REPORT

OF THE

PUBLIC UTILITIES

COMMISSION

OF UTAH

For the Year Ended

December 31, 1919

TO THE GOVERNOR

INLAND PRINTING COMPANY
Kaysville, Utah

COMMISSIONERS

JOSHUA GREENWOOD, President
HENRY H. BLOOD
WARREN STOUTNOUR
T. E. BANNING, Secretary

Office: State Capitol, Salt Lake City, Utah

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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 Third Annual Report, covering the period January 1, 1919, to December 31, 1919, inclusive.

FEDERAL CONTROL AND OPERATION OF RAILROADS

In the letter of transmittal which accompanied the Annual Report for the year 1918, mention was made of the fact that the railroads had been taken over and operated by the Federal Government during the period covered by that report. This control extended throughout the entire period covered by the annexed report, and during that period jurisdiction over freight rates and passenger fares, as well as other charges of lines under Federal control, did not rest with this Commission. The Commission has, however, been able to render material assistance to the public in the matter of freight and passenger traffic, and in securing improved facilities and accommodations.

FEDERAL CONTROL AND OPERATION OF WIRE LINES

The Federal Government having assumed control and operation of telephone and telegraph lines, charges assessed by these corporations were increased upon order of Postmaster General A. S. Burleson, who was appointed by the President of the United States to handle such operations.

To determine jurisdiction, this Commission joined with the North Dakota Railroad Commission in a suit to test the authority of the Government to increase intrastate telephone rates, and later suspended the proposed increase in telephone rates in Utah, and a restraining order, preventing the Telephone Company from making such increases, was secured in the courts of this State, by the Attorney General, upon request of the Commission.

The case was later transferred to the Federal courts, and upon the United States Supreme Court upholding the

authority of the Postmaster General, the action brought by this Commission was dismissed.

AUTOMOBILE CORPORATIONS

Pursuant to the provisions of the Public Utilities Act, the Commission has exercised jurisdiction over all automobile stage lines operated in the State, and much good has been accomplished. This class of service has been improved and numerous irresponsible individuals have been restrained from operating in violation of the law. This class of service is of particular value to districts located some distance from railroad facilities, and the establishment of stage line service, upon which residents of such localities could depend for convenient and adequate transportation, is of great importance in such districts. Where in the past numerous parties have carried on irregular operations during the summer season and in favorable weather, the Commission has established lines which operate winter and summer, thereby affording travelers, into and out of such districts, continuous service. It has also required such operators to adhere to the published schedule of rates, thereby relieving the public of the necessity of paying excessive rates for transportation during the winter season.

STATISTICS AND VALUATION

During the period covered by this report the Commission completed its first valuation of public utility property. As previously pointed out, the Commission has found itself handicapped in this work by reason of insufficient funds. The valuation of utility properties calls for the services of experts in utility valuation, which this Commission, through lack of funds, has been unable to employ, and it has been necessary to have the valuation made at the expense of the utility, and later to have the work done by the utility engineers, checked by representatives of the Commission. This method, while giving the Commission reasonably accurate figures upon which to base rates for utility service, is not entirely satisfactory, either to the Commission or to the general public. What is urgently needed is an organization to handle effectively this important branch of Commission work.

WAR SERVICE

Commissioner Warren Stoutnour, who offered his services to the Government, and was granted leave of ab-

sence from the Commission, was commissioned as Senior Grade Lieutenant in the United States Naval Service, and, after the signing of the armistice was assigned to inactive duty. He resumed his duties with the Commission January 16, 1919.

Mr. R. W. Gallacher, reporter, who was granted a leave of absence to serve in the United States Army, and who served as field clerk in France, returned and resumed his duties with the Commission November 24, 1919.

COURT PROCEEDINGS

During the year 1919, decisions affecting the Commission were rendered by the Supreme Court of the State of Utah in the following cases:

Public Utilities Commission of Utah
vs.
Parley Jones.
Public Utilities Commission of Utah
vs.
Mike Garviloch.

The Seventh Judicial District Court rendered decisions in the following cases:

Public Utilities Commission of Utah
vs.
Marko Tratonous.
Public Utilities Commission of Utah
vs.
Thoros Bakakis.

Copies of these decisions will be found under Appendix V.

PERSONNEL

During the year 1919, the Commission made the following addition to its staff of employes:

Mr. L. P. Hockett, Accountant, entered service February 5, 1919.

STATISTICS

The following is a summary of matters before the Commission during the year 1919:

	Filed	Closed	Pending
Formal Cases	134	110	24

At the beginning of the period covered by this report there were sixteen formal cases pending. Fifteen of these cases have been closed and one is still pending.

	Filed	Closed	Pending
Informal Cases	69	63	6

Included in the above are nineteen informal cases which were pending at the beginning of the period covered by this report. Fourteen of these cases have been closed and five are still pending.

	Issued
Ex-parte Orders	71
Special Dockets—Reparation	9
Certificates of Convenience and Necessity	36
Grade Crossing Permits	8
Clearance Permits	3

A classification of these cases shows the following:

Steam Railroads	54
Electric Railroads	41
Steam and Electric Railroads	22
Street Railroads	3
Electric Companies	37
Water Companies	5
Telephone Companies	17
Telegraph Companies	2
Automobile Companies	108
Express Companies	1
Gas Companies	15
Steam Heat Companies	2
Total	307

FINANCIAL

The following statement will show the condition of the finances of the Commission:

Receipts.

Balance on hand Jan. 1, 1919	$15,625.61	
Receipts from sale of Transcripts of Evidence, Copies of Orders, etc., January 1 to March 31, 1919	116.85	$15,742.46

Disbursements.

January 1 to March 31, 1919	$ 9,235.96	
Amount turned back to Treasurer from 1917-1918 Appropriation	6,506.50	$15,742.46

Receipts—1919-1920.

1919-1920 Appropriation	$50,000.00	
Receipts from sale of Transcripts of Evidence, Copies of Orders, etc., April 1 to December 31, 1919	554.84	$50,554.84

Disbursements.

Salaries	$17,905.40	
Traveling Expenses	1,187.63	
Office Furniture and Fixtures	4.30	
Books and Publications	161.45	
Stationery and Printing	187.34	
Miscellaneous	140.70	
Apparatus	6.04	
	$19,592.86	
Unexpended Balance, Dec. 31, 1919	30,961.98	$50,554.84

Respectfully submitted,

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CAMERON COAL COMPANY, et al., Complainants,

vs.

THE DENVER & RIO GRANDE RR. CO.,
OREGON SHORT LINE RAILROAD CO., Defendants.

CASE No. 2

Decided December 10, 1919.

H. W. Prickett for Complainants.
E. N. Clark and Van Cott, Allison & Riter for D. & R. G.
Geo. H. Smith for O. S. L.

REPORT OF THE COMMISSION

By the Commission:

On May 16, 1917, Cameron Coal Company, et al., filed a complaint and petition alleging that the Denver & Rio Grande Railroad and the Oregon Short Line Railroad discriminated against complainants by maintaining a rate on coal, carloads, from Utah mines to points on the Oregon Short Line Railroad north of Ogden, which was 25 cents per ton higher than the rate contemporaneously in effect from Wyoming mines to the same points.

After due notice the case came on for hearing January 15, 1918. On January 1, 1918, the United States Government assumed control of the defendant railroads, and jurisdiction over all freight rates. Subsequently the alleged discrimination was removed by the United States Railroad Administration. The proceedings in this case should, therefore, be dismissed without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 December, A. D. 1919.

