milk and cream rates were the only rates attacked by the protestants named herein, and inasmuch as no other protests were filed with the Commission against the granting of the application, and in view of the general conditions surrounding the express transportation business and the apparent desirability of having uniformity in state and interstate rates for express transportation, the Commission felt that it could proceed to a determination of the issues involved in this case without further hearing.

Another fact to be taken into consideration in this connection is that contractual relations exist between the Government and the recently organized American Railway Express Company, and that the Director General has expressed a de-

sire that uniformity of rates might be brought about, and has asked the co-operation of this Commission to accomplish this, basing his request upon the fact that the Government shares in both the gross and net earnings of the Express Company. This is indicated in a telegram addressed to the Commission under date of July 1, 1918, from C. A. Prouty, Director, which telegram was as follows:

> "Your telegram twenty-eighth reference increase in express rates. American Railway Express Company will file prompt application and memorandum in support of increase in interstate (intrastate) express rates, Director General desires that your Commission co-operate in this matter. Government shares in both gross and net earnings of American Railway Express Company. Trust you can take favorable action on application subject to further consideration after rates have become effective."

The question of the earnings of express companies has been given considerable attention by this Commission during the investigation of this matter, and the Commission sought to impress the Railroad Administration with the thought that the express business was showing fairly satisfactory returns, and that it would probably be found that consolidation would effect economies and add to the net revenues. It was further urged that a general increase, without a showing of absolute necessity for the additional revenue, would be unreasonable in face of the high rates already being paid by western shippers.

Director Prouty, answering these suggestions, said, in a telegram dated July 25, 1918:

> "Reports of express companies for 1917 and first two months of 1918 for United States as whole very unsatisfactory."

Subsequently it was learned from Mr. Walter that the report of operations for January and February, 1918, showed a deficit for the merged companies, amounting to $3,006,867. Mr. Walter felt sure that the increase of net earnings due to elimination of wasteful competition, unnecessary overhead expenses, etc., though this is expected to amount to a vast sum annually, will not offset the increased deficit if it should continue for the year in the same ratio as shown for January and February, 1918, and for that reason he urged that the increase sought should be granted.

After full consideration of the matters involved in this application, and in view of the fact that no protests have been filed against the proposed increase other than the protest mentioned herein as having been filed by the shippers of milk and cream, it is the opinion of the Commission, and we therefore find, that as a war emergency measure, and pending furthere action by this Commission, either on its own motion or on protest from shippers, the applicant should be permitted to file increases of rates and charges of not to exceed ten per cent on the various classes of express matter, between all points in the State of Utah, except that the existing rates on cream should not be advanced, and the rates on milk should not be advanced in excess of the present rates on cream, said rates to become effective upon five days notice to the Commission and to the public.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 7th day of September, A. D. 1918.

In the Matter of the Application of the AMERICAN RAILWAY EXPRESS COMPANY, for permission to increase its express rates. } **CASE No. 86**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the American Railway Express Company, be, and hereby is, authorized to increase its present rates and charges for the transportation of express between all points within the State of Utah, not to

exceed ten per cent, which increase shall not apply to present rates on cream.

ORDERED FURTHER, That applicant may increase the present rate on milk ten per cent, provided such increased milk rate shall not exceed the present rate on cream.

ORDERED FURTHER, That said increased rates may be made effective upon five days notice to the public and to the Public Utilities Commission of Utah.

ORDERED FURTHER, That schedules naming increased rates shall bear upon the title page, the following:

"Issued upon five days notice to the public, upon authority of Public Utilities Commission of Utah, order dated September 7, 1918, Case No. 86, which order shall not effect any subsequent proceeding relative thereto."

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

87. In the Matter of the Application of the UTAH GAS & COKE COMPANY, for permission to make a emergency increase in gas rates in Salt Lake City, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH GAS & COKE COMPANY, for authority to make an increase in the gas rates at Salt Lake City, Utah. } **CASE No. 87**

Submitted September 26, 1918. Decided October 10, 1918.

F. E. Richards for petitioner.
W. H. Folland for Salt Lake City.
E. A. Walton and T. D. Walton for Ladies Literary Club.
George J. Knapp for himself and other consumers.

REPORT OF THE COMMISSION

By the Commission:

The petitioner in this case is asking for authority to increase its revenue by making a "ready-to-serve" charge of 25c per month per meter for every meter in use by its consum-

ers, basing its request upon an alleged emergency created by the unprecedented increase in the cost of manufacturing and delivering gas to its customers.

It is contended by the Company that at present there is no minimum charge for gas; that there are now approximately 2500 customers whose gas bills are less than $1.00 per month; that the income from the operation under the present rates is wholly insufficient to meet the requirements of the Company and the payment of its operating expenses, interest on bonds and other outstanding indebetedness; that without additional revenue the petitioner would be unable to meet its obligations and secure the capital necessary to enable it to give adequate service.

In opposition to the petition there appeared a number of protestants, among them being Salt Lake City, objecting to the "ready-to-serve" charge for the reason that it is not equitable or fair, but that it discriminates in favor of large gas users as against the smaller consumer; that the present rates in effect are as high as are reasonably necessary, and that any increase will tend to diminish the consumption and use of gas.

The Ladies Literary Club, a corporation, also entered its protest against an advance by making a "ready-to-serve" charge, or otherwise.

In addition to the above, there were other individual protests as well as some petitions filed by consumers of gas, protesting against the proposed method of advancing the price by charging 25c per month for each meter, or advancing the price of gas to its consumers at all.

A hearing was ordered and had, beginning September 24, 1918. Testimony was to the effect that the increase in the price of coal was 50c per ton, amounting to $15,000.00 a year; that the increase in wages of employees was 20 per cent, amounting to $12,000.00; that the increase in the price of gas oil was 3¼c per gallon, amounting to $3,000.00; making a total increase of operating cost since June 1, 1918, at the rate of $30,000.00 a year; that the most equitable way of raising the amount necessary to meet the increased prices of material and wages would be to charge 25c per month as a service charge on each meter. Considerable testimony was submitted for the consideration of the Commission.

It appears by the record that an application was heretofore made to the Commission by the Utah Gas & Coke Company for an increase, and that on June 1, 1918, the petitioner was granted an increase in gas rates for the purpose

of meeting the necessary advance in cost of labor and material.

The petitioner claims that since said increase was granted the advances above referred to have occurred. An examination of the records in this case and in the preceding case, discloses the fact that the Company was not making any net proceeds by the operation of its business.

It was suggested during the hearing that there has not been sufficient time to thoroughly test out what the results would be under the advance as allowed June 1, 1918. It would seem proper that before another increase is allowed the effect of the advance authorized a short time ago should be thoroughly tested. Business of all kinds is passing through a crucial period, and it might appear to be unfair to the community, or that part of it that depends upon the gas for light and heat, to be required to meet any and every temporary deficit which might come to the petitioner in the giving of the service.

There is no doubt but what the Utah Gas & Coke Company has been passing through financial straits, and has not been receiving such revenue from the operation of its business as would be desirable to the stockholders; but in this case, as in other cases that have recently been before us, we feel impelled to say that we cannot undertake to fully compensate, by increased rates, for the advancing costs of labor and material, due to war conditions. There should be full cooperation between the utility and the public it serves, and each should be willing to bear part of the war emergency costs.

While it is the purpose of the Commission to reasonably assist by its orders in the obtaining of absolutely necessary revenues to meet the expense of furnishing service, it does not feel warranted in authorizing another advance in rates, especially so soon after one increase has been allowed, and, as it appears to the Commission, before the results of such advance have been fairly tested and determined.

Without finally passing upon the application of the petitioner, we are constrained to withhold consent to further increased costs of gas to the public until time has been given for the petitioner to further demonstrate under the present advanced rates its financial needs.

It developed during the hearing of this case that there is a reasonable necessity for having made a physical valuation of the property of the petitioner. We are aware that this will require the expenditure of time and money. However, under

the conditions that appear to exist in this case, and before we finally pass upon the petition, we feel that the Company should proceed to make an inventory of its physical properties necessarily used and usable in furnishing gas to its consumers; that the inventory should be made under the direction of the Commission's engineer at the expense of the petitioner, and a complete report of such physical valuation be made to the Commission within a reasonable time, not to exceed two months from the date of this order.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of October, A. D. 1918.

In the Matter of the Application of the UTAH GAS & COKE COMPANY, for authority to make an increase in the gas rates at Salt Lake City, Utah. } **CASE No. 87**

This case being at issue upon petition and protests on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, Utah Gas & Coke Company, shall, under the supervision of, and in the manner prescribed by, the Commission, within two months from the effective date of this order, make and file with the Commission a physical valuation of all property used and usable in the production and distribution of gas; provided, that the Commission will, in the future, issue orders and rules prescribing the manner in which such valuation shall be made.

ORDERED FURTHER, That the Commission retain jurisdiction of this case until such time as the result of the present rates is fully determined, and the physical valuation of petitioner's plant and equipment is made.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH GAS & COKE COMPANY, for authority to make an increase in gas rates at Salt Lake City, Utah. } **CASE No. 87**

ORDER

The Commission having ordered a physical valuation of all property used and usable in the production and distribution of gas by the above named applicant, said valuation to be made within two months from the effective date of the order, which was dated October 10, 1918; and application having been received from the Utah Gas & Coke Company, by its attorneys, for an extension of time in which to make said valuation, and proper showing having been made that it would be impossible to complete the valuation in the time prescribed by the Commission;

IT IS HEREBY ORDERED, That the time in which to make a complete physical valuation of the property of the Utah Gas & Coke Company be, and same hereby is, extended from December 10, 1918, to and including February 1, 1919.

Dated at Salt Lake City, Utah, this 9th day of December, 1918.

By order of the Commission.

(Signed) HAROLD S. BARNES,
(SEAL) Assistant Secretary.

88. In the Matter of the Application of the BINGHAM & GARFIELD RAILWAY COMPANY, for permission to discontinue operation of Shuttle Train Service between Garfield (Townsite) and Smelter, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BINGHAM & GARFIELD RAILWAY COMPANY for permission to discontinue operation of Shuttle Train Service between Garfield (Townsite) and Smelter, Utah.	CASE No. 88

Submitted September 20, 1918. Decided September 20, 1918.

REPORT OF THE COMMISSION

By the Commission:

Petitioner, in an application filed September 16, 1918, asked permission to discontinue its shuttle train service between Garfield and Smelter, Utah; to cancel its commutation and one-way fares between Garfield and Smelter, Utah; and to refund to the holders of unused portions of shuttle train commutation tickets, the pro rata amount of the total sum paid therefor, as evidenced by the unusued portions.

The matter came on for hearing before the Commission, September 20, 1918. There were no protestants present, and no written protests had been filed.

Testimony was given on behalf of the application, by H. W. Stoutenborough, A. G. F. & P. A., for the applicant, and was to the effect that arrangements had been completed by the Garfield Smelting Company for an automobile service to substitute and take the place of the service hitherto furnished by the said shuttle train; that there would be no increase in the fare charged for the automobile service, but that in fact it would be the same fare as provided on the shuttle train, but that the service itself would be better and more convenient to the public using it, for the reason that the automobile would pick up and discharge passengers at more convenient places in Garfield Townsite, and would convey them to and from the gates of the Garfield Smelting Company instead of a point on the railroad track several hundred feet from said gates.

It was further testified, and an exhibit was presented to show, that a majority of those who have been using the shuttle train service, petitioned the Commission to grant the application for the change to automobile transportation.

It was further testified that one purpose of the applicant in asking for the permission to discontinue its shuttle train service was that it would release the motive power, car equipment and the employees engaged in furnishing said service, thus permitting their employment in the more important work connected with the operations of applicant, which operations are of vital importance to the war industries with which said applicant is connected.

We, therefore, find:

1. That in view of the better service to be rendered the traveling public by the new arrangement proposed, the applicant herein should be permitted to discontinue its said shuttle train service on and after September 22, 1918.

2. That applicant should be permitted to cancel its commutation and one-way fares, applying upon the shuttle train between Garfield and Smelter, Utah, effective September 22, 1918.

3. That petitioner should be permitted to refund to the holders of unused portions of shuttle train commutation tickets, the pro rata amount of the total sum paid therefor, as evidenced by the unused portions thereof, provided said unused portions are presented for refund on or before January 1, 1919.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of September, A. D. 1918.

In the Matter of the Application of the BINGHAM & GARFIELD RAILWAY COMPANY for permission to discontinue operation of Shuttle Train Service between Garfield (Townsite) and Smelter, Utah.

CASE No. 88

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Bingham & Garfield Railway Company, be, and same hereby is, permitted to discontinue its shuttle train service, on and after September 22, 1918.

IT IS FURTHER ORDERED, That applicant be, and same hereby is, permitted to cancel its commutation and one-way fares, applying upon the said shuttle train between Garfield and Smelter, Utah, effective September 22, 1918.

ORDERED FURTHER, That applicant shall refund to the holders of unused portions of shuttle train commutation tickets, the pro rata amount of the total sum paid therefor, as evidenced by the unused portions thereof, provided said unused portions are presented for refund on or before January 1, 1919.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

89. In the Matter of the Application of H. M. BOOTH, for a certificate of convenience and necessity to operate a passenger automobile service between between Garfield Townsite and Smelter, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. M. BOOTH, for a certificate of convenience and necessity to operate a passenger automobile service between Garfield Townsite and Smelter, Utah. } CASE No. 89

Submitted September 20, 1918. Decided September 20, 1918.

REPORT OF THE COMMISSION

By the Commission:

In an application filed September 17, 1918, petitioner herein asked that he be granted a certificate of convenience and necessity authorizing him to operate a passenger automobile service between Garfield Townsite and Smelter, Utah.

The matter came on for hearing before the Commission, September 20, 1918. No protestants appeared in person, and there were no written protests to the granting of the petition.

The testimony of the petitioner was to the effect that he had entered into contractual relations with the Garfield Smelting Company, for the operation of an automobile stage line between the points mentioned in the petition, primarily for the purpose of transporting employees of the Garfield Smelting Company who reside in Garfield Townsite, to and from their work at the plant of the Garfield Smelting Company; that he was equipped with three automobiles, one of which is a truck designed to carry thirty passengers; that he intended to provide an additional truck so that he would be prepared to handle all of the traffic offered between the points mentioned; that his service was intended to supplant the shuttle train service hitherto provided by the Bingham & Garfield Railway Company between the said points; that he proposed to transport the passengers at the same rates hitherto charged by the Bingham & Garfield Railway Company on its said shuttle

train; that as an addition to the shuttle train service hitherto given he proposed to operate automobiles to and from the smelter to care for the employees changing work near midnight; that the highway over which he would operate was a good automobile road, and safe for such transportation; that it crossed only one railway track, that one being what is known as the "sand spur" of the Bingham & Garfield Railway Company.

We, therefore, find:

1. Whereas the Commission has this day entered its order in Case No. 88, authorizing the Bingham & Garfield Railway Company to discontinue its shuttle train service between Garfield Townsite and Smelter, Utah, on and after September 22, 1918, and whereas such discontinuance will leave no means of public transportation between the said points, publice convenience and necessity require and will continue to require the operation of automobile stage line for the transportation of passengers between said Garfield Townsite and Smelter, Utah, and that the petitioner herein should be granted a certificate of convenience and necessity to operate such stage line on and after September 22, 1918.

2. That petitioner should be required to file with this Commission, on not less than one day's notice to the Commission and to the public, a schedule of fares for said transportation, and a schedule showing the times of departing from his termini.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 23

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of September, A. D. 1918.

In the Matter of the Application of H. M. BOOTH, for a certificate of convenience and necessity to operate a passenger automobile service between Garfield Townsite and Smelter, Utah. } **CASE No. 89**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, H. M. Booth, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers, between Garfield Townsite and Smelter, Utah, effective September 22, 1918.

ORDERED FURTHER, That applicant shall file with this Commission, on not less than one day's notice to the Commission and the public, a schedule of fares for said transportation, and a schedule showing the times of departing from his termini.

ORDERED FURTHER, That the said H. M. Booth shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

90. **In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a certificate of convenience and necessity to enter the Town of Perry, Box Elder County, Utah.**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity, to enter the Town of Perry, Box Elder County, Utah.	CASE No. 90

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 22

Utah Power & Light Company having applied to the Public Utilities Commission of Utah for a certificate that the present and future public convenience and necessity requires it to exercise the rights and privileges granted it by a franchise issued by the Town of Perry, Box Elder County, Utah, on May 11, 1918, granting said Utah Power & Light Company the right to construct, maintain and operate in the present and future streets, alleys and public places of said Town of Perry, electric light and power lines, with all necessary or desirable appurtenances, for the purpose of supplying electric energy for light, heat, power and other purposes; and the Commission having caused investigation to be made finds and certifies that:

1. At present the Perry Electric Light Company is operating within the Town of Perry, furnishing electricity for lighting purposes, but is unable to furnish additional electrical energy for power and other purposes, and offers no protest to applicant entering the field for purposes other than lighting.

2. Present and future public convenience and necessity require, and will continue to require, that applicant be permitted to exercise the rights and privileges granted by the aforesaid franchise, and to construct, operate and maintain a distribution system for furnishing electrical energy for purposes other than lighting, within the Town of Perry, to the inhabitants thereof, and persons and corporations outside the city limits.

IT IS THEREFORE ORDERED, That the Utah Power

& Light Company be, and they are hereby, authorized to exercise the rights and privileges granted by the aforesaid franchise, and to construct and maintain, a distribution system for furnishing electric energy for heating and power purposes, but not for electric lighting, within the Town of Perry, Box Elder County, Utah.

By the Commission.

Dated at Salt Lake City, Utah, this 19th day of September, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

91. In the Matter of the Application of MYERS BROTHERS, for permission to operate an automobile stage line between Marysvale and Panguitch, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MYERS BROTHERS, for permission to operate an automobile stage line between Marysvale and Panguitch, Utah. } **CASE No. 91**

Submitted October 1 ,1918. Decided October 5, 1918.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above matter came on for hearing at Marysvale, Utah, on October 1, 1918, upon the petition of Myers Brothers, and a protest on the part of George E. Hanks.