CAMERON COAL COMPANY, et al.,
Complainants,

vs.

THE DENVER & RIO GRANDE R. R. CO.,
OREGON SHORT LINE RAILROAD CO.,
Defendants.

CASE No. 2

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 complaint in this proceeding be, and it is hereby, dismissed without prejudice.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of UTAH RAILROADS, for permission to advance rates on coal and coke 15 cents per ton. } **CASE No. 5**

Submitted May 7, 1918. **Decided December 10, 1919.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed July 16, 1917, the various railways operating within the State of Utah asked the Public Utilities Commission of Utah for authority to advance the rate on coal and coke, applying on movements within the State of Utah, 15 cents per ton.

The case came on for hearing January 16, 1918, after due notice.

The United States Government assumed control of the railroads, with a few exceptions, before the case was submitted, and subsequently made such increases in the rates on coal and coke as it deemed necessary. In view of this action on behalf of the United States Railroad Administration, the proceedings in this case should be dismissed without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 December, A. D. 1919.

In the Matter of the Application of UTAH RAILROADS, for permission to advance rates on coal and coke 15 cents per ton. } **CASE No. 5**

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 petition in this proceeding be, and it is hereby, dismissed without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

AMALGAMATED SUGAR COMPANY, et al.,
Complainants.

vs.

DENVER & RIO GRANDE RAILROAD CO., et al.,
Defendants.

CASE No. 7

Decided December 10, 1919.

REPORT OF THE COMMISSION

By the Commission:

In a complaint filed August 13, 1917, the Amalgamated Sugar Company, et al., alleged that the freight rates on coal from Utah producing points to various destinations within the State of Utah, as specifically named in complaint, were unjust and unreasonable, and in violation of Section 1 of Article 3 of the Public Utilities Act of Utah.

The case came on for hearing, after due notice, on January 26, 1918.

The Amalgamated Sugar Company, on January 12, 1918, filed a motion to dismiss the proceedings on its behalf.

Subsequent to the hearing on this case the United States Government assumed control of all defendant companies except the Utah-Idaho Central Railroad Company, and later made such increases in freight rates, including intrastate rates, on coal in Utah. The case should, therefore, be dismissed without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 December, A. D. 1919.

AMALGAMATED SUGAR COMPANY, et al.,
Complainants,
vs.
DENVER & RIO GRANDE RAILROAD CO., et al.,

CASE No. 7

This case being at issue upon complaint and answers on 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 in this proceeding be, and it is hereby, dismissed without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

SALT LAKE CITY, State of Utah, Complainant,
vs.
DENVER & RIO GRANDE RAILROAD CO., et al., Defendants.

CASE No. 8

Decided December 10, 1919.

REPORT OF THE COMMISSION

By the Commission:

In a complaint filed with the Public Utilities Commission of Utah, August 14, 1917, the City of Salt Lake alleged that the freight rate on coal, all kinds, carloads, from Utah producing points to Salt Lake City, were unjust and unreasonable, and in violation of Section 1 of Article 3 of the Public Utilities Act; and made certain other allegations, and prayed for such relief as the Commission might find just and reasonable.

The case came on for hearing, after due notice, and evidence was submitted and briefs filed by the parties at interest.

The United States Government assumed control of defendant companies on January 1, 1918, and as the jurisdiction of state rates over Federal controlled railroads has been temporarily taken from the Public Utilities Commission of Utah, the proceedings in this case should be dismissed without prejudice. Complainant has advised that it appears proper under the conditions now existing, to take such action herein.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 December, A. D. 1919.

SALT LAKE CITY, State of Utah, Complainant,
vs.
DENVER & RIO GRANDE RAILROAD CO., et al., Defendants.

CASE No. 8

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 complaint in this proceeding be, and it is hereby, dismissed without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

C. A. CLIDE, Complainant,

vs.

LOS ANGELES & SALT LAKE RR. CO., a corporation, and BINGHAM AND GARFIELD RAILWAY COMPANY, a corporation, Defendants.

CASE No. 20

SUPPLEMENTAL ORDER

Application having been made by the Bingham & Garfield Railway for permission to discontinue operations of its shuttle train service between Garfield Townsite and Magna and Arthur, Utah, and in lieu thereof stop trains Nos. 109, arriving at 7:27 A. M., and 112, arriving at 4:52 P. M., at Garfield Townsite, for the accommodation of such passengers as desire transportation;

And the Commission having caused investigation to be made and being fully advised in the premises, finds:

1. That the closing of the Magna Mill of the Utah Copper Company at Magna, February 27th, will remove the necessity for the continued operation of said shuttle train.

2. That present public convenience and necessity will be subserved by stopping trains Nos. 109 and 112 at Garfield Townsite.

3. That the application should be granted, effective as of February 27th, 1919

It is so ORDERED.

By the Commission.

Dated at Salt Lake City, Utah, this 11th day of March, A. D. 1919.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

30. **LAYTON SUGAR COMPANY, et al.,**

Complainants,

vs.

DENVER & RIO GRANDE RAILROAD CO., et al.,

Defendants.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, for permission to change, re-adjust and modify toll rates and its rules and regulations providing for a service connection charge in the State of Utah.	**CASE No. 48**

Decided December 29, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed May 27, 1918, the Mountain States Telephone & Telegraph Company requests authority to modify its toll rates, and its rules and regulations applying to telephone service within the State of Utah. Before the case came on for final hearing the United States Government assumed control of petitioner's lines, and the hearing was postponed without date.

A new application having been filed with the Commission (Case No. 206), the proceedings in this case should be dismissed without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 29th day of December, A. D. 1919.

In the Matter of the Application of the MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, for permission to change, re-adjust and modify toll rates and its rules and regulations providing for a service connection charge in the State of Utah. } **CASE No. 48**

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 proceedings herein be, and they are hereby, dismissed without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of residents of Lehi, asking that water be furnished by the City of Lehi, Utah. } **CASE No. 62**

Submitted November 28, 1919. Decided December 4, 1919.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

On March 27, 1918, Mr. J. Wood filed an application with the Public Utilities Commission of Utah for an extension of the Lehi City water system, to supply applicant and others with water for culinary purposes.

A hearing was held at Lehi on July 13, 1918, at which time the City Council agreed to consider the matter further and endeavor to supply the desired water to applicants.

The City was granted time in which to take action, and advised the Commission, October 14, 1919, that the complaint had been satisfied. Under date of November 25, 1919, complainant advised that his complaint had been satisfied.

The case should, therefore, be dismissed. An order will be issued accordingly.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
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 4th day of December, A. D. 1919.

In the Matter of the Application of residents of Lehi, asking that water be furnished by the City of Lehi, Utah. } **CASE No. 62**

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, 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, dismissed.

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 permission to make an increase in the gas rates at Salt Lake City, Utah. } **Case No. 87**

Submitted April 7, 1919. Decided April 18, 1919.

F. S. 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.

SUPPLEMENTAL REPORT OF THE COMMISSION

By the Commission:

The Commission, in its order dated October 10, 1918, required the applicant herein to make and file with the Commission, within two months of the effective date of the order, a physical valuation of all property used and useful in the production and distribution of gas, said valuation to be made under the supervision of, and in the manner prescribed by, the Commission. The Commission retained jurisdiction of the case until such time as it could be determined what would be the effect upon the revenues of the Company of an increased rate for metered gas granted to this Company in Case No. 34, which was decided May 31, 1918, and also until the physical valuation of the petitioner's property, provided for in the order, had been made and reported upon.

Subsequently, by an order dated December 9, 1918, the time allowed for completing the physical valuation of the property of the applicant was extended from December 10, 1918, to February 1, 1919.

The Company's report of its inventory and appraisal of its property, was filed with the Commission January 20, 1919, whereupon hearing on said report was ordered to be

held before the Commission at its hearing room, on Thursday, January 30, 1919, at ten o'clock a. m.

The Commission's Engineering Department had been furnished, during the progress of the valuation work, with reports rendered by applicant's valuation engineers in such a way as to enable careful checking to be made of the several items involved. Our engineer had also made an investigation of unit costs which should be applied to the various kinds of property. Further study of the completed report was made by the Commission's engineer during the interim between its being filed and the date of the hearing. Since the hearing, further investigation has been conducted, and the Engineering Department has made recommendations which are being used in this report.

At the hearing, January 30, 1919, extended testimony was given by Wm. J. Hagenah, senior member of the firm of Hagenah and Erickson, of Chicago, which firm had been engaged by the applicant to prepare its valuation report. The compiled inventory and appraisal data was contained in Exhibit A-2, which was a volume of one hundred forty-four pages.

As part of the valuation report, there was submitted Exhibits A-3 and A-10, inclusive, giving data for the entire period of the applicant's corporate existence, showing book costs of property and plant, income statement for each year, statement of revenues and operating expenses, adjusted operating profit after allowing for depreciation, analysis of total investment, estimated allowance for depreciation, and development cost.

Final hearing was had on April 7, 1919. Four exhibits were introduced by the applicant at this hearing. Exhibit B-1 showed earnings and operating expenses for the six months' period ended December 31, 1918. Exhibit B-2 showed earnings and operating expenses for two months ended February 28, 1919. Exhibit B-3 was an income statement by months from January, 1918, to February, 1919, inclusive. Exhibit B-4 showed unit costs per thousand feet of gas, from January, 1918, to February, 1919, inclusive.

Testimony was also given as to the present outstanding obligations of the Company, and, on request of the Commission, a tabulation of such items was filed with the Commission after the close of the hearing.

The Commission now having before it testimony as to this Company's financial condition and needs, and as to the value of its physical property, and the case having been

finally submitted on April 7, 1919, we proceed to a consideration of the issues.

HISTORY

During the year 1905, the City Council of Salt Lake City, granted to George A. Snow and William Darst a franchise for the installation of a gas plant to supply the citizens with gas for lighting and heating purposes. This franchise was amended February 19, 1906, and construction work was pushed immediately. The generating plant was erected on the site now occupied, at Tenth West and First South Streets.

On June 1, 1908, the Utah Gas & Coke Company, which had been organized to, and did, take over the Snow and Darst franchise, acquired by lease the generating plant and distributing system of a small gas concern that had been operated by the Utah Light and Railway Company. This lease covered plant, mains and meters, and all rights, privileges, franchises and ordinances then owned by the lessor company, including 1,447 meters.

The Utah Gas & Coke Company was operated from 1908 to April, 1912, by Milwaukee interests. The Company has been controlled since April, 1912, by the American Public Utilities Company, of Grand Rapids, Michigan.

The plant has a capacity of 2,000,000 cubic feet per twenty-four hours, and is equipped with both coal gas and water gas apparatus. It is considered complete and modern and well maintained. The local operating and commercial affairs of the Company seem to be handled in an efficient manner.

The distribution system embraces 179.86 miles of gas mains of all sizes, reaching practically all parts of the City. On December 31, 1918, service was being given through 13,987 meters of various sizes.

THE ISSUES

The questions to be determined by this Commission are:

(1) What is the fair value for rate-making purposes, of all the property of the utility used and useful in the service and for the convenience of the public?

(2) Are the present rates sufficiently high to provide revenue enough to pay expenses of operation and interest charges, to provide depreciation, and to give a reasonable return on the investment?

(3) Is a "ready-to-serve" charge a proper and equitable one as between all classes of consumers?

(4) Is a "ready-to-serve" charge of twenty-five cents per month per meter, reasonable?

(5) What depreciation reserve should be set up by the applicant, over and above cost of maintenance, to keep the property in a state of efficiency?

VALUATION

In determining just and reasonable rates, the basis of calculation is the fair value of the property used and useful for the convenience of the public. The authority granted to the Commission to ascertain the value of public utilities is contained in Section 18 of Article 4, Chapter 47, Compiled Laws of Utah, 1917, which reads as follows:

> **"Section 18. Valuation of Public Utilities.**
>
> "The Commission shall have power to ascertain the value of the property of every public utility in this State and every fact which, in its judgment, may or does have any bearing on such value. The Commission shall have power to make revaluations from time to time and to ascertain all new construction, extensions and additions to the property of every public utility."

The ascertainment of the fair value of a property is not controlled by formulas and artificial rules, but must be made upon a reasonable judgment based upon proper consideration of all relevant facts. Many theories under which appraisers work have been developed. Each theory possesses merit, but exceptional conditions may make a given theory misleading. No one theory as yet has found general acceptance for all rate-making purposes, but the scope of such an inquiry has been broadly described in the case of Smyth vs. Ames, 169 U. S. 466, 42 L. Ed. 819, 18 Sup. Ct. Rep. 418, where Mr. Justice Harlan, speaking for the Court, said:

> "It is alleged here that the rates prescribed are unreasonable and unjust to the Company and its stockholders. But that involves an inquiry as to what is reasonable and just for the public. The public cannot properly be subjected to unreasonable rates in order simply that stockholders may earn dividends * * *. The corporation may not be required to use its property for

the benefit of the public without receiving just compensation for the services rendered by it. How such compensation may be ascertained, and what are the necessary elements in such an inquiry, will always be an embarrassing question. As said in the case last cited: 'Each case must depend upon its special facts; * * * The utmost that any corporation operating a public highway can rightfully demand at the hands of of the Legislature, when exerting its general powers, is that it receive what, under all the circumstances, is such compensation for the use of its property as will be just both to it and to the public.'

" 'We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value, the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration, and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property. What the Company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.'

"These general principles as to reasonableness of rates and valuation are affirmed in the more recent Minnesota Rate Cases Simpson v. Shepard, 230 U. S. 352, 57 L. Ed. 1511, 1555, 48 L. R. A. (N. S.), 1151, 33 Sup. Ct. Rep. 729, Ann. Cas. 1916A, 18.

"In San Diego Land & Town Co. v. National City, 174 U. S. 757, 43 L. Ed. 1151, 19 Sup. Ct. Rep. 804, it is said:

"What the Company is entitled to demand, in order that it may have just compensation, is a fair return upon the reasonable value of the property at the time it is being used for the public.' * * *."

The Commission believes that in determining the fair value of the property of public service corporations for rate-making it is essential to consider not only "cost of reproduction" and "original cost," but all matters in evidence which may or do have any bearing upon value, and that each case must rest upon its special facts.

REPRODUCTION

An estimate of the fair cost of reproduction new was prepared by Hagenah & Erickson, for the applicant, in the usual manner, by applying to the items of the complete inventory, unit prices, which included contractors' profit, and adding thereto overhead percentages for such items as interest during construction, engineering, etc., also cost of attaching business and working capital. In supporting and explaining the basis on which the appraisal was made, applicant's engineers said:

> "The unit costs computed for the purpose of this appraisal are designed to show the amount which it is reasonable to suppose a contracting party, fully authorized to proceed and with adequate finances available, would have been compelled to pay had the construction of the property in question been undertaken along the orderly and recognized lines generally pursued in the construction of such a plant. Because of the great increase in labor and material prices during the last eighteen months, this appraisal has not been based on the conditions which have prevailed during such time. An attempt was made to find more nearly the average of the open market prices for labor and material during the five-year period from 1913 to 1917, inclusive, on which averages this appraisal is based." (Exhibit A-2, page 5.)