The testimony presented by the Myers Brothers was to the effect that they had been carrying United States mail from Marysvale to Panguitch, Utah, since July 1, 1918; that during said time they had also been carrying passengers between said points; that before July 1, 1918, the protestant, George E.

Hanks, was carrying the mail between the places in question, and also transporting persons between said points, but that since July 1, 1918, the said Hanks has not given service in accordance with his schedule on file with the Public Utilities Commission, but had failed at various times to furnish transportation that was required by the traveling public.

The petitioners further testified that they were equipped to take care of and handle the passenger service between the points mentioned, and that they contemplated putting on a passenger automobile which would be separate from the conveyances carrying the mail.

The protestant, George E. Hanks, testified that he had, for a number of years, been operating along the route and between the towns of Marysvale and Panguitch, carrying mail as well as passengers, and had taken care of the traveling public; that on July 1, 1918, his contract with the Government ceased, and that notwithstanding he was not employed carrying the United States mail he continued to give service by way of operating automobiles between the points in question for the transportation of passengers. He acknowledged, however, that at differenet times he had not conformed to the schedule filed with the Commission, but that most of the time since July 1, 1918, he had reasonably lived up to and carried out the requirements of such schedule; that he did not oppose a permit being given to Myers Brothers for the purpose of carrying passengers in connection with the mail, but that he was opposed to their putting on extra automobiles, especially for the purpose of carrying passengers; that there was not sufficient travel upon said route to require more service than he was equipped to and intended to furnish.

Affidavits were filed by a number of persons to the effect that Mr. Hanks had not given the service according to his schedule, but had, a number of times since July 1, 1918, failed to offer the service required. An advertisement of his service in the local Panguitch paper, was to the effect that he had no regular schedule or stated price.

Under the evidence Mr. Hanks has technically forfeited his rights by not complying with the schedule filed with the Commission, and not operating according to the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

After some consultation between the parties, and upon the

suggestion of the Commissioner, the parties mutually agreed to the following;

That the said George E. Hanks should operate an automobile stage between Marysvale and Panguitch, leaving Marysvale upon and soon after the arrival of the Denver & Rio Grande passenger train at Marysvale, which at present is scheduled to arrive at nine o'clock p. m., and to leave Panguitch at five o'clock p. m., and shall not interfere with the schedule of Myers Brothers.

That the Myers Brothers shall leave Marysvale at 6:30 a. m., and conform to the schedule for carrying the United States mail.

Said arrangements were entered into as a test or trial for at least thirty days, at the end of which the parties are to report in full to the Commission for its further action.

The rates to be collected by the parties, must conform to the schedule of rates on file by the respective parties with the Commission, which shall not be changed unless further ordered by the Commission.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 25

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 5th day of October, A. D. 1918.

In the Matter of the Application of MYERS BROTHERS, for permission to operate an automobile stage line between Marysvale and Panguitch, Utah. } **CASE No. 91**

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicants, Myers Brothers, be, and hereby are, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line for the transportation of passengers, between Marysvale and Panguitch, Utah.

ORDERED FURTHER, That applicants shall file with this Commission a schedule of fares for said transportation, and a schedule showing the times of departing and arriving at each station along the route, and shall post copies of said schedules at each station, for the information of the traveling public.

ORDERED FURTHER, That applicants and protestant shall report to the Commission at the end of thirty days, the results of their operation.

ORDERED FURTHER, That the said Myers Brothers shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

92. **In the Matter of the Application of D. E. CAMERON, for permission to operate an automobile stage line between Panguitch and Mt. Carmel, and intermediate points, State of Utah. (Kanab.)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of D. E. CAMERON, for permission to operate an automobile stage line between Panguitch and Mt. Carmel, and intermediate points, State of Utah. } **CASE No. 92**

Submitted October 1, 1918. Decided October 5, 1918.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled matter came on for hearing, according to notice, on October 1, 1918, at Marysvale, Utah.

Testimony disclosed the fact that the applicant, D. E. Cameron, had been, for the past four years, engaged in carrying the United States mails from Panguitch to Mt. Carmel, and had also been carrying passengers between said points, but that he had not filed a schedule of rates, as required by the law, with the Public Utilities Commission, and that he now desired to establish a regular automobile service between these points.

It further appeared that Panguitch is the County seat of Garfield County, and that Mt. Carmel is located in Kane County, a distance of fifty-two miles; that there is a state road leading between these two points, also passing through Hatch, Glendale and Orderville; that there has been no regular service given heretofore, no one having been authorized by the Commission to operate over said route; that there is some travel between the points, which requires the transportation of passengers; that the applicant was equipped to furnish adequate and convenient service; that he was a man of good habits and character, and had operated automobiles for some time past, with safety.

During the hearing it developed that the petitioner was

carrying the mail from Mt. Carmel to Kanab, mostly with horses, and he desired to amend his application to also cover the route from Mt. Carmel to Kanab. Horses were used on account of the sandy conditions of the road for a number of miles between the two last named places.

There appeared no opposition to the petition, and no reason, by testimony or otherwise, why an order of convenience should not issue to the petitioner, authorizing him to carry passengers from Panguitch to Kanab, via Mt. Carmel, and all intermediate points.

I, therefore, find, that the present and future public convenience and necessity require the operation of an automobile stage line between Panguitch and Kanab, via Mt. Carmel, and that petitioner herein should be granted a certificate authorizing such operation.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 26

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 5th day of October, A. D. 1918.

In the Matter of the Application of D. E. CAMERON, for permission to operate an automobile stage line between Panguitch and Mt. Carmel, and intermediate points, State of Utah.

CASE No. 92

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, D. E. Cameron, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers, between Panguitch and Kanab, via Mt. Carmel.

ORDERED FURTHER, That applicant shall file with this Commission, and shall post at each station along the route travelled, a schedule of fares for said transportation, and a schedule showing the times of departing and arriving at each station.

ORDERED FURTHER, That the said D. E. Cameron, shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

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93. In the Matter of the Application of H. M. BOOTH, for permission to extend passenger automobile service between Garfield Townsite and Smelter, Utah, as heretofore authorized, to transport passengers between Garfield Station and Garfield Townsite, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. M. BOOTH, for permission to extend passenger automobile service between Garfield Townsite and Smelter, Utah, as heretofore authorized, to transport passengers between Garfield Station and Garfield Townsite, Utah.

CASE No. 93

REPORT OF THE COMMISSION

By the Commission:

It appearing that applicant herein did not appear on the date set for hearing of the cause herein, the Commission is of the opinion that the same should be dismissed from the docket.

An appropriate order will be issued.

Dated at Salt Lake City, Utah, this 27th day of November, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 27th day of November, A. D. 1918.

In the Matter of the Application of H. M. BOOTH, for permission to extend passenger automobile service between Garfield Townsite and Smelter, Utah, as heretofore authorized, to transport passengers between Garfield Station and Garfield Townsite, Utah. } **CASE No. 93**

This case being at issue upon petition on file, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the proceedings herein, be, and they are hereby, dismissed.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

94. In the Matter of the Application of GEORGE CHURCH, for permission to operate an automobile stage line between Panguitch and Henrieville, Utah, and intermediate points.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of GEORGE CHURCH, for permission to operate an automobile stage line between Panguitch and Henrieville, Utah, and intermediate points. } **CASE No. 94**

Submitted October 1, 1918. Decided October 5, 1918.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above matter was investigated at a hearing held at Marysvale, Utah, on October 1, 1918.

The showing was made to the effect that George Church had been operating the United States mail stage between Panguitch and Henrieville, Utah, since July 1, 1918, by means of an automobile truck; that the distance between said points is forty miles; that such means of travel, with the exception of private conveyances, was the only one afforded the traveling public; that applicant was a man of good standing, careful, and competent to carry the traveling public over the line with safety.

There appeared to be no objection to the application, and upon the showing the petitioner is entitled to an order granting permission to operate an automobile stage line carrying passengers between Panguitch and Henrieville, and intermediate points.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

I concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY
No. 27

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 5th day of October, A. D. 1918.

In the Matter of the Application of GEORGE CHURCH, for permission to operate an automobile stage line between Panguitch and Henrieville, Utah, and intermediate points. } **CASE No. 94**

This case being at issue upon petition on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, George Church, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Panguitch and Henrieville, Utah, and intermediate points.

ORDERED FURTHER, That applicant shall file with this Commission, a schedule of fares for said transportation, and a schedule showing the times of departing from his termini, and shall post said schedules at each station along the route.

ORDERED FURTHER, That the said George Church shall at all times operate said stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

95. In the Matter of the Application of LEIGH AND GREEN, for permission to operate a freight truck line from Lund to Parowan and thence to Cedar City, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of LEIGH AND GREEN, for permission to operate a freight truck line from Lund to Parowan, and thence to Cedar City, Utah. } **CASE No. 95**

ORDER

Upon motion of the petitioner, Leigh and Green, and by the consent of the Commission,

IT IS HEREBY ORDERED, That the proceedings in the above entitled case be, and the same hereby are, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 12th day of October, A. D. 1918.

(Signed) T. E. BANNING,
(SEAL) Secretary.

96. In the Matter of the Application of EDWARD P. LYMAN, for certificate authorizing him to carry passengers and make special trips along routes over which the Commission has jurisdiction, such passengers to be carried and trips to be made as the special interests of his patrons might require, and not as a regular competitor of any mail transportation company.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EDWARD P. LYMAN, for a Certificate of Convenience and Necessity authorizing him to operate an automobile stage line in San Juan and Grand Counties, Utah.	CASE No. 96

O. W. McConkie for applicant.

F. B. Hammond, Jr., for protestant—Moab-Bluff Stage & Transportation Company.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant herein is a resident of Blanding, San Juan County, Utah. In an application filed September 10, 1918, he asks to be granted authority to operate automobile stages from Blanding to any point in San Juan County or Grand County, and to Green River, Emery County, Utah, whenever called upon to do so, without being required to operate on schedule time, and also to be given the permission to pick up such passengers along the road as may apply for transportation.

It is stated in the application that applicant owns and operates a garage at Blanding, and that for the past two years he has made trips between all towns in San Juan County, Utah, for the convenience of patrons of his garage, at such times as necessity might require, but that such service has not been, and is not intended to be, a regular stage or transportation service.

The Moab-Bluff Stage & Transportation Company protested the granting of the application, alleging that applicant's operations were conducted in competition with its established

stage service between Moab, Grand County, and Bluff, San Juan County, Utah.

Blanding, Utah, is a town of about 1,000 inhabitants, situated in San Juan County, about 126 miles from its railroad town of Thompsons, on the Denver & Rio Grande Railroad. Bluff, Utah, is located about 25 miles south of Blanding. The people of Bluff and Blanding, in order to reach a railroad station, pass through Monticello, 22 miles north of Blanding, and through Moab, about 69 miles north of Monticello, and on to Thompsons.

Transportation to and from Bluff and intermediate points is conducted out of Thompsons as far as Moab, about 35 miles, by the Moab Garage Company, of Moab, Utah, under regulations of the Commission. From Moab to Bluff, via Monticello and Blanding, the transportation service is conducted by the Moab-Bluff Stage & Transportation Company, under a certificate of convenience and necessity issued by the Commission. These companies also have the United States mail contract from Thompsons to Bluff.

Under the terms of the mail contract the protestant may make the trip from Monticello to Bluff one day and back to Monticello the next day.

Hearing on the application was held at Blanding, Utah, on October 23, 1918, due notice having been given.

The testimony for the applicant was to the effect that Edward P. Lyman has in course of construction a garage, at Blanding, Utah, to cost approximately $4,000, and that he is provided with a Dodge automobile and a Buick light six automobile; that he made the expenditures for building and equipment in anticipation of being permitted to operate in any direction from Blanding, whether over the route established by the protestants or elsewhere; that he has regular fares established between the important towns in San Juan County and Grand County, but that he has no regular time for arrival or departure at any point, and that he does not desire to be bound to a regular schedule or to make regular trips, but only to make trips when his patrons require the service.

In response to a question as to whether he would be willing to take over the passenger, express and baggage business of the existing transportation company between points south of Monticello, including Bluff and Blanding, and thereafter conduct it in a way to give service to the public in that territory, provided the existing company withdrew from the busi-

ness, the applicant said that he did not care to assume that responsibility and was not prepared to handle the business.

Other witnesses, testifying for the applicant, stated that there is a necessity for special service for passengers, particularly between Blanding and Monticello, Moab, and the railroad stations of Thompsons and Green River, and that it is often inconvenient for them to wait for the regular stage. Many of the witnesses for the applicant stated, however, in answer to questions, that the service now being given in the best service that the district has ever enjoyed.

Testimony for protestant showed that in order to accommodate passenger traffic between Blanding and Monticello, protestant had provided itself with Buick cars, replacing the small Ford cars that had been used previously. It was also testified that a round trip was made daily between Monticello and Bluff, via Blanding, the stage leaving Monticello at 7:30 a. m., and returning to Monticello in the evening, and that if additional stage service between Monticello and Blanding is required by the people of Blanding, the protestant is prepared to render the service.

Further testimony was to the effect that if the applicant herein is permitted to operate over this route, carrying the passengers from Blanding to Monticello, and thence to Moab and Thompsons or Green River, according to the wishes of the patrons, it will seriously affect the revenues of the company now giving this service; that particularly it will so divide the passenger business between Monticello and Blanding that the present transportation company will lose about two-fifths of its revenue between said points, and will, therefore, be compelled to reduce its service or discontinue it altogether, south of Monticello, and that thereafter it would expect merely to transport the mail according to contract, by making a trip from Monticello to Bluff one day, returning from Bluff to Monticello the following day. The people of Blanding would, under this arrangement, be either deprived entirely of regular passenger transportation service, or would be limited to service once in two days. The communities would be still further injured by a reduction in the mail service.

It was suggested during the hearing that some compromise might be reached under which the applicant herein might give such additional service under the management, direction and responsibility of the protestant. Following out the suggestion of compromise, and amplifying it, the protestants

herein filed with the Commission a copy of a proposed agreement, the original of which had been served on the applicant, under the terms of which protestant was to withdraw its passenger, express, baggage and freight service between Monticello, Blanding and Bluff, and leave the same, and the whole thereof, to the care of the applicant, with the provision, however, that the applicant should establish and maintain a regular schedule of fares and should file time tables with the Commission so as to take care of the traveling public between Monticello and Bluff, including Blanding. This offer to compromise was responded to by the applicant by a refusal to accept the responsibility unless the protestant would also assign to the applicant that part of the Government mail contract applying between Monticello and Bluff.

Of course, this Commission has nothing to do with the Government mail contract and inasmuch as the responsibility of giving the necessary service for passengers, freight, baggage and express between Monticello, Blanding and Bluff, was formally declined by this applicant, and having in mind that the granting of this application would inevitably, according to the testimony, result in the immediate presentation to this Commission of a petition by the protestant herein, to be permitted to withdraw its service from that district, it is plain to be seen that the people of Blanding and Bluff would be left without adequate means of transportation. This is a condition we cannot countenance.

We might have been justified in declining at the outset to consider this application for the reason that it requests an action by the Commission which on its face would be contrary to the spirit of the Public Utilities Act, and in contravention of the rules and regulations promulgated by the Commission, in that permission is sought to operate a public stage line without limitation as to time of arrival or departure at any point, and without specified termini. Clearly, no such permission could be granted because operations under such conditions could not be controlled, and regular and orderly service could not be guaranteed to the people. If this applicant is entitled to be given the roving commission prayed for, it would be just as proper to grant the same privilege to the present transportation company and to others, and thus the whole regulatory structure would be destroyed.

But, while it was clear that the permission asked could not be granted in the form requested, this investigtaion was

conducted with a view of ascertaining the actual needs of the people residing in the towns proposed to be served by this applicant.

The Commission is vitally interested in having the best possible motor stage service given the people in districts of the State that are remote from railroads. The growing and important town of Blanding is entitled to consideration. Its reasonable needs in the way of transportation should be supplied, but we cannot assume the responsibility of insisting upon the present transportation company giving a daily passenger service to the residents of the southern part of San Juan County, without at the same time protecting its revenues to the extent of making its operation self-sustaining. In other words, we cannot compel a company to give service at a loss. Nor can we feel justified in allowing an increase in fares and charges that would be necessary to compensate for the loss of revenue that would result if the traffic handled by the Company were diminished by competition. The duty of the Commission is to regulate the operations of utility companies in such a way as to give the best possible service to the public at reasonable prices. To accomplish this the Commission granted a certificate to the Moab-Bluff Stage & Transportation Company, under regulations which gave to the people of Blanding and Bluff daily passenger service, which they admit is a better transportation service than had been given them before. The fact that it might sometimes be convenient to call upon a local man to make a special trip cannot justify us in issuing another certificate of convenience and necessity, even if applied for in regular form, when the effect of the issuance of such certificate would be the establishing of competing lines in a territory which at best yields only comparatively small revenues for the service now given. The application is, therefore, denied.

At the same time we are inclined to think that an arrangement should immediately be made whereby the present transportation company would undertake to meet more fully the need of the people of Blanding for transportation over its route, either by a change of its daily schedule or by additional service. Practically all of the witnesses at the hearing testified that such action was necessary in order to meet the demands of the traveling public, and a numerously signed petition was presented to the same effect. If later it shall be shown that the volume of traffic requires that an additional

stage be put on regularly between Blanding and Monticello, in order to give adequate and convenient service for the people of Blanding, the Commission will give consideration to the matter and make such orders as may seem to be necessary.

An appropriate order will be entered.

Dated at Salt Lake City, Utah, this 20th day of November, A. D. 1918.

(Signed) HENRY H. BLOOD,
Commissioner.

I concur:

(Signed) JOSHUA GREENWOOD,
(SEAL) Commissioner.

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of November, A. D. 1918.