Fair cost of reproduction new, less depreciation, should reflect the value of the property for rate-making purposes. However, as stated previously, this is only one of the ways by which the Commission seeks to inform itself of the fair value of the property. Manifestly so many elements enter into the reproduction cost of the property that the selection of unit costs which will reflect the normal investment are difficult to make. So many assumptions are made which may or may not be realized in the construction of the property or that might develop in an identical one, that it can not be taken as the only basis for rate-making purposes.

The appraisal reported to the applicant by its valuation engineers, and introduced in evidence as part of Exhibit A-2 of Witness Hagenah, was as follows:

Classification	Reproduction Cost New	Present Value
Land	$ 16,750	$ 16,750
Buildings, Fixtures and Grounds	149,805	139,439
Holders	170,679	154,276
Equipment	432,378	377,939
Distribution System:		
Mains	880,804	768,375
District Regulator Stations	9,418	8,198
Services	207,852	167,035
Meters	141,059	119,726
Commercial Arc Lamps	10,706	8,226
Furniture and Fixtures	12,128	9,780
Utility Equipment	14,285	10,434
Gauges and Testing Apparatus	1,360	1,163
Shop Equipment	975	843
Tools	2,399	1,943
Total Specific Construction Cost	$2,050,598	$1,784,127
Overhead Allowances, 15 per cent	307,590	267,619
Total	$2,358,188	$2,051,746
Estimated cost of establishing the business	350,000	350,000
Working Capital	100,000	100,000
Total	$2,808,188	$2,501,746

A study has been made of this appraisal by the Commission's Engineering Department and it finds that the selection of the period 1915-1917 unduly reflects the rise in prices on certain items caused by the World War, and that the normal reproduction cost of such items is somewhat less, due regard also being given to the conditions under which the property actually was constructed. The Commission finds that the items "Buildings, Fixtures and Grounds" should be reduced 10 per cent, and also the item "Equipment" by a like percentage. The item "Furniture and Fixtures" is also reduced 10 per cent. The Commission accepts

the other items of specific construction cost as set forth in applicant's classification as being substantially correct.

The revised total specific construction cost as found by the Commission is as follows:

Classification	Normal Reproduction Cost New	Normal Reproduction Cost New, less depreciation
Land	$ 16,750.00	$ 16,750.00
Buildings, Fixtures and Grounds	134,824.50	127,735.03
Holders	170,679.00	154,276.00
Equipment	389,140.20	346,334.78
Distribution System:		
Mains	880,804.00	768,375.00
District Regulator Stations	9,418.00	8,198.00
Services	207,852.00	167,035.00
Meters	141,059.00	119,726.00
Commercial Arc Lamps	10,706.00	8,226.00
Furniture and Fixtures	10,915.20	8,732.16
Utility Equipment	14,285.00	10,434.00
Gauges and Testing Apparatus	1,360.00	1,163.00
Shop Equipment	975.00	843.00
Tools	2,399.00	1,943.00
Total Specific Construction Cost	$1,991,166.90	$1,724,695.97

OVERHEADS

The fact that the property exists is indisputable evidence that an organization must have been perfected to administer and manage the property in its early stages. There must have been expenses for organization, legal work, engineering and supervision, administration, purchasing, interest during construction, and other miscellaneous expenses of the kind, which everyone who is familiar with the construction of properties of this character knows is necessary to incur as a part of the work.

Various methods have been offered to arrive at an al-

lowance for this item. The Commission believes that an historical study should be made of each property rather than to rely upon any fixed formula. The book cost of this property is before the Commission and has been testified to by experts as being sufficiently clear to distribute all of the capital accounts of the property, with the possible exception of $16,680. The general accuracy of the book cost is testified to again and again as being remarkable in that it closely approximates the reproduction cost new as set forth in the appraisal of the Company's experts.

The Commission realizes that overhead costs are legitimate costs, but, in general, claims for overheads must be supported by direct proof of reasonable expenditures having been made for such purpose. In this case the Commission will allow the overheads set forth by Expert Witness Hagenah, as having been analyzed by him in the Company's books, and will add thereto an allowance of $76,200 for engineering and supervision during construction. The $16,680, which according to Mr. Hagenah was not allocated in the accounts, will also be allowed, because it had undoubtedly been expended.

As to the allowance for engineering and supervision during construction, the Commission recognizes that frequently 5 per cent or even more has been allowed to cover this cost, but in arriving at the figure fixed by us, we have been influenced by consideration of the fact that plants of this kind have for years been built without full engineering direction and supervision. Certain portions of the property require the services of competent professional engineers, and other parts do not call for, neither do they often receive, professional attention. Engineering costs in such cases would be relatively small. Exhibit A-8 discloses that yearly additions to this property have extended over a number of years. A large proportion of these extensions, such as the laying of mains, purchase and installation of meters, etc., is usually carried forward under the direction of the operating superintendent and manager.

Then, too, engineering in connection with apparatus purchased has been supplied, sometimes, by the manufacturers, and it may be questioned whether in the reproduction value the total plant cost should fairly bear the same proportionate overhead cost as those parts generally designed and constructed by professional engineers.

The Commission believes that such items as land, furniture and fixtures, tools and meters, should not be

called upon to bear the same engineering expense as other portions of the inventory.

A consideration of all testimony offered, and of the various engineering problems that would be encountered in planning and executing a property of this kind, leads the Commission to find that an allowance of two per cent on the value of land, meters, furniture and fixtures, and tools, totaling $172,336, is reasonable; and that an allowance of four per cent on the balance of the physical property, valued at $1,818,830.90, is a fair allowance. Computed on this basis the total engineering expense would be, as stated, $76,200.

A summation of the amounts allowed to cover expenditures made during construction, shows the following, the total of which is found to be not excessive:

Interest	$136,594
Legal expenses	910
Taxes	5,419
Insurance	555
Administration expenses	31,883
Traveling expenses	2,398
Stationery, printing and advertising	3,299
Engineering and Supervision	76,200
Miscellaneous items not allocated	16,680
Total overhead expenses during construction	$273,938

COST OF ATTACHING BUSINESS

The Gas Company submitted evidence to show that it is entitled to a substantial amount for developing and attaching to the physical plant the business which the Company now enjoys. It fixes the amount at $350,000, arriving at this sum by certain computations made by Mr. Hagenah. It is apparent that after the physical plant has been constructed it is not necessarily a going concern. Revenue producing customers must be secured. Nor do these customers, generally, come without seeking. There is necessity for advertising and soliciting. The first years of a utility's operative life usually show deficits. Courts and commissions have held that reasonable expenses incurred during this period are proper capital charges. But while we recognize this principle, we are not prepared to hold that the fixing of the amount to be thus capitalized is a mere matter of formula. In general, claim for developing

business must be supported by direct proof of expenditures made.

The Gas Company came into existence in 1906. In 1908 there was leased a small gas plant then in operation at Fourth West and North Temple Streets. This plant had approximately twelve hundred service connections. The value of the customers to the present company was undoubtedly an element in deciding the sum to be paid yearly for the lease. In 1912, the present Company secured control. On December 31, 1913, an audit of meters installed showed 11,277 connections. Since that time the net increase in connections has been small. In other words, the curve of meter connections if shown graphically would indicate but little upward tendency since 1913. Such expenditures as have been made since that time on "new business" account, should, we think, be accounted as operating expenses, and not as capital charges.

The Commission finds that the period 1906-1913 is a measure of the time during which this Company obtained its going concern value for rate-making purposes. Applicant's Exhibit A-7 shows that during this period the Company expended $191,055.83 for attaching new business, which sum is found not to be excessive, and is accordingly allowed to cover this item.

WORKING CAPITAL

The working capital of a utility should represent a sum ample under ordinary conditions to carry on the business. There must be sufficient funds available to provide for the prompt payment of operating expenses and to maintain the credit of the Company. As some Commissions have said, this should in general be a sum sufficient to bridge the gap between outlay and reimbursement. It should include such stock, material and supplies as is necessary to enable the Company to make repairs and minor replacements chargeable to operation, without unreasonable delay or expense, and to meet ordinary operating contingencies and emergencies. The stock of repair and renewal parts and supplies that is necessary to have on hand varies from time to time, depending upon current demands and upon facilities of the Company for replenishing the stock. An average sum to cover the ordinary investment of materials and supplies which are necessary in utility operation is a reasonable and proper working capital charge.

An analysis of this Company's accounts reveals the

fact that by-products, such as coke, ammonia and tar, are credited monthly at an arbitrary price to operating expenses. At the end of the month there is usually a stock of these materials on hand, varying, of course, with market conditions. A six months' stock of renewal and repair parts is believed to be a reasonable quantity to have on hand. The Commission finds as a fact that the average material and supply account chargeable to working capital is $42,500, which includes allowance for necessary stock of fuel. The petitioner claimed the material and supply account was approximately $76,000. This included stock of appliances on hand, which has been deducted by the Commission, having been found not to be a proper working capital charge. In addition to the $42,500, a sum sufficient to pay operating expenses for a reasonable period should be allowed. This Company renders bills monthly, and approximately 50 per cent of the sales are collected in any six weeks' period. The Commission, however, feels that six weeks is too short a period to be considered, and, therefore, allows a sum equivalent to two months' operating expenses, or $45,500. The working capital is, therefore, fixed at the sum of the two items mentioned, which is $88,000.

DEPRECIATION

The actual depreciation of the property of this Company is accepted substantially as set forth in applicant's Exhibit A-2, page 7, the amount of depreciation being represented by the difference between the reproduction cost new and the present value.

Commissions have held that a depreciation reserve of 1½ per cent to 2 per cent annually, on gas properties, is fair and reasonable. Mr. Hagenah testified that the property of the applicant was depreciating at the rate of about 2 per cent per annum. We believe that this Company should provide forthwith, a reserve to take care of depreciation, said reserve, for the present, to be based on 2 per cent of the value of the depreciable property of the Company. This reserve for depreciation should, we think, cover and include and make unnecessary the setting up of special reserve accounts hitherto carried on particular items of physical property.

VALUE FOR RATE-MAKING PURPOSES

Based upon the foregoing, the normal reproduction cost new of the property of this Company, and the normal reproduction cost new, less depreciation, as found by the Commission, is as follows:

	Normal Reproduction Cost New	Normal Reproduction Cost New, less depreciation
Total Specific Construction		
Cost	$1,991,166.90	$1,724,695.97
Overhead Allowance	273,938.00	238,316.06
Attaching Business	191,055.83	191,055.83
Working Capital Account	88,000.00	88,000.00
Total	$2,544,160.73	$2,242,067.86

For purposes of comparison we give below the totals arrived at by the applicant's valuation engineers, and the totals as found by the Commission's engineering department:

	Cost New	Cost New, Less Depreciation
Applicant's Valuation	$2,808,188.00	$2,501,746.00
Commission's Valuation	$2,544,560.73	$2,242,067.86

EARNINGS

Having determined upon the sum of $2,242,067.86 as the fair value for rate-making purposes of the property in service as of January 1, 1919, we are next to consider what the Company's experience has been under the rates in effect before and after the granting of the 20 per cent increase.

Testimony of Mr. Hagenah was that a complete audit of the Company's books had been made by his organization, and that exhibits introduced giving financial data, reflected the true condition of the Company's finances.

We give below a statement of the results of operations each year since the Company was organized, and for the ten months' period ended October 31, 1918. These figures are taken from the various exhibits submitted by the applicant. There is shown in the tabulation, gross income, total deductions from gross income, (which consists largely of interest on funded and unfunded debt, but does not include dividends) net income, and depreciation reserve, computed at 2 per cent on estimated value of depreciable property, which depreciation reserve should have been, but was not, set up. In the last column is shown the surplus or deficit that would have resulted had depreciation allowance been made. It should be stated that the estimated depreciation is based upon the applicant's valuation of depreciable property for each year up to the end of 1917. But for the ten months of 1918, depreciation is computed at 2 per cent on the Commission's valuation of depreciable property.

Year	Gross Income	Total Deductions from Gross Income	Net Income	Estimated Allowance for Depreciation	Surplus or Deficit
1907	$ 7,222.76		$ 7,222.76	$ 14,231.00	*$ 7,008.24
1908	34,948.93		34,948.93	19,988.00	14,960.93
1909	76,050.40	$ 62,173.91	13,876.49	21,760.00	*7,883.51
1910	98,810.84	62,098.74	36,712.10	25,391.00	11,321.10
1911	123,789.33	70,807.11	52,982.22	28,390.00	24,592.22
1912	115,432.49	77,499.90	37,932.59	29,711.00	8,221.59
1913	162,886.64	86,526.50	76,360.14	31,404.00	44,956.14
1914	215,896.50	98,525.21	117,371.29	33,538.00	83,833.29
1915	170,020.76	103,218.20	66,802.56	35,953.00	30,849.56
1916	151,820.68	101,950.27	49,870.41	37,744.00	12,126.41
1917	146,685.79	108,034.75	38,651.04	39,415.00	*763.96
1918	81,386.57	100,440.59	*19,054.02	32,442.00	*51,496.02
Total	$1,384,951.69	$871,275.18	$513,676.51	$349,967.00	$163,709.51

* Deficit.

This Company has outstanding $700,000 of 7 per cent cumulative preferred stock, and $2,500,000 of common stock. It was testified that no dividend has been paid on the common stock. It will be seen that if depreciation reserves had been set up annually, only one year, 1914, would have shown earnings sufficient to provide the $49,000 necessary to pay the annual dividend on the preferred stock. In other

words, the dividends have been paid, in part, during the last few years out of net income, part of which should have been held in reserve for the purpose of providing a fund for keeping the property in a condition to render efficient service to the public.

The gradual downward tendency of net income during the years since the maximum of earnings was reached in 1914, should be a matter of grave concern to the Company, and to the consuming public, as it is to the Commission.

We are particularly impressed with the very unsatisfactory showing made during the first ten months of 1918, as indicated in the foregoing table. Five months of this time was under the old rates and five months under the advanced rates which became effective June 1, 1918. The expected increase in net revenues under the higher rates evidently failed to materialize, due, as testified by the Company's manager, Mr. Waring, to higher freight charges on coal and oil, advanced wage scale, and other increased operating expenses.

Nor are the difficulties lessened when we consider the financial report of the applicant for the six months ended December 31, 1918, during all of which period the increased rates granted by the Commission's order dated May 31, 1918, were in effect. This report is found in Exhibit B-1, and it shows gross income for six months to be $47,233.63.