In the Matter of the Application of EDWARD P. LYMAN, for a Certificate of Convenience and Necessity authorizing him to operate an automobile stage line in San Juan and Grand Counties, Utah.	**CASE No. 96**

This case being at issue upon petition and protests, on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

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

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

97. In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to increase its freight and passenger rates.

Application filed October 8, 1918, postponed without date.

PENDING.

98. In the Matter of the Application of THE DUPLEX TRUCK SALES AGENCY, for permission to operate a motor transport line for handling freight between Price and Helper, Utah, to Duchesne, Roosevelt, Myton and White Rocks, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE DUPLEX TRUCK SALES AGENCY, V. A. Van Horn, Manager, desiring a franchise for the operation of a motor transport line for the handling of freight between Price and Helper, Utah, to Duchesne, Roosevelt, Myton and White Rocks, Utah.	CASE No. 98

Submitted October 11, 1918. Decided October 15, 1918.

REPORT OF THE COMMISSION

By the Commission:

The Duplex Truck Sales Agency, of Denver, Colorado, filed on October 1, 1918, an application for a certificate of convenience and necessity to operate a motor truck line for the transportation of freight between Price and Helper, Utah, and Duchesne, Roosevelt, Myton and White Rocks, Utah, and petitioned the Public Utilities Commission of Utah to give said Company permission to operate such a motor truck line.

Applicant represents that at this time it has ten Duplex trucks available for service, and will at this time use as many of the trucks as necessary to handle all freight offered for transportation, increasing the number of trucks in service

as the volume of business demands; that at this time a large quantity of farm products and other commodities is held at the towns named, for the reason that transportation facilities are not available; that it is desirous of establishing offices, service stations and all facilities necessary to properly conduct a good and sufficient freight service by motor truck.

Various interested parties were notified of the application. There were no protests filed with the Commission. Johnson & Sons Auto Freight Line, which has been engaged in transporting freight between points named in the petition, filed a statement that they would offer no protest to the granting of the application.

The Commission, having on previous occasions investigated the transportation facilities of the territory involved, and being fully advised in the premises, now, therefore, finds:

1. That present and future public convenience and necessity require and will continue to require the operation of a motor truck line for the transportation of freight between Price and Helper, Utah, and Duchesne, Roosevelt, Myton and White Rocks, Utah.

2. That the application of the Duplex Motor Sales Agency should be granted.

3. That the applicant should begin operation within a reasonable time and should at all times conduct a good and sufficient transportation system and should establish all necessary conveniences to give reasonable and adequate service.

4. That the applicant be required to file with the Public Utilities Commission of Utah, before beginning operations, a schedule of all rates, fares, charges, rules and regulations governing the transportation of freight over its lines, as well as a schedule showing the leaving time of its trucks from all its stations.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.
Attest:
(Signed) T. E. BANNING,
Secretary.

ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 28

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 15th day of October, A. D. 1918.

In the Matter of the Application of THE DUPLEX TRUCK SALES AGENCY, V. A. Van Horn, Manager, desiring a franchise for the operation of a motor transport line for the handling of freight between Price and Helper, Utah, to Duchesne, Roosevelt, Myton and White Rocks, Utah.

CASE No. 98

This case being at issue upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its finding, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, The Duplex Truck Sales Agency, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate a truck line for the transportation of property between Price and Helper, Utah, and Duchesne, Roosevelt, Myton and White Rocks, Utah.

ORDERED FURTHER, That applicant shall begin operations in good faith and within a reasonable time, and shall conduct a good and sufficient transportation service, and establish all necessary conveniences to provide such service.

ORDERED FURTHER, That before beginning such operation said Duplex Truck Sales Agency shall file with the Public Utilities Commission of Utah a schedule showing all rates, fares, charges, rules and regulations governing the transportation of freight between all points upon its line, as well as schedule showing time of arrival and departure from each station.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

99. In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to assess switching charges at Mohrland, Hiawatha and Panther Station, Utah.

Application filed October 16, 1918.

PENDING.

100. In the Matter of the Application of DE WITT BROTHERS COMPANY, a corporation, for a franchise to operate a motor freight service between Price and White Rocks, via Myton, Roosevelt and Ft. Duchesne, and also from Myton to Duchesne.

Application filed October 11, 1918. Postponed without date.

PENDING.

101. In the Matter of the Application of JOHNSON TRANSPORTATION COMPANY, a corporation, for permission to operate a motor truck line between Roosevelt, Myton and Price, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHNSON TRANSPORTATION COMPANY, a Corporation, for permission to operate a motor truck line between Roosevelt, Myton and Price, Utah. } CASE No. 101

ORDER

Upon motion of the petitioner, Johnson Transportation Company, and by the consent of the Commission,

IT IS HEREBY ORDERED, That the proceedings in the above entitled case be, and the same hereby are, dismissed.

By order of the Commission.

Dated at Salt Lake City, Utah, this 25th day of October, A. D. 1918.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

102. In the Matter of the UINTAH RAILROAD COMPANY filing tariffs containing increases in freight rates in the State of Utah.

Tariffs suspended under date of October 29, 1918, until January 14, 1919, pending investigation.

PENDING.

103. In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a certificate of convenience and necessity to enter the City of Price, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity to enter the City of Price, Utah. } **CASE No. 103**

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 29

The application in the above entitled matter asks that the Commission grant the Utah Power & Light Company a certificate of convenience and necessity, permitting the exercising by said Company of certain rights conferred upon it by the franchise given to it by the City of Price, Carbon County, Utah, which franchise authorizes said petitioner to occupy the streets of said city with poles, wires and other equipment, for the purpose of supplying electricity at wholesale to said city.

The records on file with the Commission disclose the fact that for a number of years past Price, a municipal corporation, established and operated a power plant, for the purpose of furnishing energy and light to the inhabitants of said city; that said system was operated by steam power and the use of coal; that the result of such operation was, as has been brought to the attention of the Commission, a deficit, and that upon a hearing had at Price before the Commission an advance of rates was allowed.

Investigation of the operation of the plant under the existing condition disclosed the fact that it could not be operated at a reasonable price or at reasonable rates. It appeared from the best information that the plant was in bad condition, and that on June 18, 1918, the municipal corporation entered into a contract with the Utah Power & Light Company to furnish power at wholesale, to be delivered at a substation to be constructed adjacent to the present steam plant; that on July 22, 1918, an ordinance was passed entitled "An Ordinance granting the Utah Power & Light Company, its successors and assigns, an electric light, heat and power franchise," which franchise gave the right to the petitioner to operate in the present and future streets, alleys and public places of said City of Price electric light and power lines, together with all necessary or desirable appurtenances for the purpose of supplying electricity at wholesale to said city.

It further appears that the petitioner had entered into a contract with said city, providing for furnishing to said city electricity at wholesale; that on account of the apparent failure of the steam electric power plant, the City Council of Price requested the petitioner to furnish the power for lighting purposes.

From the showing made it would appear that public convenience and necessity require the granting of the application of the petitioner.

IT IS FURTHER ORDERED, That the Utah Power & Light Company be, and it is hereby, authorized to exercise the rights and privileges as prayed for in its petition in keepwith the franchise granted to it by the act of the City Council of Price.

By the Commission.

Dated at Salt Lake City, Utah, this 30th day of October, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

104. In the Matter of the Application of the UTAH POWER & POWER COMPANY, for permission to put into effect Surcharge Steam Schedule in Salt Lake City.

Application filed October 31, 1918, hearing postponed until January 20, 1919.

PENDING.

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These cases were handled informally and reported in the 1917 Annual Report and subsequently assigned formal numbers.

115. In the Matter of the Application of the DAISY STAGE LINES COMPANY, through its Receiver, Howard Hout, for permission to operate stage line between Salt Lake City and Park City, Utah.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of DAISY STAGE LINES COMPANY, a public service corporation of Utah, through its Receiver, Howard Hout, for permission to operate stage line between Salt Lake City and Park City, Utah.

CASE No. 115

ORDER

Comes now the Daisy Stage Lines Company, a corporation of Utah, by Howard Hout, its Receiver, and petitions the Public Utilities Commission of Utah for authority to operate an automobile stage line between Salt Lake City, Utah,

and Park City, Utah, said automobile stages to operate upon the following schedule:

Leaving Salt Lake City at 8:00 o'clock a. m. and 11:00 o'clock a. m.; and at 2:30 o'clock p. m. and 5:30 o'clock p. m.

Leaving Park City, Utah, at 8:00 o'clock a. m., 11:00 o'clock a. m.; and at 2:30 o'clock p. m. and 5:30 o'clock p. m.

Said Daisy Stage Lines Company, by Howard Hout, its Receiver, further represents that it desires to make the following charges for transportation of persons between Salt Lake City and Park City, Utah:

One-way trip	$2.00
Round trip	3.00

And the Commission having caused investigation to be made, and being fully advised in the premises:

IT IS ORDERED, Adjudged and Decreed, That the said Daisy Stage Lines Company, by Howard Hout, its Receiver, be, and the same hereby is, authorized to establish, maintain and operate a line of automobile stage cars between Salt Lake City and Park City, Utah, such operation to begin as soon as weather conditions will permit, and to be operated upon schedule above named, Provided: that said Daisy Stage Lines Company, by Howard Hout, its Receiver, shall, if public convenience and necessity require, maintain and operate such additional automobile stages upon such schedule as may be necessary to afford the traveling public reasonable and adequate service.

ORDERED FURTHER, That said automobile stage line shall at all times be operated in conformity to the rules and regulations prescribed by the Public Utilities Commission of Utah.

By the Commission.

Dated at Salt Lake City, Utah, this 3rd day of April, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

116. In the Matter of the Application of H. M. BOOTH, for permission to operate an automobile stage line from Garfield to Saltair, Utah, to be known as the "SALT-AIR LINE."

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. M. BOOTH, for permission to operate an automobile stage line from Garfield to Saltair, Utah, to be known as the "SALTAIR LINE." } CASE No. 116

CERTIFICATE OF CONVENIENCE AND NECESSITY No. 8

The application of H. M. Booth shows that he is an experienced auto driver and that he desires to operate an auto stage line between Garfield (Townsite) and Saltair, leaving Garfield (Townsite) for Saltair hourly from 6 p. m. until 9 p. m., and leaving Saltair at 10:45 p. m., 11:30 p. m. and 12:15 a. m.; collecting 50 cents for one way and 75 cents for round trip tickets.

Applicant further asks to be relieved from making trip in inclement weather.

No protests to the granting this application were received, and the Commission having caused investigation to be made, and being fully advised in the premises;

And it appearing that there is no stage operating between these points at this time, and parties desiring to make the trip to Saltair must either engage private conveyance or travel by train to Salt Lake City thence to Saltair;

And it further appearing that during the summer months many residents of Garfield desire to make such trip, and that public convenience and necessity require the operation of such a stage line;

And it further appearing that inclement weather is not a sufficient reason for discontinuing service, unless it be physically impossible to make the trip;

NOW, THEREFORE, we find that permission should be granted applicant to operate such a stage line, upon the schedule and at the rates heretofore named.

Applicant should not be permitted to refuse to operate his stage during inclement weather, except as provided in the rules and regulations prescribed by the Public Utilities Commission of Utah, governing the operation of auto stage lines.

IT IS THEREFORE ORDERED, That the applicant, H. M. Booth, be, and hereby is, granted a certificate of convenience and necessity to operate an automobile stage line between Garfield (Townsite) and Saltair upon the following schedule:

Leaving Garfield for Saltair hourly from 6 p. m. until 9 p. m.

Leaving Saltair at 10:45 p. m., 11:30 p. m. and 12:15 a. m.

ORDERED FURTHER, That the rates shall not exceed 50 cents for one way and 75 cents for round trip tickets; provided that upon a proper showing the Commission may order such change in rates as circumstances may warrant.

IT IS FURTHER ORDERED, That said applicant shall at all times operate his stage line in accordance with the rules and regulations of the Commission governing the operation of automobile stage lines.

Dated at Salt Lake City, Utah, this 4th day of June, A. D. 1918.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) Commissioners.

Attest:

(Signed) T. E. BANNING,
Secretary.

117. In the Matter of the Application of JAMES PAPPAS, for permission to operate an automobile stage line between Garfield and Magna, Utah.

Application filed December 12, 1918.

PENDING.

118. In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for authorization to raise its rates on Milk and Cream.

Application filed December 17, 1918.

PENDING.

119. In the Matter of the Application of SALT LAKE & UTAH RAILROAD COMPANY, for authorization and permission to construct a railroad track on 9th South Street, crossing at grade intersection of First West Street, Jefferson Street, West Temple Street, and the existing track of the Utah Light & Traction Company on West Temple Street.

Application filed November 30, 1918.

PENDING.

120. In the Matter of the Application of the CLARK ELECTRIC POWER COMPANY, for permission to change its schedule of rates.

Application filed December 3, 1918.

PENDING.

APPENDIX I.

Part 2.—Informal Cases.

BINGHAM & GARFIELD RAILROAD COMPANY

In re Service: December 2, 1918, representatives of Arthur and Magna plants of the Utah Copper Company appeared before the Commission and complained of the service being given by the Bingham & Garfield Railroad, connecting with the Salt Lake Route, in transporting the employes of Arthur and Magna plants to their work, alleging that trains were delayed, thus working a hardship on the employes. A formal conference was arranged and the railroad officials agreed to do all in their power to have trains move on schedule time.

PENDING.

DEEP CREEK RAILROAD COMPANY

In re Rates: January 21, 1918, Mr. C. E. Davis and Joseph Kimball called upon the Commission, regarding rates in effect on ore from points on the Deep Creek Railroad to Valley Smelters. They were requested to place the matter before the Commission in writing, at which time further consideration would be given. No communication was received and no action taken.

CLOSED.

DENVER & RIO GRANDE RAILROAD COMPANY

In re Rates: January 18, 1918, informal complaint was made by the People's Forwarding Company, alleging incorrect rates being assessed on a shipment of wheat moving from Charleston to Salt Lake City. Investigation developed the fact that the error in billing was not the fault of the Denver & Rio Grande Railroad Company, and the Commission was unable to offer any relief in the matter.

CLOSED.

In re Spur Track: February 5, 1918, information was received from the CAPITAL IRON & METAL COMPANY that they had been unable to make necessary arrangements with the railroad company to have the spur track installed, and that a deposit of $850.00 was demanded. The matter was taken up with the railroad company and spur installed upon the applicant making a deposit of $410.00.

CLOSED.

In re Spur Track: The matter of constructing a spur track to the plant of SPRINGVILLE-MAPLETON SUGAR COMPANY was brought before the Commission for the purpose of having the construction expedited. Informal conferences were held and investigation was made by the Commission and the necessary trackage secured.

CLOSED.

In re Station: February 23rd, representatives of the TOWN OF REDMOND called upon the Commission and filed application requesting a station at that point. The matter was taken up with the railroad officials and an investigation made as to the need for such a station. There had been no protection of any kind previously. Under date of September 6, the railroad company advised that instructions had been issued to construct a suitable place of shelter at Redmond.

CLOSED.

In re Reparation: Petition was received from the UTAH-IDAHO SUGAR COMPANY, requesting that the Denver & Rio Grande Railroad be permitted to protect rate of 3c per cwt. on lumber moving Provo to Mapleton, which rate is carried in distance tariff of the Denver & Rio Grande. The published rate between these points is 8c per cwt. Petitioners were advised that published rate should be assessed, and, if they desire, it would be proper for them to file complaint.

CLOSED.

In re Rates: Petition was received from the UTAH-IDAHO SUGAR COMPANY, requesting authority from the Denver & Rio Grande Railroad to protect rate of 40c per ton on lime rock moving Wilford to Lehi, this being rate in effect for similar distance in other territory. Informal application denied, with instructions to file formal complaint. No further communication was received.

CLOSED.

In re Rates: Application was received from the DENVER & RIO GRANDE RAILROAD for permission to protect rate of 7½c per cwt. on carload of cement from Sand Spur to Moroni, Utah.

GRANTED.

In re Rates: Application was received for permission to waive an undercharge of 9c per cwt. on two cars of Becco from Ogden to Bingham, Utah, rate having been reduced after shipment moved.

GRANTED.

In re Rates: Application was received for permission to increase rates on gypsum rock and gypsum plaster, Gypsum and Nephi. The application was protested and the railroad company advised that it would be necessary to make formal application. In view of the conditions, the railroad company withdrew its application.

CLOSED.

In re Rates: Application was made for permission to cancel rate on crude oxide of alumina from Marysvale to Salt Lake, Midvale and Murray. Protest was made granting application, and the railroad advised that it would be necessary to make formal application before further action could be taken. Applicant withdrew petition.

CLOSED.

In re Rates: Communication was received from the BEESLEY MARBLE & GRANITE WORKS, complaining against the rates on granite, Provo to Richfield. The matter was taken up with the railroad and a lower rate was authorized by the Commission. CLOSED.

In re Rates: Application was received from the railroad company for permission to increase rate on coke braize, Sunnyside to Castle Gate. While this application was pending, W. G. McAdoo, Director General, issued an order increasing all freight rates, and the applicant was advised that the Commission would not authorize or less than statutory notice, the advance sought. CLOSED.

In re Rates: Communication was received from the DENVER & RIO GRANDE RAILROAD, in the matter of publishing rates to provide for the return movement of ore from Manti to Marysvale. The railroad was advised to publish a rate to cover this movement upon statutory notice, after which it would be proper to make application for authority to make reparation. CLOSED.

In re Rates: Communication was received from MR. FRANK B. STEPHENS, alleging discrimination in rates on grain as between the points of Welby, Dalton, Hunter and Murray. The matter was taken up with the railroad, who advised that they would be willing to recommend to the District Freight Traffic Committee the establishment of a lower rate, the question of rates being under Federal control. Mr. Stephens was so advised. No further communication was received.

CLOSED.

In re Freight Rates: March 25th, a representative of the SCOFIELD COAL COMPANY met with the Commission, regarding classification of different grades of coal. Investigation developed that the coal company was not equipped to classify its coal, as required by tariffs, and, therefore, no relief could be given.

CLOSED.

In re Rates: Communication was received from WILFORD BELLISTON, alleging rate on bees from Provo to Price was excessive.

PENDING.

In re Spur Track: Communications were received from the coal companies located at Wattis and Rains, in the matter of the operation of the spur track leading to the mines. The question was taken up with the railroad officials and satisfactory adjustment arrived at between the parties.

CLOSED.

In re Service: Petition was received from citizens of Moroni and Fountain Green, requesting daily mail service and change of schedule so as to make possible better connections with the railroad's main lines.

PENDING.

In re Service: MR. PRESTON NUTTER complained that the service accorded him in the movement of live stock over the Denver & Rio Grande Railroad was not satisfactory and that numerous delays were encountered at various times. The matter was taken up with the railroad officials, with a view of obtaining better service, which was promised.

CLOSED.

In re Switching Charges: The question of switching charges assessed by the railroad company to the Utah Fuel Company's coke ovens at Sunnyside, Utah, was brought to the attention of the Commission.

PENDING.

In re Passenger Fares: Communication was received from MR. HENRY WELCH, alleging discrimination in the rates charged by the railroad for passenger service between Park City and Salt Lake City, Utah. The matter was taken up informally with the railroad officials. Mr. Welch was advised that on account of the railroad being unwilling to reduce its rates and because of the fact that it was under government control, it will be necessary for him to file formal complaint before any order could be issued.

CLOSED.

In re Service: Application was received from the UTAH WHOLESALE MEAT COMPANY, asking that the schedule of the Denver & Rio Grande Railroad be changed so as to permit loading direct from the plant between Provo and Springville. The railroad advised they were contemplating a change in their schedule which would take care of the alleged inconvenience.

CLOSED.

In re Loss and Damage Claim: MR. SIMON HEINECKE asked the Commission to assist him in obtaining settlement of claim covering shipment of holly which arrived in Salt Lake City too late for Christmas sales. The railroad company not desiring to refund the charges collected on this shipment, the Commission was unable to offer relief.

CLOSED.

In re Ventilated Cars: Communication was received from WILLIAM M. ROYLANCE COMPANY, asking the Commission to assist them in securing equipment to handle perishable fruits on the Sanpete Valley Branch of the Denver & Rio Grande. The matter was taken up with the railroad officials and they were asked to make the necessary arrangements to handle this crop.

CLOSED.

In re Flag Stop: The question of making Castle Gate a flag stop for trains Nos. 1 and 2 was taken up with the railroad officials, who made the necessary arrangements to provide for this stop, thus improving the service.

CLOSED.

In re Bulletins: The matter of posting the time of arrival and departure of trains at various station on the Denver & Rio Grande Railroad was called to the attention of the railroad officials, who advised that proper steps would be taken to keep the public posted in this matter.

CLOSED.

In re Station: Communication was received from individuals residing in the vicinity of Sigurd, Utah, requesting the Commission to assist them in securing a station at that point. Additional information and showing was requested before taking the matter up with the railroad.

CLOSED.

LOS ANGELES & SALT LAKE RAILROAD

In re Reparation: Application was received requesting permission to protect shipment of fifteen cars of coal moving from Thompson and Castle Gate to Bauer, Utah.

GRANTED.

In re Informal Rates: Informal complaint was received from the OHIO COPPER COMPANY of Utah against the rate on gas house coke from Salt Lake City to Bingham. The railroads not desiring to reduce the present rates, the protestant was advised to file formal complaint. No further communication was received.

CLOSED.

In re Rates: That matter of feeding in transit privileges on sheep moving Faust to Kaysville was called to the attention of the Commission. The party was advised to present the matter in writing. No further communication was received.

CLOSED.

In re Rates: Communication was received from WILLIAM ROYLANCE COMPANY, regarding rate assessed on shipment of apples from Benjamin to Spanish Fork. The party was advised that, inasmuch as the railroads were under

Federal control, it would be necessary to submit the questions pertaining to freight rates to the Federal authorities. Under date of November 11, Mr. Roylance advised that it was not his desire to press the matter further at this time.

CLOSED.

In re Reparation: Application was received for permission to make reparation to MR. J. C. JENSEN for alleged excessive freight charges on two cars of sheep camp outfit moving from Milford to Price. The charges having been assessed in accordance with the published rate, the application was denied.

DENIED.

In re Passenger Service: Information reached the Commission that on April 24th the Salt Lake Route train for Nephi met with delay at Draper, causing inconvenience to passengers. The matter was called to the attention of the railroad officials for explanation of delay, which was furnished.

CLOSED.

In re Spur Track: Application was received for permission to construct an extension spur at Erwin on the Delta Branch on the Los Angeles & Salt Lake Railroad. Investigation developed that the track did not cross any public highway and would be constructed upon private property. The Commission, therefore, issued no order.

CLOSED.

In re Service: Request was received from MRS. I. C. ALLEN, of Garfield, Utah, to have the Los Angeles & Salt Lake Railroad carry students into Garfield, operating over the Bingham & Garfield Railroad's tracks, a distance of about one-mile. The matter was taken up with the railroad officials, who declined to comply with the request. A stage line was authorized to operate over this route, which would give the service desired. CLOSED.

In re Overhead Clearances: From a statement filed by the railroad, it appeared there were a number of crossings which did not meet the requirements prescribed by the Commission of overhead clearance of electric lines. The matter was called to the attention of the railroad officials, with a view of having same remedied. PENDING.

In re Weights: Communication was received from the LOS ANGELES & SALT LAKE RAILROAD, requesting ruling as to whether or not it could lawfully assess charges on the actual weight where the physical capacity would not amount to the minimum weight provided in tariff. The Commission advised the railroad that it could not lawfully assess charges in excess of the actual weight in such cases.

CLOSED.

OREGON SHORT LINE RAILROAD CO.

In re Reparation: Application was received from the Amalgamated Sugar Company for reparation order covering shipment of sugar from Sugar Works to Ogden. Investigation developed that it was not a proper case for reparation, and the Sugar Company was instructed to file formal application, if it desired further consideration. No formal complaint was filed.

CLOSED.

In re Freight Rates: February 6th, representatives of the CARDIFF MINING COMPANY called upon the Commission in the matter of the proposed charges on ore in transit moving Atwood to Murray. Informal conference was arranged between representatives of the railroad and a satisfactory adjustment was secured.

CLOSED.

In re "Sailing Days": Mr. W. S. McCarthy, Traffic Manager of the SALT LAKE HARDWARE COMPANY, alleged that the proposed plan of receiving freight on designated days for certain points would work a hardship on shippers in Utah. The matter was taken up with the railroad officials and with the Interstate Commerce Commission, with a result that the plan was rescinded, making it possible to forward L. C. L. freight daily from Salt Lake and Ogden.

CLOSED.

In re Service: Assistance was rendered the LYNCH CONSTRUCTION COMPANY in expediting movement of carload of machinery destined Provo.

CLOSED.

In re Demurrage Charges: Communication was received from the Utah Lumber Company, regarding a claim for demurrage assessed on shipment of oil from Salt Lake to Portage, Utah, account consignee not receiving proper notice that shipment had arrived at station.

PENDING.

In re Rates: The question of rates on flour between Murray, Utah, and Galveston, Texas, was called to the attention of the Commission by Hyrum Bennion & Sons. The matter was checked up and information received which showed that the shippers were entitled to reparation and they were advised to present their claims to the railroad.

CLOSED.

In re Service: Information was received that passengers desiring to check baggage at the Union Station were subject to unnecessary delays. The matter was called to the attention of the railroad officials, who made personal investigation and advised that in the future this condition would be improved.

CLOSED.

OLD CAPITAL PETROLEUM COMPANY & SALT LAKE, FILLMORE & KANOSH RAILROAD COMPANY

In re Application to Construct Railroad: Application was received from the Old Capital Petroleum Company, for permission to construct, operate and maintain a railroad between Lund and Cedar City, Utah. The Salt Lake, Fillmore and Kanosh Railroad Company protested the application and advised that they were contemplating constructing a similar line. Applicants were advised that the Public Utilities Act did not require them to secure such permission.

CLOSED.

SALT LAKE, GARFIELD & WESTERN RAILROAD COMPANY

In re Rates: Application was received for permission to have 50c fare per round trip put in effect between Salt Lake City and Saltair, account 145th Artillery Band Concert, same being an increase over the fares on file with the Commission.

DENIED.

UINTAH RAILROAD COMPANY

In re Service: Informal complaints were made against the railroad company, alleging inadequate service and failure to promptly send out freight notices from Watson. The matter was taken up with the railroad company, who advised that they were adding to their equipment and that no demurrage had been charged at their Watson station and, therefore, allegations must have been erroneous. No further communications were received. CLOSED.

WESTERN PACIFIC RAILROAD

In re Refund: On application, the Commission requested the Western Pacific Railroad Company to make refund to Miss Gertrude A. Peterson on unused portion of ticket purchased by her brother, Verne Peterson, deceased, the rule being that refunds could only be made to administrators upon filing a certificate copy of letters of administration. As the estate left by Mr. Peterson was not sufficient to warrant an administrator being appointed, the railroad made refund upon applicant signing an affidavit. CLOSED.

VARIOUS RAILROAD LINES

In re Service: Complaint was received from the STARTUP CANDY COMPANY, Provo, Utah, against the poor service on various lines over which it shipped freight. They were advised that it would be proper to file formal complaint. No further communication was received.

CLOSED.

In re Rates: Applications were received from various lines, for permission to publish on less than statutory notice increased rates for the movement of special cars. Similar applications were pending before the Interstate Commerce Commission, and this Commission withheld action. Later the applications were withdrawn. CLOSED

In re Car Shortage: Information was received the fore part of September to the effect that the fruit crop in the Provo district was spoiling, because of the lack of refrigerator cars to move the crop. A representative of the Commission visited the territory, spending several days there, and succeeded in securing the necessary cars to handle the crop without serious loss. CLOSED.

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In re Car Shortage: Telegram was received from MR. PRESTON NUTTER, October 19, 1918, advising that he was unable to secure cars for the movement of his cattle. The matter was taken up with the railroads interested and arrangements made to have cars furnished immediately.

CLOSED.

In re Service: Communication was received from the UTAH CORRUGATED CULVERT & FLUME COMPANY, Woods Cross, Utah, alleging delays in shipments. Matters were called to the attention of the railroads and shipments were expedited. CLOSED.

In re Free Freight Service to News Companies: Application was received from various lines for ruling as to whether or not it would be proper to transport supplies consigned to news companies operating stands along the lines of the railroads. The Commission held that Interstate Commerce Commission's Conference Rule No. 87 would govern, and it would be unlawful to transport freight free or at reduced rates, supplies of this character. CLOSED.

BAMBERGER ELECTRIC RAILROAD COMPANY

In re Stations: After an informal conference with representatives of the railroad, it was decided to make certain improvements to various stations along the line of the railroad company. CLOSED.

In re Stations: The matter of keeping stations open after 8:00 p. m. was called to the attention of the Commission. The railroad officials claim it was impracticable to keep their stations open after this hour, because of the vandalism that had been committeed at various points. The matter was called to the attention of the city authorities of the various towns along the line of the railroad, requesting their co-operation, particularly after the agent had gone off duty, and it was agreed that waiting-rooms remain open until the last train had departed.

CLOSED.

In re Reparation: Application was received for permission to absorb switching charges on carload of wheat moving from Bullen to Husler's Mill via Oregon Short Line Railroad, Ogden, Logan & Idaho Railroad and Bamberger Electric Railroad. DENIED.

In re Flag Stops, Glovers Station: Communication was received from MR. JOSEPH M. CHRISTENSEN, requesting the railroad to stop its trains at Glovers Station. The matter was taken up with the Bamberger Electric Railroad officials, who had advised that they had arranged to stop trains which would be necessary to accommodate passengers in that district.

CLOSED.

In re Service: Various complaints reached the Commission regarding the manner in which milks cans were unloaded by the Bamberger Electric Railroad. The matter was referred to the railroad officials, who issued a bulletin to all train employes, instructing them to handle milk cans so as not to cause them to be damaged.

CLOSED.

In re Switching Charges: Request was made by the railroad company upon the Commission for an interpretation of switching clause carried in their tariff on file.

PENDING.

In re Stops: The matter of having the BAMBERGER ELECTRIC RAILROAD trains stop at 31st Street, Ogden, Utah, was brought to the attention of the Commission. It was the desire of the city officials of Ogden to have this stop made, whereas the Bamberger Electric Railroad Company alleged that the stop was unnecessary.

PENDING.

In re Stops: Informal requests were received from passengers, asking that the Bamberger Electric Railroad Company stop one of its trains in the morning at 3rd West and North Temple Streets to discharge passengers. The desired arrangements were made.

CLOSED.

In re Rates: Application was received from the BAMBERGER RAILROAD COMPANY, for permission to amend its various tariffs to conform with W. G. McAdoo's General Order No. 28, without formal hearing.

DENIED.

SALT LAKE & UTAH RAILROAD COMPANY

In re Reparation: Application was received from the Salt Lake & Utah Railroad Company for permission to make reparation in the amount of $15.15 to Mr. Frank Harris, of Payson, Utah, on carload of hay moving from Payson to Silver City. The matter was investigated by the Commission and, inasmuch as published rates were applied, application was denied. CLOSED.

In re Rates: Communication was received from the NELSON-RICKS CREAMERY COMPANY, requesting the Commission to have the Salt Lake & Utah Railroad Company adjust its rates on milk and cream. The matter was taken up with the railroad officials, who advised they were not willing to make the reduction requested by the Creamery Company, and applicant was advised that it would be necessary to file formal complaint. No further communications were received.

CLOSED.

In re Reparation: Communication was received from the ROCKER MERCANTILE COMPANY, asking if it would be possible to receive refund of charges assessed by the railroad not authorized by the Commission. They were advised to submit the facts to the Commission, but no further communication was received.

CLOSED

In re Reparation: The WILLIAM ROYLANCE COMPANY, Provo, Utah, filed claims for overcharge against the railroad, alleging that the railroad company had collected charges in effect upon Federal controlled lines, but later reduced by this Commission. The William Roylance Company was advised that it was the view of the Commission that the rates in effect under General Order No. 28 continue in force until set aside by the Commission upon formal complaint. No further communication received.

CLOSED.

In re Rates: Application was received for permission to advance milk rates 10 per cent and newspaper rates 10 per cent.

DENIED.

In re Loss and Damage Claim: Communication was received from the SHARON MERCANTILE COMPANY, requesting the Commission to assist them in collecting claim for loss and damage against the Salt Lake & Utah Railroad Company. The matter was taken up with the railroad officials, and the Sharon Mercantile Company was advised that the Commission had no jurisdiction over claims for loss and damage.

CLOSED.

In re Crossing: Informal application was received from the SALT LAKE & UTAH RAILROAD COMPANY, requesting the Commission to close up some small road crossings and tracks at Chesterfield. The railroad was advised that it would be proper to take the matter up with the property owners before the Commission would take any action. No further communications were received.

CLOSED.

In re Crossing: The matter of eliminating crossings over the SALT LAKE & UTAH RAILROAD at Salem, Utah, was discussed informally with representatives of the railroad company and the State Road Commission.

PENDING.

In re Passenger Service: The Commission called attention of the railroad to the fact that complaints had been made that insufficient equipment was provided to care for passengers who took advantage of the Utah Stake Temple Workers' excursions, and asked the railroad to endeavor to provide ample equipment upon occasions of this kind, which it agreed to do.

CLOSED.

UTAH IDAHO CENTRAL RAILROAD COMPANY

In re Rates: Communication was received from the Ogden Pressed Brick & Tile Company, stating that, previous to the Commission authorizing the railroad company to increase its freight rates, the brick company had entered into a contract to furnish 450,000 bricks, to be shipped to Salt Lake on the basis of the old rates, only part of which had been shipped. Before action was taken, the brick company withdrew its protest.

CLOSED.

In re Rates: Communication was received from the railroad company, requesting permission to apply flour rate on shipments of bran, shorts and middlings, moving between October, 1917, and March, 1918, account error of publication of tariff.

GRANTED.

In re Spur Track Operation: Information was received to the effect that there existed some misunderstanding between residents in the vicinity of Lewiston Spur as to who should maintain and operate the spur track. Investigation was conducted by the Commission.

PENDING.

UTAH LIGHT & TRACTION COMPANY

In re Service: January 16, 1918, Mr. H. F. Dicke, manager of the Utah Light & Traction Company, met with the Commission and discussed the matter of service on the city lines. It was agreed that the Traction Company would endeavor to increase the service during the morning and afternoon rush hours to accommodate passengers desiring transportation. CLOSED.

In re Service: The TRACTION COMPANY desired to reduce the service on the Center Street line of its system, account light traffic. Residents of the district affected made protest to the Commission, and, after informal hearing, it was decided that changes contemplated should be modified. This was done. CLOSED.

In re Transfers: Application was received for permission to abolish the universal transfer and to establish a restricted transfer which could be used only at certain points to designated lines. Application was denied.

CLOSED.

In re Transfers: Protest was received from W. D. BOWRING against the transfer arrangement in effect on the line of the Utah Light & Traction Company. The matter was submitted to the company and an explanation made, which appeared to be satisfactory, unless attacked in formal complaint. No further communications were received.

CLOSED.

In re Rules: Communication was received from MR. W. A. PERKES, regarding the rule of the street car company in the matter of the payment of fares where the new fare boxes were used. Investigation developed the fact that it was necessary for the traction company to put in effect rules providing for refunding excess amounts placed in the fare boxes by passengers. CLOSED.

In re Zone Limits: Petition was received from MR. E. C. TAME, Sandy, Utah, requesting that the zone limits on the Murray-Midvale-Sandy line be changed. DENIED.

In re Sale of Students' Tickets: The matter of placing tickets on sale at the office of the UTAH LIGHT & TRACTION COMPANY at 2nd South and Main Streets, as well as at the University, was called to the attention of the officials, and it was decided that it would be more convenient to have the tickets placed on sale at the company's office.

CLOSED.