If we set aside out of these earnings a depreciation reserve of 2 per cent, annually, on the depreciable property of the applicant, which totals $1,946,512.03, we have for the six months' period a depreciation item of $19,465.12. This will leave $27,768.51 to be applied to capital charges. Exhibit B-3 shows capital charges for the six months' period as follows:

Interest on Funded Debt	$47,975.00
Interest on Floating Debt	14,118.90
Rent on Leased Equipment	5,000.00
	$67,093.90
Earnings applicable	27,768.51
Deficit for six months	$39,325.39
Average Monthly Deficit	$ 6,554.23

The result of operations during the months of January and February, 1919, indicate an increasing deficit, as shown in the following:

Earnings applicable to depreciation and capital charges	$ 6,982.67
Depreciation for two months	6,488.37
Balance to apply on capital charges	$ 494.30

Capital Charges for Two Months:	
Interest on Bonded Debt	$15,991.66
Interest on Floated Debt	5,013.44
Rent on Leased Equipment	1,666.66
	$22,671.76
Deficit for two months	22,177.46
Average monthly deficit	11,088.73

Such a showing as is revealed in the foregoing tables is deplorable, to say the least. As will be seen, there is no hope, under present conditions, for dividends to stockholders.

During the year 1918, the Company, acting, no doubt, in good faith, but, as we believe in error, paid in quarterly dividends of one and three-quarters per cent, a total of 7 per cent on the $700,000 of outstanding cumulative 7 per cent stock, but the payments were made in dividend scrip, bearing 6 per cent interest. This policy is not to be continued in 1919, and consequently the dividend period which fell on March 31, 1919, was passed with no distribution to stockholders.

LIABILITIES

The books of the Company, as of February 28, 1919, show liabilities as follows:

Bonds	$1,919,000.00
Notes	143,931.46
Accounts Payable	59,845.99
Open Account with American Public Utilities Company	293,083.45
Dividend Scrip	48,300.00
Meter Deposits	22,655.74
Kelsey Brewer & Co., Note	5,148.26
Unclaimed Wages	113.60
Insurance Account	239.73
Rental due on Leased Equipment	1,666.66
Other Liabilities	105,700.89
	$2,599,685.78

Thus with a physical valuation as fixed by the Commission of $2,242,067.86, which includes $88,000 allowed for working capital, the Company is shown to be carrying liabilities of $2,599,685.78, exclusive of capital stock, and to be incurring a deficit, which is increasing month after month, and which threatens to become overwhelming.

In view of the showing made there seems no course open to the Commission but to grant immediate relief. Failure to do so would invite disaster to the Company, and the result would react against the interests of the consumer. Even if we grant all that is asked in the application now pending, the relief will be but partial, and there will still be no possibility of the stockholders enjoying any of the benefits in the form of dividends.

INCREASED COSTS

In the application reference was made to the increase granted in Case No. 34, which, at the time it was granted, it was hoped would tide the applicant over the period of war inflation of prices; but almost immediately following the effective date of the order and the application of the increased rates, there was an advance in the cost of fuel, labor and supplies. This application for permission to establish a "ready-to-serve" charge is based solely upon the allegations made in the application, that "since petitioner was granted the aforesaid increase the freight rate on coal was increased, on June 25, 1918, 50 cents a ton, which is equal to $15,000 per year, based on 30,000 tons, the estimated quantity that will be used during the coming year"; and that "an increase of 20 per cent in wages of the gas works' employees was granted by an arbitration board, which became effective July 15, 1918. This increase amounts to $12,000 per year, based on the present annual pay roll of $60,000." And again, "The price of gas oil has advanced ¾ cents per gallon since June 1, 1918, due to the increase in freight rates. This is equal to an increase of $3,000 per year based on 400,000 gallons, the estimated quantity that will be used during the coming year."

Thus it will be seen the three items mentioned and alleged to have been increased in cost, show a total increase of $30,000 per year. The petition recites that there are numerous other items not mentioned in the petition which have increased the cost of operating since June 1, 1918, when the new rates granted in Case No. 34 went into effect.

Testimony given when this case came on for hearing,

September 24, 1918, and further testimony introduced at the final hearing April 7, 1919, substantiated the various items of increase, and we are thus faced with the proposition that since Case No. 34 was heard and determined, the Company's revenues have suffered loss to at least the amount of $30,000 per annum. Assuming, therefore, that our order granting 20 per cent increase of rates was justified at the time it was entered, and it was undoubtedly justified as shown by the physical valuation of property, it would seem only logical that the Company should now be granted an increase by some method of rearranged charges to correspond to its additional cost of giving the service.

"READY-TO-SERVE" CHARGE

This brings us to the point of considering whether the "ready-to-serve" charge as asked for in the petition is a desirable, proper, equitable and non-discriminatory method of distributing the additional costs.

A number of Commissions have had this question before them, both in relation to gas utilities and electric light and power utilities.

The applicant has been giving service during its entire history on the basis of a meter charge for the actual gas used, the charges, however, being made on a graduated scale; the smaller user paying more, proportionately, for the gas consumed, than the larger user. The additional funds that seem to be necessary might be provided by another increase of metered rates.

A second method that could be employed would be the establishing of a minimum monthly charge. This charge is made on the theory that there are certain fixed expenses which the corporation is obliged to incur for each of its customers, regardless of whether the customer makes use of the service during any particular month or not. The Company under this method is providing for a return on its investment made for the customer, even if no consumption of gas is recorded. A minimum charge, of course, implies that said charge will be absorbed in the rate in the event the monthly bill for gas amounts to at least the specified minimum.

A "ready-to-serve" charge, as asked for in this petition, would fix the minimum payment of 25 cents on each meter in use. No provision is made for the absorption of this charge in the rate, and hence it would be a flat charge

against every user, whether much or little or no gas is consumed during the time the meter is connected. In approving the practice of establishing this charge, this Commission is following precedents of various regulatory commissions throughout the United States.

The Missouri Public Service Commission, in the Sedalia gas rate case, approved the "ready-to-serve" charge principle in preference to the minimum charge, in the following language:

> "In fixing the form of rate schedule, we have approved the Company's suggestion of a service charge in lieu of the more common minimum charge. We believe that it is the more equitable in that it more nearly assigns to each consumer the costs actually incurred by that consumer. If a consumer is living in a house adjacent to a street containing a gas main, he costs the Company nothing until he becomes a consumer. As soon, however, as he elects to use the gas, the Company is put to an additional expense, regardless of whether the consumer uses any gas. A meter is installed. It is read every month, the bills are made out, collections are made, the meter and service pipe are kept in repair, in addition to the interest and depreciation on these items. There are also some gratuitous services and inspections for which no charges are made. While we have not computed the exact costs of this personal service in this case, the items are well known generally, and have been estimated by the Company at 50 cents per meter. This is not excessive.
>
> "The minimum charge is more general and perhaps better understood at the present time. It is more discriminatory, since each customer may use gas to the value of 50 cents, and be charged only that amount in the monthly bill, whereas he has not only used 50 cents' worth of gas, but he has incurred customer costs, which we might call personal costs, to the amount of another 50 cents. This is unfair to other consumers who must make up the other costs.
>
> "Objections to the service charge are usually based on a misunderstanding as to the purpose thereof. Consumers will argue that no other line of business attempts to maintain such a charge. In other lines of business this charge is not practical, and is not applied for that reason. The fundamental fact is that

in other lines a merchant can refuse to deal with an unprofitable customer or make up the loss from other sales. Public utilities, however, must treat all alike. They must furnish service to all persons who will comply with reasonable rules, and in order that some consumers may not be burdened with the costs incurred by the more unprofitable, these unprofitable consumers should at least pay the expenses actually incurred in serving them. The service charge approaches this much more nearly than the minimum charge."