In re Passenger Service: Complaints reached the Commission that employes of various industrial shops located in Salt Lake boarded street cars, wearing clothes worn in the shops, account car schedule being such that these parties were unable to make a change before boarding cars. The matter was investigated by the Commission, and the schedule of the street car lines in question changed, so as to give more time to working men to clean up after work before boarding cars for their homes. CLOSED.

AMERICAN EXPRESS COMPANY

In re Refund: Communication was received from Mrs. Emil Munz, requesting the Commission to assist her in securing settlement from the Express Company covering shipment consigned to her at Helper, Utah, which was not delivered. The matter was taken up with the Express Company, who authorized refund of $5.33 excess charge on this shipment. CLOSED.

In re Refund; Communication was received from MR. J. H. PECK, of Ogden, Utah, requesting the Commission to assist him in securing settlement of claim covering shipment consigned Blackfoot, Idaho. Settlement in the amount of $72.38 was authorized by the Express Company.

CLOSED.

In re Delivery Limits: Communication was received from MRS. LUELLA HAYMOND, asking the Commission to have the Express Company extend its free delivery limits to include Ninth West Street. Further information was requested, but, not being received, the case was closed.

CLOSED.

BEAVER RIVER POWER COMPANY

In re Rates: On January 3, 1918, Mr. R. J. Shields, Manager of the Beaver Combination Mine, complained of the rates for electric service used to operate air compressor and hoist, claiming the Power Company had made a charge for a period of three months, during which time their motor was out of commission. The matter was called to the attention of the Power Company and an adjustment reached.

CLOSED.

In re Service: Communication was received from the UTAH LEASING COMPANY, alleging interruptions of electric service. The matter was taken up by correspondence and informal hearings, and the Power Company agreed to install a frequency meter and endeavor to do all in their power to give the best possible service.

CLOSED.

BOUNTIFUL LIGHT & POWER COMPANY

In re Service: Application was received from Mr. A. E. Winward, et al., to have electricity furnished him. Informal hearings were held in an endeavor to reach a settlement.

PENDING.

In re Service: Communication was received from MISS ESTHER ASHDOWN, requesting that the Commission assist her in obtaining electric service from the Bountiful Light & Power Company. Conference was held with the Power Company. PENDING.

In re Service and Rates: Communication was received from the BOUNTIFUL MILLING & FEED COMPANY, requesting the Commission to assist them in securing electric service and reasonable rates. The matter was investigated by the Commission and a schedule adopted for a trial period, pending further investigation. PENDING.

CLARK ELECTRIC POWER COMPANY

In re Rates: Communication was received from Mr. W. D. Lynch, in the matter of charges assessed by the Power Company for electric power. The matter was taken up with the Power Company, and, after information was received, it appeared that there had been a misunderstanding as to what the minimum bill would amount to. The Power Company contended that it was necessary to standardize rates for this class of service. No further communications were received. CLOSED.

In re Power Contract: On February 18, 1918, representatives of the UTAH LIME & STONE COMPANY called upon the Commission and asked them to render assistance in securing an acceptable rate for electricity to be furnished at Flux and Dolomite. Informal hearings were conducted and the matter investigated, with the result that contract was prepared acceptable to the parties.

CLOSED.

PROGRESS COMPANY

In re Service: Application was received from Dr. Cannon, Mrs. J. L. Conner and Mrs. J. E. Burbidge, to have the Progress Company furnish them with electricity. Because of an extension being necessary to serve these people, the Power Company had demanded a deposit to cover cost of construction. PENDING.

SOUTHERN UTAH POWER & LIGHT COMPANY

In re Rates: Communication was received from Mr. A. C. Willardsen, stating that on account of the daylight plan he was unable to consume the amount of electricity necessary to equal minimum charge. Mr. Willardsen was advised that it would be necessary to file formal complaint against the charges in effect. No further communication was received.

CLOSED.

UTAH POWER & LIGHT COMPANY

In re Deposit to Cover Cost of Transformer Installation: January 8, 1918, complaint was received from the Peerless Coal Company, in the matter of deposit covering installation of transformer at its mine. The matter was taken up with the Power Company and satisfactory adjustment was made. CLOSED.

In re Deposit Covering Installation of Transformer: Complaint was made by the ZINC CONCENTRATE COMPANY against the deposit required by the Utah Power & Light Company for installing a transformer at its mill at Harker, Utah. The matter was taken up with the Power Company and satisfactory agreement reached.

CLOSED

In re Special Rate: Application was received from the Power Company for permission to supply electricity to the American Foundry & Machine Company at a rate lower than that prescribed by the tariffs on file; this for the purpose of experimenting as to the practicability of using electricity for the furnace in the Machine Company's Iron Factory. The Commission authorized eight mill per K. W. hour for experimental purposes for a period of one year.

CLOSED.

In re Rates: The matter of rates charged by the UTAH POWER & LIGHT COMPANY at Wilson, Utah, was called to the attention of the Commission, claiming discrimination as compared with rates charged at Ogden. Inasmuch as the rates charged were in accordance with schedule on file, protestant was advised to file formal complaint attacking said rates. No further communication was received.

CLOSED.

In re Rates: Information was received from LEHI CITY to the effect that the Utah Power & Light Company was assessing 11c per K. W. hour instead of 10c per K. W. hour, as specified in their contract. The matter was investigated and light bills checked, which showed that the Power Company was collecting 10c, in accordance with the contract.

CLOSED

In re Meter: MR. T. P. DANIEL complained that his bills from the Utah Power & Light Company were not correct. Careful check of meter readings was made, and, after informal conference, the matter was adjusted satisfactorily.

CLOSED.

In re Rates: Protest was made by the residents of Ogden against the charge of electricity. Party was advised to file formal protest, at which time the matter would be fully investigated by the Commission. No complaint being received, the case was closed.

CLOSED.

In re Service: MR. A. B. SMITH made an informal application to the Commission to assist him in securing electric service. The matter was taken up with the Utah Power & Light Company, who agreed to settle the matter with Mr. Smith.

CLOSED.

In re Rates: Communication was received from MR. ALBERT WHITE, complaining about the rates assessed by the Utah Power & Light Company for power service. Arrangements were made whereby the Power Company would make Mr. White allowance for the time switch which was used by him, and the establishing of a satisfactory schedule of rates.

CLOSED.

In re Service: July 18, 1918, MRS. E. C. STARR called upon the Commission and advised that there had been some controversy between herself and the Power Company in the matter of furnishing electric service at her residence, the Power Company demanding an advance before giving service. Mrs. Starr was advised to place the matter before the Commission in writing. No further communications were received.

CLOSED.

In re Contract: Mr. Dahle of the STATE MILLING & ELEVATOR COMPANY, Cache Junction, Utah, called upon the Commission and advised that the Utah Power & Light Company had disconnected the milling plant from its power line, because of alleged failure to comply with the contract stipulations. An informal meeting was held between the parties and an understanding arrived at which was satisfactory.

CLOSED.

In re Deposits Covering Cost of Constructing Extensions: Various communications were received from individuals who desired to receive electric service but were unable to deposit

cost of construction in each case. The matter was taken up with the Power Company, and detailed cost of construction was received and checked, for the information of the applicant. CLOSED.

In re Service: Telephone communication was received from MR. H. B. TAYLOR, advising that he had been unable to make necessary arrangement with the Power Company to obtain electric service at his home, account of the advance demanded by the Power Company before making the extension. Mr. Taylor was advised to place the matter before the Commission in writing. No further communication was received. CLOSED.

In re Rates: Representatives of Ogden City called upon the Commission, December 20, 1918, and alleged that the Utah Power & Light Company was assessing rates in excess of those permitted under the city's franchise.

PENDING.

UNITED STATES RECLAMATION SERVICE

In re Rates: Representatives of Spanish Fork called upon the Commission, advising that they had been securing electric energy from the United States Reclamation Service under contract, and that it was now the desire of the government to renew their contract at a higher rate.

PENDING.

GARFIELD SMELTING COMPANY

In re Light Service: Application was received from residents of Garfield, Utah, to have lighting service extended to them. The matter was taken up with the Company, which, it is claimed, is not a public utility.

PENDING.

UTAH GAS & COKE COMPANY

In re Rates: Informal complaint was received from H. S. Schofield, in the matter of charges assessed for gas service. The matter was called to the attention of the Gas Company, requesting them to make a test of the meter, which proved to be correct. The difficulties were adjusted satisfactorily to both parties.

CLOSED

In re Rates: MR. W. E. VIGUS called upon the Commission and alleged that his bills from the Gas Company were increased abnormally. Investigation developed that the increase was possibly due to the advance authorized by the Commission in Case No. 34. No further communication was received.

CLOSED.

In re Charges: Communication was received from MR. AUGUST CARLSON, alleging excessive charges by the Gas Company and asking that the Commission assist him in securing test of his meter, which was done satisfactorily.

CLOSED.

In re Increased Rates: Information was received to the effect that the UTAH GAS & COKE COMPANY assessed the increased rates authorized by the Commission for service rendered in the month of May, whereas the Commission's order made the increase effective June 1st. The Commission instructed the Gas Company to issue new bills for the month of May and refund charges which had been collected in excess of the legal charges on file with the Commission.

CLOSED.

In re Charges: Communication was received from MR. J. H. McKENNA, complaining against the excessive charges of the Gas Company, and also against the method of issuing bills, alleging overcharges by the Gas Company.

PENDING.

In re Charges: Communication was received from MR. W. NESBITT, alleging that he had paid the Gas Company an amount in excess of gas consumed. Matter was taken up with the Gas Company, who authorized refund of $9.20, account error in billing.

CLOSED.

MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY

In re Rates: Complaint against charges for joint user service was received. The matter was called to the attention of the Telephone Company, and the situation was adjusted to the satisfaction of the complainant.

CLOSED.

In re Rates, Holliday Exchange: January 7, 1918, Mr. Samuel C. Park made a complaint against the contemplated increase in rates for service in the Holliday Exchange. Upon investigation, it was found that the matter complained of had been the subject of controversy between the residents of the district affected and the Telephone Company, and that both parties had reached an agreement.

CLOSED.

In re Reconnection Charge: Complaint was received that the Telephone Company, after disconnecting a subscriber for non-payment of account, made reconnection charge of $1.00. Complainants were advised to file formal complaint attacking this rule. No further communications were received.

CLOSED.

In re Reconnection Charge: Protest was received from W. L. Coles against the practice of the Telephone Company disconnecting telephones for non-payment and assessing $1.00 for reconnecting same. Mr. Coles was advised that it would be necessary to make a formal complaint, as prescribed by the law. No further communication was received.

CLOSED.

In re Rules: The rules relating to payment in advance for telephone service were attacked, and protestant was advised to make formal complaint. No further communication was received.

CLOSED.

In re Service: Informal complaint was made by the NORTHWESTERN MUTUAL FIRE ASSOCIATION, alleging that this company had changed from an individual line to a joint user service and desired to have its number transferred. It appeared that the Telephone Company had failed to correct their records when the change of service was made, and, for that reason, the Telephone Company agreed to transfer numbers until such time as the new directory was issued.

CLOSED.

In re Charges: April 24, 1918, MR. JOB LYON and MR. GATES called upon the Commission and made inquiries regarding the charge of $2.50 assessed by the Telephone Company for the privilege of listing in the directory for joint user

service. These gentlemen were advised to place the matter before the Commission in writing. No further communications were received. CLOSED.

MILLARD COUNTY TELEGRAPH & TELEPHONE COMPANY

In re Service: Communication was received from Mr. Andrew Cortsen, complaining against the service accorded him by the Telegraph Company in delivering messages between Oasis and Kanosh. The matter was taken up with the Telegraph Company and explanation of delay was received and furnished Mr. Cortsen.

CLOSED.

NORTH LOGAN TELEPHONE & ELECTRIC CO.

In re Rates to Stockholders: Information was received that this utility desired to make special rates to stockholders. They were advised that this would be in violation of the law, as all classes of consumers were to receive the same rates.

CLOSED.

SALINA TELEPHONE COMPANY

In re Service: Complaints were received from residents of Redmond, Utah, to the effect that they were unable to use the telephone line on account of same being out of order. Matter was taken up with the Telephone Company, who were instructed to remedy the condition complained of.

PENDING.

WESTERN UNION TELEGRAPH COMPANY

In re Service: Jannary 3, 1918, Mr. E. J. Knapp made an informal complaint, alleging that a telegram which he filed had been delayed in reaching destination and thereby failed to serve its purpose, and desired refund charges. The matter was taken up with the Telegraph Company and refund of tolls (44c) made to Mr. Knapp. CLOSED

CEDAR CITY MUNICIPAL SYSTEM (WATER)

In re Service: Communication was received from Mr. Thomas Lawrence alleging that he had been unable to secure water from the City Municipal System. An informal hearing was held in the matter and a report issued by the Commission. urging the city to extend every possible effort to give the proper service. CLOSED.

SALT LAKE CITY WATER DEPARTMENT

In re Free Service: Application was granted for permission to furnish free water for war gardens.

CLOSED.

STAR AUTO LINE

In re Rules and Regulations: Representatives of the various automobile stage lines operating out of Salt Lake City met with the Commission and complained of the methods used by the Star Line. Investigation was made, which tended to show that it would be necessary for more strict observance on the part of the automobile stage operators of the rules and regulations of the Commission, and the parties present were so advised. CLOSED.

AUTOMOBILE STAGE LINES

In re Passenger Service: Various communications were received from passengers, alleging violation of rules and regulations prescribed by the Commission for the operation of automobile stage lines in the State of Utah. In each case the matter was taken up with the stage line, and they were instructed to operate in accordance with the rules prescribed by the Commission and give adequate service at all times.

CLOSED.

BEN KNELL AND J. C. ISBELL

In re Service: Communication was received from parties living in territory in which Isbell operate automobile stage lines, alleging that the service was not in accordance with the rules and regulations prescribed by the Commission. The matter was called to the attention of the operators and they were advised that it would be necessary to strictly observe all rules and regulations issued by the Commission.

CLOSED.

DUCHESNE STAGE & TRANSPORTATION COMPANY

In re Rates: Communication was received from the Duchesne Stage & Transportation Company, advising they had increased their rate from Duchesne to Roosevelt from $2.95 to $3.00, in order to equalize rates. The Stage Company was advised that it would be illegal for them to charge any rates other than those on file with the Commission, until authorized to do so.

CLOSED

NEILSON'S STAGE LINE

In re Refund: Communication was received from Mr. William Story, Jr., advising that the Stake Line had refused to refund him the value of the unused portion of round trip ticket between Salt Lake and Brighton. The Stage Line was instructed to establish a rule to provide for refund and to return to Mr. Story the value of the unused portion of his ticket.

CLOSED.

APPENDIX I.

Part 3.—Ex Parte Orders Issued.

RAILROADS.

During the period covered by this report the Commission acted upon fifty-eight applications to publish rates upon less than statutory notice. By far the greater number of these applications were for permission to effect reductions in the existing rate or fare. These ex parte orders may be classified by railroads as follows:

NAME	NO.
Bamberger Electric Railroad Co.	2
Bingham & Garfield Railway Co.	3
G. P. Conard	1
Denver & Rio Grande Railroad Co.	18
F. W. Gomph	2
C. H. Griffin	6
Salt Lake & Utah Railway Co.	2
Oregon Short Line Railroad Co.	6
Salt Lake Route	4
Southern Pacific Company	2
Uintah Railway Company	1
Utah-Idaho Central Railroad Co.	4
Western Pacific Railroad Co.	7

AUTOMOBILE STAGE LINES

The Commission issued five ex parts automobile orders. These orders may be classified as follows:

Permission to change schedule, discontinue operation, etc.	3
Permission to make reduction in rates	2

TELEPHONE

The Commission issued one ex parte telephone order, authorizing the publication of telephone and messenger rates:

Deep Creek Railroad Company	1

APPENDIX I.

Part 4.—Special Dockets—Reparation.

No.	Title	Amt.	
1	W. Garfield vs. Los Angeles & Salt Lake Railroad Company	$ 30.00	Granted
2	Warren Newton vs. Los Angeles & Salt Lake Railroad Company	30.00	"
3	Ruben Kay vs. Los Angeles & Salt Lake Railroad Company	30.00	"
4	George E. Kay vs. Los Angeles & Salt Lake Railroad Company	30.00	"
5	Utah-Idaho Sugar Company vs. Denver & Rio Grande Railroad Co. (See Case No. 32)	68.46	"
6	American Smelting & Refining Company vs. Denver & Rio Grande Railroad Company	268.00	"
7	Utah-Idaho Sugar Company vs. Denver & Rio Grande Railroad Co. (See Case No. 31)	67.03	"
8	Ashton Fire Brick & Tile Company vs. Utah-Idaho Central Railroad Company	490.00	"
9	Amalgamated Sugar Company vs. Utah-Idaho Central Railroad Company	72.53	Denied

APPENDIX II.

Part 1.—General Orders.

Part 2.—Tariff Circulars.

APPENDIX II.

Part 1.—General Orders.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of freight rates, passenger fares and baggage charges increased by certain railroads operating within the State of Utah, under authority of General Order No. 28, issued by W. G. McAdoo, Director General, U. S. Railroad Administration.

GENERAL ORDER NO. 3

IT APPEARING that on May 28, 1918, W. G. McAdoo, Director General, United States Railroad Administration, issued General Order No. 28, which authorized increases of freight rates, passenger fares and baggage charges, interstate and intrastate, on all railroads under Federal control, said increases of passenger fares and baggage charges to become effective June 10, 1918, and said increases of freight rates to become effective June 25, 1918;

AND IT FURTHER APPEARING that copies of schedules published in accordance with said General Order No. 28, naming such increased rates, fares and charges, were furnished to and filed with the Public Utilities Commission of Utah, but not filed as required by Section 3, Article 3, of the Public Utilities Act of Utah, approved March 8, 1917, and, therefore, effective only during the time said carriers were under control of the Director General;

AND IT FURTHER APPEARING that certain railroads which have operated, or assumed to operate, under Federal control within the State of Utah, have subsequently, be relinquished by the Director General from Federal control, the effect of such act of relinquishment appearing to the Commission to be to return said railroads to the jurisdiction of the Public Utilities Commission of Utah, as exercised before said railroads were taken under Federal control;

AND IT FURTHER APPEARING that the rates fixed by authority of General Order No. 28 are in excess of the legal rates published by the said railroads and now on file in the

office of the Commission, and were published without complying with the provisions of Section 11 (a), Article 5, of the Public Utilities Act of Utah, which provides:

> "No public utility shall raise any rate, fare, toll, rental or charge or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under any circumstances whatsoever, except upon a showing before the commission and a finding by the commission that such increase is justified."

IT IS ORDERED, That all railroads which are not under Federal control, operating within the State of Utah, shall, on or before the effective date of this order, cease and desist from charging, collecting, demanding or receiving any rates, fares or charges shown in tariffs or schedules published under authority of said General Order No. 28, naming increased rates, in so far as the same apply to traffic moving wholly over non-Federal controlled railroads, and wholly within the State of Utah, and shall reinstate the rates, fares and charges shown in tariffs published and on file with the Public Utilities Commission of Utah prior to the effective date of General Order No. 28, in so far as Utah state traffic is concerned.

IT IS FURTHER ORDERED, That any and all tariffs naming increased rates, fares and charges, filed by any of the railroads not under Federal control, since the effective date of said General Order No. 28, and not heretofore approved by order of this Commission, be, and they are hereby, suspended, and the application of the same is deferred upon intrastate traffic within the State of Utah until such time as the said railroads, or any of them, shall have made a showing as contemplated by the law; and until further order of the Commission, the rates, fares and charges in effect prior to the effective date of said General Order No. 28, shall be, and continue, in force.

IT IS FURTHER ORDERED, That each and every railroad which operates within the State of Utah, and which is not under Federal control, shall, on or before the effective date of this order, acknowledge receipt hereof by notifying the Public Utilities Commission of Utah in writing, that the provisions of this order will be complied with.

Provided, that nothing in this contained, shall be construed as passing upon or determining the status of joint rates published in connection with any Federal controlled railroad.

ORDERED FURTHER, That this order shall be in full force and effect on and after August 5, 1918.

Dated at Salt Lake City, Utah, this 2nd day of August, A. D. 1918.

By the Commission.

(Signed) JOSHUA GREENWOOD,
(SEAL) HENRY H. BLOOD,
Attest: Commissioners.
(Signed) T. E. BANNING, Secretary.

TENTATIVE GENERAL ORDER

Superseding Tentative General Order Dated December 1, 1917.

To All Electric Light & Power Companies, Electric Railways, Telephone and Telegraph Corporations:

The Public Utilities Commission of Utah has tentatively adopted the rules of the National Bureau of Standards, as contained in their Circular No. 54, covering the National Electric Safety Code (or such changes or modifications thereof as shall be deemed proper), as the standard for electrical construction practice in the State of Utah, and utilities interested are respectfully requested to make such trial application of it in their new construction work as will familiarize them with the code and enable them to ascertain in what respect, if any, requirements may be inadequate or unnecessarily severe. It is requested that when such an inadequacy or unreasonableness is found, the evidence showing same will be presented by the utility as fully as possible, and that such utility will report as to what portion of construction belonging to the utility such objections apply.

This publication, Circular No. 54, is published by the Bureau of Standards at Washington, D. C., and may be obtained from them in any number at 20c per copy in paper covers, and 30c per copy in flexible cloth.

All utilities are requested to secure a copy of this publication, and at the earliest possible date report to the Commission any objections which they have to this code being adopted as a standard for Utah.

Dated at Salt Lake City, Utah, this 4th day of February, A. D. 1918.

Effective February 15, 1918.

By the Commission.

(Signed) T. E. BANNING,
(SEAL) Secretary.

APPENDIX II.

Part 2.—Tariff Circulars.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

Amendment No. 1 to

TARIFF CIRCULAR NO. 2.

CONCURRENCES AND POWERS OF ATTORNEY shall be filed with the Commission in substantially the same form prescribed by the Interstate Commerce Commission, substituting the words "Public Utilities Commission," whenever the words "Interstate Commerce Commission," appear.

Such concurrences shall, when issued in connection with freight tariffs, bear the prefix "U.F.____No._____", and when issued in connection with passenger tariffs bear the prefix "U. P.____ No._____".

Issued May 17, 1918.

Effective June 1, 1918.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

PUBLIC UTILITIES COMMISSION OF UTAH

TARIFF CIRCULAR NO. 3

Governing the Filing of Tariffs Pertaining to Gas, Water, Telephone, and Electric Utilities.

All tariffs shall be printed or reproduced by stereotype, plantograph, or similar process, on heavy white paper of size 8½ by 11 inches, and shall contain the following information:

The title page shall bear in the upper right corner the letter P. U. C. U. and shall be numbered consecutively, beginning with Number 1, thus: P. U. C. U. No. 1. When a tariff cancels a previous issue, the P. U. C. U. No. of cancelled tariff shall be shown in smaller letters directly beneath the current number thus: P. U. C. U. No. 3.

Cancels P. U. C. U. No. 2.

The notation "No supplement to this tariff may be issued except for the purpose of cancelling the tariff" shall be shown in the upper left corner. The name of the corporation or municipality owning or operating the utility, and the location of principal or general office, together with the title SCHEDULE OF RATES FOR, followed by the kind of service, shall be shown in the center of the page. The territory in which rates shall be shown, preceded by the title: APPLYING TO THE FOLLOWING TERRITORY:

On the lower part of the page shall be shown on the left: ISSUED _____ and on the right:
(Month) (Day) (Year)
EFFECTIVE_____ Directly beneath
(Month) (Day) (Year)
the effective date shall be shown the name, title, and address of issuing officer.

All following sheets shall be numbered consecutively and shall show the name of corporation or municipality issuing the tariff, P. U. C. U. No., date issued, date effective, name, title and address of officer issuing the tariff, and if cancelling former sheet, must show number of sheet cancelled.

Whenever any change is made in any rate, resulting in an advance in such rate, such change shall be denoted by the symbol "A" shown in connection with rate changed, and on the same page shall be shown a footnote giving reference to such symbol and explaining its use, thus: "A" denotes advance. Should such change result in a reduction, the symbol "R" shall be shown, footnote explaining its use, thus:

"R" denotes reduction. Changes that do not effect either increase or decrease in charges but change only the wording or phraseology of the rule or item shall be designated by the symbol "C", which shall be explained by footnote, thus: "C" denotes change other than increase or decrease in rates.

Sheet No. 1 shall show "Table of Contents," which shall be continued on Sheet No. 2, if insufficient space on Sheet No. 1. Sheet No. 1 may, in addition to "Table of Contents," if space permits, also show "Description of Territory."

Each consecutive sheet shall show in the following order: "Classification of Service," "Special Rates and Contracts", "Rules and Regulations", "Definitions, Explanations and remarks."

Under head of "Classification of Service shall be shown, when corporation is an electric utility, whether lighting, heating, commercial power, etc., and a separate sheet should be used for each class of service. Other classes of utilities shall show similar information as to the different classes of service. Each sheet bearing classification of service shall also show all rates and charges in connection therewith and reference by number to any special rules and regulations governing such service.

All public utilities owning or operating any electric utility, gas utility, water utility or telephone utility shall before the 1st day of June, 1918, print and file with the Public Utilities Commission of Utah schedules of all their rates, rules and regulations affecting the service of such utility, in the form and manner herein described; provided that such utilities as have prior to the date hereof filed with the Commission printed tariffs containing rates, rules and regulations shall not be required to reissue such tariffs, except upon special orders from the Commission.

Dated at Salt Lake City, Utah, this Eighth day of April, 1918.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

PUBLIC UTILITIES COMMISSION OF UTAH

SUPPLEMENT No. 1 to TARRIF CIRCULAR No. 6

To All Gas, Water, Telephone and Electric Utilities:

To avoid misunderstanding and unnecessary delays in complying with the provisions of Tariff Circular No. 3, your attention is called to Section 2 (B), Article 3 of the Public Utilities Act which reads as follows:

> "Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the Commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relates to rates, tolls, rentals, charges, classifications, or service. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals, or charges, from time to time, in excess of or less than those shown by said schedules."

Particular attention is called to the provision of this section which requires "all rates, tolls, rentals, charges and classifications" together with "all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, charges, classifications or service" must be filed with the Commission.

Attention is also called to Section 6, Article 3 of the Public Utilities Act, which reads as follows:

> "Except as in this section otherwise provided, no public utility shall charges, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such products or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are

regularly and uniformly extended to all corporations and persons; provided, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility."

The above section provides that no Public Utility shall "charge, collect, demand or receive a greater or less or different compensation * * *, than the rates, tolls, rentals and charges * * * specified in its schedules on file and in effect * * * nor extend to any corporation or persons any form of contract or agreement or any rule or regulation * * * except such as are regularly and uniformly extended to all corporations or persons.

Delay has been experienced in securing full compliance with the provisions of Tariff Circular No. 3 and all gas, water, telephone and electric corporations, whether municipal or otherwise, are hereby require to notify the Commission in writing within ten days from the date hereof of any rules, regulations, contracts, privileges, facilities or agreements not included in its published schedules which are at present in effect, and on file with the Public Utilities Commission of Utah and to file certified copies of all such documents, if such exist, within thirty days from the date hereof.

PROVIDED, That if copies of such contracts have been filed with the Commission prior to the date of this order, reference to the name of the corporation, or person with whom such contract has been made and date such copy was filed, or forwarded for filing shall be furnished the Commission within the ten days from the date hereof.

All gas, water, telephone or electric utilities which have not published schedules in accordance with Tariff Circular No. 3 shall within ten days from the date hereof notify the Public Utilities Commission of Utah to that effect and shall within thirty days from the date hereof comply with all the provisions of Tariff Circular No. 3.

Dated at Salt Lake City, Utah, this 23rd day of October, A. D. 1918.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

P. U. C. U. No.
Cancels P. U. C. U. No.

No supplement to this Tariff may be issued except for the purpose of cancelling the Tariff.

(Name of Corporation or Municipality)

(Location of principal or general offices)

SCHEDULE OF RATES FOR

(State whether gas, water, electricity or telephone)

Applying to the Following Territory

Issued_____ Effective_____
Month, Day, Year Month, Day, Year

Issued by_____
(Name of Officer)

_____
(Title)

_____
(Address)

P. U. C. U. No.
Sheet No.
Cancels
Sheet No.

(Name of issuing Corporation or Municipality)

TABLE OF CONTENTS

DESCRIPTION OF TERRITORY

Issued _____ Effective _____
Month, Day, Year Month, Day, Year

Issued by _____
(Name of Officer) (Title) (Address)

P. U. C. U. No.
Sheet No.
Cancels
Sheet No.

(Name of issuing Corporation or Municipality)

CLASSIFICATION OF SERVICE

Kind of Service (or use)	Rate
State kind of Service for which rates are named Example:	
If Electric Utility: Commercial Lighting Commercial Power Etc.	
If Telephone: Private Line Telephone Business Telephone Etc.	
If Gas: Heating Cooking	
If Water Private Residences Hotels Etc.	

Issued _____ Effective _____
Month, Day, Year Month, Day, Year

Issued by _____
(Name of Officer) (Title) (Address)

P. U. C. U. No.
Sheet No.
Cancels
Sheet No.

(Name of issuing Corporation or Municipality)

SPECIAL RATES AND CONTRACTS

Issued _____ Effective _____
Month, Day, Year Month, Day, Year

Issued by _____
(Name of Officer) (Title) (Address)

P. U. C. U. No.
Sheet No.
Cancels
Sheet No.

(Name of issuing Corporation or Municipality)

RULES AND REGULATIONS

Issued _____ Effective _____
Month, Day, Year Month, Day, Year

Issued by _____
(Name of Officer) (Title) (Address)

P. U. C. U. No.
Sheet No.
Cancels
Sheet No.

(Name of issuing Corporation or Municipality)

DEFINITIONS—EXPLANATIONS—REMARKS

Issued _____ Effective _____
Month, Day, Year Month, Day, Year

Issued by _____
(Name of Officer) (Title) (Address)

APPENDIX III.

Part 1.—Grade Crossing Permits.

Part 2.—Certificates of Convenience and Necessity.

APPENDIX III.

Part 1.—Grade Crossing Permits.

The Commission issued eighteen Highway Grade Crossing Permits during the period covered by this report. These permits granted authority to construct grade crossings, and prescribed the necessary safety precautions established by the Commission. Following permits were issued:

Name	No.
Los Angeles & Salt Lake Railroad Co.	2
Oregon Short Line Railroad Co.	4
Denver & Rio Grande Railroad Co.	4
Salt Lake, Garfield & Western Railroad Co. (See Case No. 14)	1
Midvale City (Oregon Short Line R. R.)	1
Kimball & Richards (See Case No. 47)	1
Salt Lake Terminal Company	1
Ogden Union Railway & Depot Co.	2
Bamberger Electric Railroad Co.	1
Utah-Idaho Central Railroad Co.	1

APPENDIX III.

Part 2.—Certificate of Convenience and Necessity.

Twenty-six certificates of convenience and necessity were issued, as follows:

Certificate No.	Case No.	Classification
4	64	Automobile
5	37	"
6	36	"
7	22	"
8	116	"
9	39	"
10	45	"
11	46	"
12	49	"
13	65	"
14	74	"
15	75	"
16	67	"
17	81	"
18	73	"
19	83	"
20	71	Telephone
21	27	Automobile
22	90	"
23	89	Electric
24	80	Automobile
25	91	"
26	92	"
27	94	"
28	98	"
29	103	Electric

APPENDIX IV.

Part 1.—Accidents

APPENDIX IV.

Part 1.—Accidents.

The Commission investigated numerous accidents which were reported by various utilities, as follows:

Utility	No. of Accidents
Denver & Rio Grande Railroad Co.	4
Oregon Short Line Railroad Co.	5
Ogden Union Railway & Depot Co.	2
Bamberger Electric Railroad Co.	3
Salt Lake & Utah Railroad Co.	1
Utah-Idaho Central Railroad Co.	3
Utah Light & Traction Company	3
Automobile Stage Lines	3
Utah Power & Light Company	6

UTAH POWER & LIGHT COMPANY

August 28, 1918, Marvin Thornley was slightly injured and three horses were killed, while driving a hay derrick under the high tension wires of the Utah Power & Light Company at Layton, Utah. Investigation was made by Special Investigator F. M. Abbott, of the Commission.

Early in the year, the Utah Power & Light Company, at the suggestion and with the co-operation of the Commission, issued a pamphlet to all owners of hay derricks, calling attention to the danger of moving derricks under high tension wires with the boom elevated. In addition, warning signs were furnished and attached to derricks by the Power Company.

The above accident was the only one of its nature occurring during 1918. During previous years, an average of three deaths occurred annually from such accidents, and it is apparent that the Commission's action in having such an educational campaign conducted by the Power Company, reduced the number of accidents materially.

APPENDIX V.

Part 1.—Supreme Court Decisions

APPENDIX V.

Part 1.—Supreme Court Decisions

IN THE SUPREME COURT OF THE STATE OF UTAH.

The DENVER & RIO GRANDE RAILROAD COMPANY, Plaintiff,
v.
PUBLIC UTILITIES COMMISION OF UTAH, Defendant.

McCarty, J.

The Denver & Rio Grande Railroad Company, hereinafter called petitioner, filed in this court a petition for an alternative writ of mandamus against the Public Utilities Commission of Utah, hereinafter called commission. The petition recites that petitioner is a railroad corporation organized under the laws of Utah and Colorado and is the owner and operator, as a common carrier of freight and passengers for hire, of numerous lines of railroad in each of the states named and is about to construct a new standard gauge railroad track about one and one-fourth miles in length from its yards immediately south of Twenty-first South Street in Salt Lake County, Utah, to its freight yards in Salt Lake City; that it already has a double main line track between these points, one designated the east-bound and the other the west-bound track; that these tracks are inadequate and that a new track is necessary to enable petition to carry on its business; that the proposed new track will be laid parallel to and west of the present east-bound main line at a distance of sixteen feet from center to center; that it will cross **at grade** and at right angles Twenty-first South Street in Salt Lake County, and Thirteenth and Seventeenth South Streets in Salt Lake City. The petition further recites that petitioner already owns property used as a right of way fronting on the streets mentioned where its present two tracks and its proposed new track cross; that its frontage on the north side of Thirteenth South Street is 185 feet and on the south side 200 feet; that both on the north and south sides of Seventeenth South Street its frontage is 200 feet and on the north side of Twenty-first South Street its frontage is 200 feet and on the north side of Twenty-first

South Street 100 feet while on the south side of the last named street its frontage is 2,620 feet; that the present tracks cross these streets within the limits of the frontage mentioned and the proposed new track will also cross these streets within the limits of the frontage; that the new track will be used for the movement of freight trains between the yards above mentioned. It is further recited that freight trains moving to Salt Lake from the direction of Denver, Colorado, will first enter the yards south of Twenty-first South Street where they will be broken up and cars reclassified and rearranged; that the cars will then be made up into new trains and moved over this track to Salt Lake City freight yards, and that, vice versa, trains moving from Salt Lake City in this direction of Denver will enter the yard south of Twenty-first South Street, and, after reclassification and rearrangement, will move on to final destination. It is further recited in the petition that "petitioner has neither secured nor applied for a franchise from the Board of County Commissioners of Salt Lake County to construct the proposed new track over and across Twenty-first South Street, and has neither secured nor applied for a franchise from the Board of Commissioners of Salt Lake City to construct the same over and across Thirteenth and Seventeenth South Streets"; that on October 5, 1917, petitioner made written application to the Commission for a permit to construct **at grade** the proposed new track over and across said streets at right angles thereto under new track over and across said streets at right angles thereto under Ch. 47, Sec. 14, Art. 4, Laws of Utah 1917, commonly called the "Public Utilities Act," that the Commission refused to assume jurisdiction and declined to pass upon the application one way or the other, taking the position that a franchise from the local authorities is necessary.