It will be observed that the Missouri Commission in the case mentioned above, approved a "ready-to-serve" charge of 50 cents per meter. The applicant in this case asks only for a 25-cent charge, which amounts to $3.00 per year, on each meter in service. Inasmuch as this charge must cover interest and depreciation on the amount invested by the Company for individual user, in addition to the Company's investment in plant and mains, and that it must cover also the various items of expense mentioned by the Missouri Commission in the quotation hereinbefore given, which includes reading of the meters, issuing bills, making collections, maintaining the meter and service pipe in repair, etc., we are inclined to think the consumer will recognize the charge as not excessive.

The applicant estimates that the additional revenue it will derive from the "ready-to-serve" charge will amount to about $30,000 per year, basing its figures on the expected collection of 25 cents per month, of $3.00 per year, on each of 10,000 meters, which it estimates will remain connected. We are inclined to think that of the 13,987 meters in use December 31, 1918, more than 10,000 will be continued in service, and, therefore, we estimate the increased income at not less than $36,000 per year, and probably not more, at present, than $40,000.

FINDINGS

We, therefore, find:

(1) That the fair value for rate-making purposes of all property of the applicant, used and useful in the giving of service to the public, is $2,242,067.86.

(2) That the present rates charged for gas to the consuming public in Salt Lake City, are not sufficiently high to provide revenue for the payment of the expenses of operation and interest charges, to provide depreciation,

and to give a reasonable return on the applicant's investment.

(3) That the making of a "ready-to-serve" charge is a proper and equitable method of providing additional revenue.

(4) That a "ready-to-serve" charge of 25 cents per month on each meter in use should be made against each gas consumer.

(5) That inasmuch as the permission to make a "ready-to-serve" charge is asked for and granted as an emergency relief measure, the applicant should be permitted to make said charge as part of all consumers' bills issued from and after the date hereof.

(6) That a depreciation reserve of 2 per cent on the depreciable property of the applicant should be set up, commencing immediately.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 18th day of April, A. D. 1919.

In the Matter of the Application of the UTAH GAS & COKE COMPANY, for permission 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, the Utah Gas & Coke Company, be, and hereby is, authorized to publish and put into effect a "ready-to-serve" charge not to exceed 25 cents for each and every meter used in measuring gas distributed to its consumers.

ORDERED FURTHER, That such "ready-to-serve" charge may be applied to all bills for gas rendered on or after the date of this order.

ORDERED FURTHER, That said Utah Gas & Coke Company shall annually set aside as a depreciation fund a sum equal to 2 per cent of the value of its depreciable property used and useful in giving of service to the public, based upon the findings of the Commission in this proceeding.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to increase its freight and passenger rates. } **CASE No. 97**

Submitted August 1, 1919. Decided December 31, 1919.

Boyd, DeVine, Eccles & Stine, and Julian Bamberger for applicant.

H. W. Prickett for protestants.

REPORT OF THE COMMISSION

By the Commission:

The application in this case was filed October 8, 1918. The case was set for hearing October 29, 1918. Various protests were received, and, upon motion of attorney for protestant, the case was postponed until November 26, 1918. On account of the epidemic of influenza the hearing was postponed without date, and was afterward set down for hearing March 18, 1919. On motion of applicant, hearing was continued until April 15, 1919, and later continued to May 1, 1919, at which time the case came on for hearing.

The Bamberger Electric Railroad Company, representing itself to be a corporation organized and existing under and by virtue of the laws of the State of Utah, with its principal place of business at Salt Lake City, Utah, alleges that it is the owner of an electric railroad doing a general commercial railroad business between Salt Lake City and Ogden, Utah, having joint terminal facilities with the Salt Lake & Utah Railroad Company, at Salt Lake City, and also with the Utah Idaho Central Railroad Company, at Ogden, Utah, serving, together with the said named railroads, the territory extending from Payson, in Utah County, State of Utah, to Preston, in the State of Idaho, which territory is also served by steam railroads under the control of the United States Railroad Administration, namely, the Oregon

Short Line and Denver & Rio Grande Railroads, which parallel petitioner's line from Salt Lake City to Ogden. The rails of the Oregon Short Line Railroad also parallel the Kaysville Commercial Club; Traffic Service Bureau of Utah; to Preston, Idaho, while the Denver & Rio Grande and the Los Angeles & Salt Lake Railroads parallel the Salt Lake & Utah Railroad from Salt Lake City to Springville, Utah.

The protestants in this case are: Davis County, a public corporation; Farmington City and Kaysville City, municipal corporations; Council of Defense of Davis County; Kaysville Commercial Club; Traffic Service Bureau of Utah, and the Superintendent of Davis County High School. Residents of Centerville and of Davis County protested by letter any increase in rates.

Petitioner alleges that the rates, fares and charges applying on the competing Federal controlled railroads have been increased by General Order No. 28, issued by the Director General, U. S. Railroad Administration; and that the Utah Idaho Central Railroad and the Salt Lake & Utah Railroad have been allowed to increase their rates, fares and charges by the Public Utilities Commission of Utah, in Case No. 50, decided September 30, 1918, and Case No. 78, decided October 4, 1918, respectively.

Petitioner desires to increase its freight rates in all respects so that the same shall be on a parity with those now in effect on competing steam lines under Federal control, and to increase its passenger fares to the basis granted the Utah Idaho Central and the Salt Lake & Utah Railroad Companies in the Commission's Orders Nos. 50 and 78, with the following exceptions:

Commutation rates to be increased 10 per cent.

Students' school fares to be increased to the basis of 1½ cents per mile.

Milk and cream in cans, approximately 25 per cent.

The petitioner alleges that the increase of 25 per cent on milk and cream will place its rates for the transportation of this commodity upon the same basis now charged by the express companies in competitive territory.

The petitioner further alleges that on interstate freight movement to destination points on its line from points on Federal controlled carriers, said Federal carriers are permitted a through rate based on General Order No. 28, and that the proportion petitioner receives on such business is its local rate, thereby enabling the originating carrier to

charge 25 per cent over petitioner's local rate for said petitioner's haul and retain the increase over petitioner's local rate, depriving applicant of a revenue without giving the shipper any additional benefit whatsoever, all of which, the petitioner claims, is manifestly unfair.

In addition, it is alleged that the policy of the petitioner and the Utah Idaho Central and Salt Lake & Utah Railroad Companies has been to maintain as near as may be a parity of rates, fares and charges, which practice is reasonable and should be continued. It is also alleged that labor costs and costs of equipment and materials have affected petitioner in the same manner as other carriers whose rates have been increased, and in order to offset said increase in cost of maintenance and operation of its system and to maintain a parity of rates as above stated, it is necessary that the petitioner be allowed to increase its rates, fares and charges in the manner and to the extent granted other lines.

The petitioner further predicates its reason for said increases on the fact that it is obliged to expend upwards of $200,000 in the next few years in maintenance work, erection of buildings, replacing and adding new equipment, thereby keeping its railroad at a proper standard of safety in operation.

Protestants contend that petitioner is not so situated as are the Federal controlled roads in competition, and to withhold such increase would in no way effect said petitioner. Protestants further allege that maintaining a parity of rates should not be the controlling factor in determining the necessity for such increase, for the reason that they were arbitrarily increased without any regard to their reasonableness or justification and without the consent of the State Commission; neither should the application of carrier to advance rates to a parity with rates named in Case No. 78 be granted, for the reason that the density of traffic and travel is much greater upon petitioner's line; and further, that the operating conditions of applicant's railroad are less difficult than those of the Salt Lake & Utah Railroad; that raises in rates would materially affect people living in Davis County, and would tend to stop the progress in various ways, thereby depreciating values already gained and established. Protestants also contend that petitioner does not claim any particular necessity for an increase of rates in order to conduct its business and to pay a fair return on its investment.

Protestants further allege that the present freight

rates in force on petitioner's line have been in effect for many years. They were established at a time when the territory in which they operate was sparsely populated and the density of traffic was very much less than at present; and further, that the freight rates in Utah have been, comparatively speaking, unreasonably high.

The justice and reasonableness of the advance in students' fares is questioned by protestants, for the reason that higher educational systems have been founded and built upon the basis of the present rates, and any increase would have an adverse effect upon the educational system of the community; also, that the advance in commutation fares would tend to retard rather than increase the traffic of the carrier. Commutation travel is alleged to be very desirable traffic, because of its regularity and volume.

Protestants further allege that petitioner is able and does carry a large number of passengers from Salt Lake City to Lagoon and return, and from Ogden to Lagoon and return, at a rate of 25 cents for the round trip, which must be taken to be at a profit, and any increase in commutation and students' fares would add to the discrimination now existing between the Lagoon and the commutation and student traffic, thereby placing an undue burden upon the latter.

Protestants further allege that it is not their object to prevent applicant from keeping its property in good condition and giving it a fair return on the value thereof, and admit they fully appreciate the difficulties under which said applicant's line was constructed, and likewise the service rendered by it to the public. They further admit that said railroad has had much to do with the development of the territory served by it; and that the applicant line is efficiently and economically handled; but contend that it should be required to show a reasonable certainty of the necessity of advanced rates before they should be allowed.

HISTORICAL

The Bamberger Electric Railroad, formerly the Salt Lake & Ogden Railway, about the year 1891, extended from Salt Lake City to a point about four miles north thereof, known as Beck's Hot Springs. The railroad afterward was extended toward Ogden in successive stages, namely, to Bountiful, Lagoon, and finally to Ogden, in 1908. The road was changed to electrical operation in 1910. The use of steam locomotives for freight traffic was discontinued in

about the year 1914. The capitalization of the road as of December 31, 1918, as shown by exhibits, was:

Common Stock	$1,000,000
Preferred Stock	500,000
Funded Debt	1,500,000
Total Funded Debt and Capital Stock	$3,000,000

The problem with which this Commission has to deal does not necessarily involve the amount of stocks and bonds or the amounts derived from the sale thereof. It is concerned at this time with the adequacy of the service, its ability under the present rates to properly render that service, keep the property whole,and pay a reasonable return upon the fair value of the property.

The annual reports of earnings and expenses for the years 1917 and 1918 are shown herewith, and indicate a substantial decline for the year 1918 over 1917. This is due to several reasons, one of them being loss of revenues during the influenza epidemic, increases in operating expenses and taxes; and it is the opinion of the Commission that a still greater decline would have been apparent had maintenance not been deferred:

	1918	1917	Increase or Decrease
Railway Operating Revenues	$479,736.23	$509,324.56	$29,588.33*
Railway Operating Expenses	$315,866.10	$277,814.20	$38,051.90
Taxes	33,593.07	26,150.63	7,442.44
Total Expenses	$349,459.17	$303,964.83	$45,494.34
Operating Income	$130,277.06	$205,359.73	$75,082.67*
Non-operating Income	14,889.04	471.13	14,417.91
Gross Income	$145,166.10	$205,830.86	$60,664.76*
Deductions from Gross Income	75,262.31	75,096.00	166.31
Net Income	$ 69,903.79	$130,734.86	$60,831.07*

* Denotes decrease.

Railway operating revenues, 1918, as compared with 1917, show a decrease of $29,588.33, while operating expenses increased $38,051.90, and taxes $7,442.44, resulting in a decrease of $75,082.67 in operating income. There were increases in non-operating income which have in a measure offset the above decreases, so that for the year, after deducting from gross income, interest charges on funded debt, the decrease in net income is $60,831.07, 1918 over 1917.

Evidence submitted shows this carrier has been subject to the same general rise in prices as have other carriers in this territory, which is reflected in increased operating expenses. A comparison of increases in labor costs of 1918 over 1915 shows material increase of various classes of labor. For example:

Freight brakemen, wages increased	92%
Track foremen, wages increased	50%
Substation operators, wages increased	78%
Linemen, wages increased	53½%
Barnmen, wages increased	40%
Machinists, wages increased	62%

Conductors, motormen and brakemen vary from 20 per cent to 45 per cent, depending upon length of service.

The average wage per employee per year has increased in 1918 over 1915, 71.9 per cent. However, at the expense of maintenance and diminished service, applicant succeeded in operating its railroad with a considerable less number of employees in 1918 than in 1915.

Material prices have advanced very considerably. These increases have varied; for example: ties show an increase in 1918 over 1915, 60 per cent; spikes show an advance of 177 per cent; bolts 160 per cent; steel wheels, 35.5 per cent; trolley wheels, 46.9 per cent; etc.

To offset decreases in revenues, carrier alleges that increases in rates and fares should be permitted as set forth in its application. The advances sought would increase the carrier's revenues, based on the volume of 1918 business, approximately as follows:

Passenger increase	$20,439.24
Freight increase	8,714.53
Milk increase	1,475.20
Total estimated increase	$30,628.97

The Commission has looked with concern upon the

great advance of prices which has taken place within the last two years, and has hoped that declines would be apparent before this. It is evident that the carrier, in order to properly serve the public and keep its property whole, must receive some additional revenues, though not to the extent asked for in the petition.

The evidence presented in this case was not in the main contradictory or conflicting, and requires little analysis to reconcile same wherein there appeared to be some slight difference. The issues raised will need to be passed upon with a broad view of consistency and fair play, keeping in mind, however, the principle that rate-fixing, up or down, must be attended and measured by the application of justice and reason.

It having been determined by the Commission that some relief is necessary, we are next confronted with the problem of providing additional revenues in such a way as to make the least possible disturbance of the business and social activities of the community served by the petitioner, and at the same time make such finding as is just and reasonable.

The evidence produced shows the minimum charge for handling package freight to be less than the actual cost of rendering that service, and an increase is allowed, as well as an increase in class rates, for the reason that while class rates have long been established on this line, and while it is contended by protestant that the density of traffic has greatly increased, it is the opinion of the Commission that costs of rendering this class of service have so materially advanced that an increase in this class of service should be permitted.

The cost of handling milk in cans has increased proportionately with the cost of handling package and other freight, and the Commission is of the opinion that the advances sought in the rates charged for this class of service, should be allowed.

The question raised by the protestants concerning the rates charged by the Company to Lagoon, and which, it is claimed, is a discrimination as between the people who go to Lagoon, and other patrons of the road, will receive further attention and inquiry by the Commission. There would seem to be a discrimination in the rates referred to, unless such rates are justified under a claim that they are given as special or excursion rates as well as competitive rates, and that the so-called excursion rates are extended only over a limited time of the year, and the traveling public

alike is given the opportunity of availing itself of such rates. However, until further consideration is given, this matter must not be taken as having been finally passed upon and disposed of.

The Commission will not at this