An alternative writ of mandamus was issued on the petition, and the Commission answered admitting that petitioner had applied to it for a grade crossing permit as stated in the petition, but alleged (a) that "this Commission has adopted a rule to the effect that before grade crossing permits will be issued a copy of the franchise or consent of the local authorities authorizing the construction of the railway track, whether spur track or main, must be submitted in connection with the petition"; (b) that "petitioner, on presenting its petion before the Public Utilities Commission of Utah, failed and refused to attach any copy of franchise or consent of local authorities to its petition in compliance with the rule

of said Commission, and continued so to refuse when advised by said Commission that no permit would be issued until such time as a copy of the franchise authorizing the construction of such railroad track was filed with said petition."

The Public Utilities Act reads, so far as material here, as follows:

> Sec. 1. (Art. 2.) "* * *. (m) The term 'common carrier', when used in this Act, includes every railroad corporation; * * * (aa). The term 'public utilities,' when used in this Act, includes every common carrier.
>
> Sec. 1. (Art. 4.) "The commission is hereby with power and jurisdiction to supervise and regulate every public utility in this State, as defined in this Act, and to supervise all the business of every such public utility in this State, and to do all things, whether herein specifiacally designated, or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction.
>
> Sec. 14. (Art. 4.) "(a) No track or any railroad shall be constructed across a public road, highway or street at grade, * * * without having first secured the the permission of the commission; provided, that this sub-section shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe. (b) The commission shall have the exclusive power to determine and prescribe the manner, * * * and the terms of installation, operation, maintenance, use and protection of each crossing of the railroad by another railroad or street railroad, and of a street railroad by a railroad and of each crossing of a public road or highway by a railroad * * * and of a street by a railroad, * * *
>
> Sec. 34. (Art. 5.) "Sections 454, 455 and 456, Compiled Laws of Utah 1907, and all acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.' (The repeal of these sections is important.)

It will be noticed that the Act confers on the Commission the **exclusive power** to prescribe the manner and the terms upon which railroad tracks may be constructed, maintained and operated across a public road, highway or street, and that "no track of railroad shall be constructed across a public road,

highway or street at grade * * * without having first secured the permission of the commission."

Counsel for the respective parties have confined their consideration of the case to a review of the history of the legislation and to a discussion of the construction which they claim should be given the statutes giving railroad companies the right to construct, maintain and operate railway lines and tracks in the State, and of the power heretofore conferred on municipal corporations by statute to regulate the use of streets and to withhold or grant franchise to railroad companies to lay, maintain and operate railroad tracks on and across the public streets within the municipalities. The scope and extent of the power of the Commission under the Act, and the effect of the Act on the statutes referred to, is not discussed or even referred to in their briefs. Counsel seem to take it for granted, and to have discussed the case on the theory, that no parts of the statutes in force at the times the Act went into effect, giving railroads the right to occupy and cross roads, highways and streets are repealed or abrogated by the Act except the sections specifically mentioned in the repealing clause. Not only are the sections of the statute specifically mentioned in the Act repealed, but "all acts and parts of acts inconsistent with the provisions of this Act" are repealed. Since the Act, in language so plain that it will admit of but one construction, confers on the commission the **exclusive power** to determine and prescribe the manner, and the terms upon which railroad companies may construct, maintain and operate railroad tracks across public roads, highways and streets within the state and repeals all acts and parts of acts inconsistent with the provisions conferring such power, but little need or can be said on the subject, except that the commission erred in declining to act on the application made by the petitioner for crossing permits.

This decision is not intended to, and does not, declare or establish any rule regarding the course necessary for street railroad companies to take in order for them to get permission and to entitle them to construct, maintain and operate street railway lines on and across the public streets of cities and incorporated towns.

It is ordered that a peremptory writ of mandamus issue requiring and directing the Commission, after making, within a reasonable time, such investigation, if any, as it may deem

necessary in the premises, to act on petitioner's petition for crossing permits and to either grant or refuse them.

We concur:

IN THE SUPREME COURT OF THE STATE OF UTAH.

The DENVER & RIO GRANDE RAILROAD COMPANY,
Plaintiff,
v.
PUBLIC UTILITIES COMMISION OF UTAH,
Defendant.

PEREMPTORY WRIT OF MANDAMUS.

THE STATE OF UTAH TO PUBLIC UTILITIES COMMISSION OF UTAH,

Greeting:

WHEREAS, on November 1, 1917, there was filed and presented to the Supreme Court of Utah a petition by The Denver & Rio Grande Railroad Company, in which it was set forth that the petitioner had theretofore filed with you an application for a permit to construct at grade over and across Twenty-first South Street in Salt Lake County and Thirteenth and Seventeenth South Streets in Salt Lake City, State of Utah, an additional standard gauge railroad track between petitioner's freight yards immediately south of Twenty-first South Street and its freight yards in Salt Lake City, immediately to the west of its present double main line; but that you had declined to assume jurisdiction or to pass on the petition one way or the other; and

WHEREAS, an alternative writ of mandamus was heretofore issued by this court, commanding you to assume jurisdiction, or show cause why you had not done so; and

WHEREAS, from the return you made to said writ and the proceedings had subsequent thereto it appears that you refused to assume jurisdiction or to pass on the application one way or the other, for reasons which you assigned; and

WHEREAS, this court, after considering the matter, rendered a decision on file wherein it is ordered that a peremptory writ of mandamus issue, requiring you to do the things below mentioned:

NOW THEREFORE, by virtue of the law and the proceedings aforesaid, we command you to take jurisdiction of

petitioner's said application, and after making, within a reasonable time, such investigation as you deem necessary, to act on its application for the crossing permits above mentioned and to either grant or refuse them.

WITNESS the Honorable Justices of the Supreme Court of the State of Utah, with the seal of said court hereto attached at Salt Lake City, Utah, this 19th day of July, 1918.

(Signed) H. W. GRIFFITH,
(SEAL) Clerk.

IN THE SUPREME COURT OF THE STATE OF UTAH.

SALT LAKE CITY, MURRAY CITY, AFFILIATED COMMERCIAL CLUBS OF SALT LAKE COUNTY and E. A. WALTON,
Plaintiffs,
v.
UTAH LIGHT & TRACTION CO.,
Defendant.

Frick, C. J.

The Utah Light & Traction Company, a corporation owning and operating a street railway system in Salt Lake City and suburbs, hereinafter called defendant, made application to the Public Utilities Commission of Utah, hereinafter called Commission. The defendant made application to the Commission in due form to be permitted to increase or raise the fares for transportation on its street railway system for the alleged purpose of meeting the increased costs and expenses incident to the maintenance and operation of its railway system in Salt Lake City and suburbs. The defendant's street railway system extends throughout Salt Lake City, which now has a population of approximately 115,000, and from thence to Murray City, which is located about five miles south of Salt Lake City, and from thence south and southwesterly in Salt Lake County to two other small towns. It also owns and operates a branch line running northwestly from Salt Lake City to the town of Bountiful, which is about fourteen miles from Salt Lake City. After the application was filed Salt Lake City, Murray City and the other plaintiffs named in the title appeared before the Commission and opposed the application. A hearing was had before the Commission at which much evidence was produced both for and against the application. After the hearing was concluded the Commission in due time rendered an opinion and made findings whereby it in effect found that owning to the increase in the cost of labor and material, etc., the defendant was entitled to some relief although not all of the relief prayed for. The Commission therefore made an order authorizing the defendant to raise its fares in certain particulars to which we shall make more specific reference hereinafter. The application of the defendant, the hearing and the order of the Commission were had and made

in pursuance of Ch. 47, Laws Utah, 1917, 128, popularly known as the Utilities Act, which hereinafter will be referred to by that name. The Utilities Act is too long for insertion here. We shall, however, refer to such portions as are deemed material in the course of the opinion. It may be stated here, however, that the Utilities Act of this state does not differ materially from similar acts in force in many of the other states in the Union.

The general jurisdiction of the Commission is defined in Sec. 1, Art. 4 of the Act in the following words:

> "The Commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in this State, as defined by this Act, and to supervise all of the business of every such public utility in this State, and to do all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction."

Section 3 of the same article also confers power on the Commission as follows:

> "Whenever the Commission shall find after hearing that the rates, fares, tolls, rentals, charges, or classifications, or any of them, demanded, observed, charged, or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, practices, or contracts, or any of them affecting such rates, fares, tolls, rentals, charges or classifications, or any of them are unjust, unreasonable, discriminatory or preferential, or in anywise in violation of any provisions of law, or that such rates, fares, tolls, rentals, charges, or classifications, are insufficient, the Commission shall determine the just, reasonable, or sufficient rates, fares, toll, rentals, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.
>
> "The Commission shall have power to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract, or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts, and practices, or any number thereof of any public utility,

and to establish, after hearing, new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contract, or practices, or schedule or schedules, in lieu thereof."

For the purpose of review the Act provides for rehearings before the Commission in all cases. Sec. 15 of Art. 5, so far as material here, provides that within thirty days after an application for a rehearing is granted or denied an application may be made to this court "for a writ of certiorari or review." After specifying how and when the writ shall be issued and returned that section provides: "The case shall be heard on the record of the Commission as certified to by it." The section then proceeds: "The review shall not be extended further than to determine whether the Commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or of the State of Utah. The findings and conclusions of the Commission on questions of fact shall be final and shall not be subject to review."

As before stated, the Commission found the facts and made an order in favor of the defendant and the plaintiffs have applied for and obtained a writ of review as above stated, and the case has been presented to this court upon plaintiffs' objections to the finding and order of the Commission.

We remark that while the Attorney General appeared on behalf of the Commission, as he is required to do by the Utilities Act, yet he has filed no brief or argument in the case.

Twenty-three specific reasons are assigned by plaintiffs why the order made by the Commission should not prevail. It is not necessary to refer to all of those reasons in detail, and we shall now proceed to consider those which come within the powers conferred on this court by the Utilities Act, and which we deem material to the controversy.

The first, and perhaps the principal, contention made by the plaintiffs is that the Commission, by its order, has set aside and annulled the contracts which were entered into between the defendant and Salt Lake City and between the defendant and Murray City wherein the rates of fare that the defendant was authorized to charge and collect were agreed upon and fixed. The contracts just referred to are in the form of ordinances which were duly adopted both by Salt Lake City and Murray City pursuant to Art. 12, Sec. 8 of the Constitution of this State, which was in force at the time the ordinances

were passed. The constitutional provision just referred to reads as follow:

> "No law shall be passed granting the right to construct and operate a street railway, * * * within any city or incorporated town, without the consent of the local authorities who have control of the street or highway proposed to be occupied for such purposes."

The ordinances or contracts will hereinafter be referred to as the franchise ordinances.

In this connection we at this time also desire to call attention to two other constitutional provisions that are deemed material, namely Art. 12, Sec. 12, which provides, "All railroad and other transportation companies are declared to be common carriers, and subject to legislative control," and to Sec. 15 of the same Art: which provides, "The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, for correcting abuses, and preventing discrimination and extortion in rates of freight and passenger tariffs by the different railroads, and other common carriers in the State, and shall enforce such laws by adequate penalties."

In view, therefore, that Sec. 8 of the Article of the Constitution referred to prohibits the legislature from passing any law by which any street railway may be constructed or operated in the cities and towns of this state without the consent of the local authorities plaintiffs contend that the authorities of the cities and towns have the exclusive right and power to impose the conditions upon which street railways may be constructed and operated in cities and towns and that the right to determine and fix the rates of fare is necessarily implied in the foregoing section. In the franchise ordinances which were adopted by both Salt Lake City and Murray City and the term of which were accepted by the defendant what is termed the "regular fare" was fixed at five cents for one continuous ride, and in addition to such fare the defendant also agreed as follows:

> "Said Grantee further hereby agrees that it will issue commutation tickets of fifty fares for Two Dollars, the holders of which tickets shall have the same transfer privileges accorded to passengers paying regular fare, and shall also issue to students of public schools commutation tickets of fifty fares for One Dollar and Fifty Cents, with

transfer privileges as aforesaid, good only to and from school attended by such students, and good only on days when school is in regular session between the hours of 7:30 o'clock a. m. and 5:30 o'clock p. m. City policemen and firemen in uniform shall be entitled to free passage on regular cars."

Transfer rights were also provided for in the franchise ordinances.

The defendant, in connection with other privileges, accepted all of the provisions contained in the foregoing ordinances and has operated its street car system in conformity therewith.

The Commission, in its order, relieved the defendant from issuing the so-called two dollar commutation tickets and authorized it to charge and collect a fare of five cents for each continuous ride in Salt Lake City and to charge a five cent fare each zone in certain zones outside of the city. The Commission also changed the rate somewhat in other particulars on defendant's system operated outside of Salt Lake City and Murray City, all of which rates had been fixed in the franchise ordinances. In view, however, that a decision upon the so-called two dollar commutation tickets settles all questions affecting the increase of rates it is not necessary to set forth the other changes that were made by the Commission.

The order of the Commission increasing the fares as aforesaid presents three questions: (1) Did the passing of the franchise ordinances fixing the fares and their acceptance by the defendant constitute a contract between Salt Lake City and the defendant and between Murray City and the defendant? (2) If the franchise ordinances constituted contracts was it within the power of the legislature to authorize the Commission to change the fares? (3) Does the constitutional provision by which the city authorities are given the exclusive right to permit or to refuse permission to street railway companies to construct and operate street cars within the cities of this state prevent the state, through its legislature, from exercising its sovereign prerogative to regulate and change the fares fixed in the franchise ordinances?

In view that the franchise ordinances after acceptance by the defendant possess all the elements of a contract and that such ordinances are generally regarded by the courts as constituting contracts binding as between the parties, we, for the purposes of this decision, shall treat them as contracts binding

alike on Salt Lake City and on Murray City and on the defendant to the extent hereinafter stated. The answer to the first question must therefore be in the affirmative.

The second proposition, for the reasons herein stated, in our judgment, must also be answered in the affirmative, while the answer to the third question, under the great—the overwhelming—weight of authority must be answered in the negative. The second and third questions, however, logically blend and for that reason we shall treat them together.

We may as well at this point consider the contention of plaintiffs that by reason of the constitutional provision above referred to which prohibits the legislature from interfering with the city authorities in authorizing the construction and operation of street railways the legislature is likewise powerless to authorize the Commission to interefer with any rates that have been fixed by the franchise ordinances as before stated. To do that, plaintiffs insist, is not only "impairing the obligation of contracts" (which is prohibited by both the federal and state constitutions), but amounts to a complete nullification of such contracts. This objection has often been made in cases where either the city of the street car company has sought relief from a rate fixed by franchise ordinances like those in question here. It should be observed, however, that where the controversy has arisen between the contracting parties merely and in ordinary actions or proceedings the courts have usually compelled compliance with the provisions of the franchise ordinances treating them as contracts. Where, however, as here, the application was made to utilities commissions in pursuance of a legislative act, the courts have, with few exceptions, held that a constitutional or statutory provision prohibiting the legislature from passing laws authorizing the construction and operation of street railways in cities without the consent of the local authorities does not authorize such authorities to fix rates which may not be changed by the legislature or by a utilities commission created for that by the legislature or by a utilities commission created for that purpose. In other words, it is universally held that the regulation and fixing of rates is a governmental function, that is, a legislative function, which will not be deemed to have been surrendered by the sovereign state unless it has been done in clear and unequivocal terms. A mere cursory reading of section 8 of the constitution, which we have before quoted, shows that no express right is conferred upon the local authorities of this state to enter into any contract respecting the fixing of rates.

True it is that in determining the conditions upon which street railways may be constructed and operated within the cities the local authorities may determine the fares that may be charged and collected. The authority to do that is, however, merely implied, and there is nothing in the constitution which prohibits the legislature from exercising its prerogative in changing the rates of fare in case they are found to be unreasonable, unfair or oppressive as against the public on the one one hand and unfair or unjust, or confiscatory, as against the railway company upon the other. Such right is an attribute of sovereignty and is always reserved to the state unless expressly delegated or surrendered. Whether the right and corresponding duty of the state to regulate rates can be surrendered at all is not before us now and as to that we express no opinion. It is manifest that the constitutional provision does not in express terms delegate or surrender such a power to the city authorities, and it is equally manifest that there is nothing in the provision from which such a power is necessarily implied.

In this connection it must also be remembered that by another constitutional provision, which we have also quoted above, the duty of passing laws by which maximum rates to be charged by all common carriers shall be established is especially imposed on the legislature. The right to regulate the rates or charges demanded by common carriers was therefore not only reserved to the state when acting in its governmental capacity but the duty to regulate and fix maximum rates or charges is expressly imposed on the legislature without any exceptions. In passing the utilities act the legislature therefore merely complied with the constitutional mandate and the commission is the mere arm of the legislature through which the constitutional mandate aforesaid is made effective.

All of the foregoing propositions are exhaustively considered and are sustained by the following authorities: Home Telephone Etc. Co. v. City of Los Angeles, 211 U. S. 265; Renwood v. Public Service Commission, (1914) 75 West Va. 127, L. R. A. 1915C, 261, 83 S. E. 295; State ex rel v. Superior Court, (1912) 67 Wash. 37, 120 Pac. 681-9, affirmed in Puget Sound Tr. Co. v. Reynolds, (1917) 244 U. S. 574; Milwaukee E. R. & L. Co. v. Railroad Commission, (1913) 153 Wis. 592, affirmed in 238 U. S. 174; City of Woodburn v. Public Service Commission, (1916) 82 Ore. 114, 161 Pac. 391; Denver & S. P. Ry. Co. v. Englewood, (1916) 161

Pac. 151; City of Pawhuska v. Pawhuska Oil & Gas Co., (1917) 166 Pac. 1058; Collingswood Sewerage Co. v. Borough of Collingswood, (1918) 102 Atl. 901; Northampton Etc. Co. v. Board of Public Utilities, (1918) 102 Atl. 930; People v. Public Service Commission, (1916) 162 N. Y. S. 405; in re Huntington Ry. Co. P. U. R. 1918A, 249; Public Utilities Commission v. Chicago & W. T. Ry. Co., (1916) 275 Ill. 555-572; City of Chicago v. O'Connell, (1917) 278 Ill. 591; Winifield v. Public Service Commission, (Ind. 1918) 118 N. E. 531.

In State ex rel v. Superior Court, supra, in the course of the opinion, it is said:

> "The power to fix rates, if exercised by a city, unless that power is clearly expressed by legislative grant, is in the nature of a license, and is revocable at the will of the legislature when in its judgment, the common good demands its reassertion. The state does not act by contract, but by grant, license or reservation. It is not usually bound by the contract of others when exercising its police power. So jealous is it of the sovereignty, of its police power that, in the case of the Home Tel. Co. v. Los Angeles, the supreme court of the United States held that a grant by the legislature of the state of the right 'to fix and determine charges for telephone service and connections,' did not carry with it the right to **agree** upon rates. In other words, as that court and others have universally held, the delegation of power must be 'clear and unmistakable.' In dealing with the sovereign power of the people, nothing can be left to inference. The court accordingly said that the power to fix and determine rates being within the police power, the city might **establish** rates, but that it could not, under the delegation quoted, **contract** so as to bind itself or the other party as against the exercise of the police power. In principle its holding could not have been otherwise, for the strength of the police power lies in the fact that it is not a subject of contract, that it cannot be bartered or bargained away."

In Puget Sound Tr. Co. v. Reynolds, supra, the court uses the following language:

> "Assuming (what is not clear) that the provision in the franchise ordinance respecting the rates of fare and the transfer privileges are contractual in form, still it is

well settled that a municipality cannot, by a contract of this nature, foreclose the exercise of the police power of the state unless clearly authorized to do so by the supreme legislative power."

In Milwaukee E. R. & L. Co. v. Railroad Commission supra, the court, in the course of the opinion, says:

"Assuming that under this language a city might make a contract with a public utility, fixing rates or tolls for a definite period, which would bind the city itself and prevent any change of rates by the city authorities during the period, the question still remains whether the section can be construed as giving the city authorities any power to bargain away the sovereign right of the state to regulate fares and tolls and lower them, if found to be excissive.

"If this question were a new one in this state we should entertain no doubt that it should be answered in the negative, but we do not regard it as new."

While it is true that two of the justices dissented from the majority opinion in the foregoing case, yet it is equally true that the case was taken to the Supreme Court of the United States where the opinion of the majority was affirmed.

In the case of Woodburn v. Public Service Commission, supra, the Supreme Court of Oregon, in passing on the question here involved, in the course of the opinion, said:

"The right of the state to regulate rates by compulsion is a police power, and must not be confused with the right of a city to exercise its contractual power to agree with a public service company upon the terms of a franchise. The exercise of a power to fix rates by agreement does not include or embrace any portion of the power to fix rates by compulsion. When Woodburn granted the franchise to the telephone company the city exercised its municipal right to contract, and it may be assumed that the franchise was valid and binding upon both parties until such time as the state chose to speak; but the city entered into the contract subject to the reserved right of the state to employ its police power and compel a change of rates, and when the state did speak, the municipal power gave way to the sovereign power of the state."

In all of the cases we have cited similar language is used, and in nearly all of them constitutional or statutory provisions conferring the authority on the local authorities of cities to grant or refuse permission to construct and operate street railways in such cities, similar to our own, were construed and passed on, and in all of those cases it is held that those provisions do not foreclose the state from changing the rates of fare agreed upon in the franchise ordinances. We shall refrain from quoting further from the decided cases.

We desire to add, however, that this court, in the case of Brummit v. Ogden Waterworks Co., 33 Utah 285, 93 Pac. 829, which was decided in 1908 and before practically all of the foregoing cases were decided, and before the legislature of this state passed a law for the purpose of regulating rates, announced the doctrine laid down in all of the foregoing cases. In the Brummitt case the constitutional provision in question here was, however, not applicable and hence was not considered.

Against the foregoing array of authority plaintiffs have cited and rely upon the following cases: Allegheny v. Railroad, 159 Pa. St. 411; Appeal of the City of Pittsburgh, 115 Pa. St. 4; Plymouth v. Railway, 168 Pa. St. 181; People v. New York Ry. Co., 217 N. Y. 310 Adamson v. Nausau El. Ry. Co., 34 N. Y. S. 1073; People v. Tonawanda, 126 N. Y. S. 186; Detroit v. Detroit Etc. Ry. Co., 184 U. S. 368; Public Service Commission v. Westchester St. Ry. Co., 205 N. Y. 209; Gaedeke v. Staten Island M. R. Co., 60 N. Y. S. 598; People v. Wilcox, 118 N. Y. S. 248, and Re N. Y. & Northshore Tr. Co., P. U. R. 1918A, 893.

Every one of the cases last above cited, however, is clearly distinguishable from the cases we have first above referred to except the last one. That case squarely supports plaintiffs' contention that the franchise ordinances constituted contracts which may not be altered in any material part except by the consent of the parties in interest. That case originated, however, before the public service commission of the State of New York and therefore merely represents the views of the commission. While no doubt the decision is entitled to respectful consideration, yet it is not authority since it does not emanate from a court of last resort. The case of In Re Huntington Ry. Co., P. U. R. 1918A, 249 also originated before the public service commission of the second district of the State of New York and is a decision of that commission. That

decision is, however, squarely in opposition to the decision from the commission of the first district and is therefore in harmony with the great weight of authority. Many, if not all, of the cases relied on by plaintis are also cited and relied on in the opinion of the public service commission of the first district of New York. In many of those cases it is held that franchise ordinances, like those in question in the case at bar, constitute contracts which are binding and enforceable between the parties. The further question was, however, not decided whether such contracts are also binding upon the state in its sovereign capacity. Indeed, in many of the cases it is clearly enough intimated that if that question had been presented for decision the result might have been different.

We have no difficulty in reconciling the decisions in those cases. It is now settled law that so long as the state does not interfere the rates agreed upon between the cities and the street railway companies in the franchise ordinances are binding and enforceable. Neither party, without the consent of the other, may disregard any rate that is agreed upon between them. Either party may, however, make application to the utilities commission, if one is created by legislative enactment, for the purpose of being relieved from the rates fixed in the franchise ordinance, and if it be made to appear that the rates under existing conditions have become unfair or unreasonable in that they are either too high or too low the Commission may establish a rate which will again respond to the existing conditions and may so adjust it as to make it fair, just and reasonable both to the railway company and to the public. In doing that the constitutional rights of neither party are invaded or disregarded for the simple reason that when the original rate was fixed by agreement it was still subject to modification at any time by the sovereign power of the state providing the fare as fixed is found to be unfair and unreasonable. Every contract fixing rates entered into between the cities of this state and street railway companies, both under the constitution and the statute, is always subject to change by the paramount power of the state, and the right of the state to so change the rates continues unless and until the legislature has in express terms surrendered the power or delegated it to some other arm of the state.

Plaintiffs' contention, therefore, that the rates of fare fixed by the franchise ordinances should have been affirmed by the commission upon the ground that such rights were contractual cannot prevail and must be overruled.

Plaintiffs, however, also insist that the commutation tickets are not within the purview of the utilities act, but are excluded therefrom by a certain exception found in subdivision c of Sec. 5 of Art. 3 of that act. It is there provided: "Nothing in this act contained shall be construed * * * to prevent the carrying out of contracts for free or reduced rate passenger transportation or other public utility heretofore made founded upon adequate consideration and lawful when made." The foregoing provision is found among the exceptions in favor of employes and respecting agreements with other utilities. While the language of the exception is not as clear as it could have been made, **yet it is manifest that it was not intended to refer to the rates fixed in franchise ordinaces. In our opinion the manifest purpose of the legislature was to prevent an injustice like that in the case** of Louisville Etc. Ry. Co. v. Mottley, 219 U. S. 467, in which case life passes were issued to Mottley and his wife upon a valuable consideration received by the railroad company. In that case the Supreme Court of the United States held that under the act of Congress of February 4, 1887, as subsequently amended, common carriers were prohibited from transporting either freight or passengers except at the regular rates, which had to be paid in cash. Under that decision, therefore, the Mottleys were prohibited from riding on their passes although they had paid for them before the congressional act had been passed. Moreover, it sometimes happens that passes are issued in payment for right of way and other privileges granted by the owners of land to common carriers. Under the Mottley decision, however, all such passes would be void regardless of the consideration that the owners had paid to the common carriers. The legislature, therefore, very properly, and, as we think, wisely excepted such cases from the operation of the utilities act in so far as intrastate business is concerned. That is all that was attempted, and all that was done, by the adoption of the exception aforesaid. This contention must, therefore, likewise fail.

It is however, further contended that because the franchise ordinances provided for the so-called commutation tickets and reliance on them many persons have built homes in the suburbs of Salt Lake City and along defendant's line of street railway outside of Salt Lake City, for that reason the defendant should be held to be estopped from increasing the rates of fare without the consent of those persons. It needs no argument to show that the elements of estoppel are lacking

in this case. A conclusive answer to the contention, however, is that anyone who purchase commutation tickets and who built a home did so subject to the right of the state to change or alter the fares fixed in the franchise ordinances in case it was found that such fares were unfair or unreasonable. Let us assume, however, that the rate fixed in the franchise ordinance passed by Salt Lake City (which, it seems, is for the term of fifty years) in the course of ten or fifteen years should become unreasonably high, would those same persons then consent that the defendant might continue to charge and collect a rate for the full period of fifty years although such rate, by reason of unforeseen conditions, had become grossly unfair and unjust? Moreover, the public, as well as the persons living along the line aforesaid, are directly interested in maintaining an adequate, efficient and safe service on the part of the defendant. In order to maintain such a service the rates of fare must be sufficiet to pay adequate wages to the defendant's employes and sufficient to defray the other incidental costs and expenses necessary to operate the street railway system, When the rates no longer are sufficient to produce adequate revenue to meet the costs of giving an adequate, efficient and safe service and the service for that reason deteriorates it is the man with limited means, and the wage earner, neither of whom have the means to provide private transportation who suffer first. They will be first affected and will sustain the greatest inconvenience if not loss. While it is true that under such circumstances all will suffer more or less, yet the class first named will necessarily suffer most. It is the duty of the state, therefore, to see that the rates continue to be fair and just both to the public and to the street railway company. If plaintiffs' contention, therefore, that the defendant be estopped should prevail, it, in the long run, might result in far greater injury to the persons now insisting upon the estoppel than will the increased rate. In no event, however, can it be held that the state is estopped from regulating the rates whenever it becomes necessary to do that so as to make them reasonable and fair unless the state has surrendered that right as before stated.

From what we have said we do not wish to be understood as either affirming the rate fixed by the Commission or disapproving it, for the reasons hereinafter stated it will appear that we do not possess the power to review the Commission's findings in respect of whether a certain rate is reasonable or otherwise.

The plaintiffs, however, also contend that the evidence is insufficient to sustain the findings and order of the Commission by which the rates were found to be inadequate and were increased, and, further, that the findings are in and of themselves insufficient. Referring to the last objection first we are of the opinion that in view of the elaborate opinion of the Commission which was filed with the findings the findings are sufficient. While it is true that the utilities act expressly requires the Commission to make findings, and while it is also true that the Commission should be careful to make proper findings respecting the material ultimate facts upon which an order is based, yet we cannot see wherein the plaintiffs, or anyone else, could have been, or can be, benefited if the findings had been far more specific. When the findings and the opinion filed by the Commission are considered together, as in this case we think they should be, we are of the opinion that the objection that the findings are insufficient is not tenable and hence that objection must fail.

It is, however, earnestly insisted that the evidence is insufficient to sustain the finding that the rates fixed by the franchise ordinances are unreasonable low and are no longer sufficient to enable the defendant to furnish adequate and efficient service to meet the public necessities. Notwithstanding that it was suggested at the hearing that in view of the limited powers that the utilities act has conferred on this court and that for that reason we are prohibited from passing on the evidence or upon whether the Commission should have adopted some other rate, counsel have filed elaborate briefs on the subject. After a careful examination of the authorities we are more than ever confirmed in the opinion that all that we can review in cases of this kind is whether there is any evidence to sustain the findings of the Commission; whether it has exercised its authority according to law, and whether any constitutional rights of the complaining party have been invaded or disregarded. In view that the Commission is merely an arm of the legislature through whom that body acts in matters of this kind but a moment's reflection convinces anyone that this court may not interfere except for the reasons just stated. If intereference were extended beyond those limits it would in effect be an interference by this court with the law-making power of this state. It requires no argument to show why that may not be done. We have no more right to interfere with the duties and powers of the legislature than that body has to interfere with the powers and duties imposed

upon us as a count. True, the legislature could perhaps have given us somewhat greater powers to pass upon the findings and orders of the Commission. Such has been done in some other jurisdictions. The legislature of this state has, however, not seen fit to clothe this court with greater powers of review and we neither have the inclination nor the right to exercise a power which is neither inherent nor properly conferred. It is also true, as plaintiffs' counsel suggest, that the constitution of this state provides that the courts shall always be open and that "Every person for an injury done to him or in his person, property or reputation, shall have remedy by due course of law which shall be administered without denial or unnecessary delay." That provisions, however, applies only to judicial questions. It is not meant thereby that this court may reach out and usurp powers which belong to another independent and co-ordinate branch of the state government. The power conferred upon the legislature is supreme respecting the regulation and establishing of rates. We may not interfere with or review any legislative act unless some judicial question is presented for review. Unless a rate established by the Commission is clearly oppressive on the one hand or confiscatory on the other no judicial question is presented. So far, therefore, as the questions are judicial the Utilities Act has conferred power upon this court, and in so far as the acts of the Commission are properly administrative, or in their nature legislative, the power has been wisely and properly withheld from us. Whether there is any substantial evidence to support any finding of fact that the Commission may make is a judicial question and may be determined by this court. A mere cursory reading of the record, however, discloses that there is at least some substantial evidence in support of every essential fact found by the Commission. While it is true that in this case plaintiffs contend that the rates as fixed by the franchise ordinances provided sufficient revenue to enable the defendant to provide an economical, adequate and safe service, and to yield a fair return on its investments, yet it is equally true that the defendant insists to the contrary, and the Commission has so found. The evidence in support of both contentions was submitted to, considered by, and passed on by the Commission, and, as the Act provides, its findings are conclusive upon us. The record, however, discloses that the defendant always has obtained an income over and above the cost of operation and maintenance of its railway system. The only matter, therefore, that now

divides the parties is, that owing to the increased cost of labor and material the present rates no longer yield to defendant a reasonable net return on its investments. The parties also differ with respect to the amount invested and what would amount to a reasonable return on the investments. The Commission has, however, fully considered and passed on those questions. Since we are powerless to review the findings of the Commission in that respect it is of no consequence what conclusion the writer, or, for that matter, this court, might arrive at upon those questions. It may, however, not be improper to suggest that while the Commission in establishing and fixing rates is invested with great powers it also assumes great responsibilities. It is therefore of the utmost importance that the Commission should proceed with great care in changing rates. While caution in that regard should always be exercised, yet, at this time, when the whole world is engaged in a most destructive war and every condition is grossly abnormal, to do so is of special importance. While, generally speaking, every utility that serves the public must be allowed a fair and reasonable return on its investments over and above the actual cost and expense of providing adequate, efficient and safe service when economically managed, yet it is not true that such a return must be assured to every utility when, as now, the conditions are grossly abnormal on account of the war and while such conditions are necessarily temporary. At such a time and under such conditions every individual and every enterprise must bear his or its share of the burden incident to the great conflict, and while rates should be made adequate to permit every public utility to pay a reasonable wage to its employes and to provide adequate, safe and efficient service, yet rates should not be so high as to become oppressive and they should be so regulated as to be fair both to the utility and to the public. A careful reading of the opinion filed by the Commission has, however, convinced us that in allowing the moderate increase in the present instance the Commission has kept in mind the foregoing propositions. If the Commission has not done so to the full extent herein outlined, yet it has not entirely overlooked the propositions.

After the foregoing was written counsel for defendant called our attention to the case of In the Matter of the Application of Quimby et al., ____N. E._____. That case was decided on the 5th day of April, 1918, by the New York Court of Appeals. The decisions is by a divided court, the Chief Justice and another Justice dissenting, while another Justice

concurs specially. The decision is, however, based upon the narrow ground that in the opinion of the majority the New York Utilities Act has not conferred the power upon the Public Service Commission of New York to raise the rates that were agreed to between cities and street railway corporations. That decision, therefore, can have but little, if any, effect upon what the decision should be in this case. At all events it can have no controlling influence. Indeed, in view that every proposition that we contend for herein, except the one stated, is expressly approved in the majority opinion the decision is really in harmony with all that we have decided. We have called attention to the decision, however, for the express purpose of avoiding any misunderstanding respecting the two cases of In re Huntington Ry. Co., P. U. R. 1918A 245 and In re New York & Northshore Tr. Co., P. U. R. 1918A 893, the first one being cited in this opinion by us in support of our views and the second one also being referred to herein in support of plaintiffs' contentions. While the decision in In re Huntington Ry. Co. is overruled upon the ground stated, yet none of the propositions decided in In re New York & Northshore Tr. Co. is sustained. Upon the contrary, every proposition decided in that case is tacitly at least overruled. The late New York case is therefore an authority on the main propositions decided here. We make this statement for the reason that in our Utilities Act the very ground on which the New York decision is based is obviated as will appear from an examination of the powers that are conferred by that Act upon the Commission, a part of which we have quoted herein.

In concluding this opinion we desire to express our appreciation to counsel for both sides for the able and helpful briefs and arguments presented by them. We also desire to extend our thanks to counsel for defendant for having called our attention to the late New York case. We especially appreciate an act of that kind since this court has but one purpose, and that is to decide every case in accordance with the declared law upon the questions presented for decision.

For the reasons stated the findings and order of the Commission are affirmed at plaintiffs' costs.

We concur:
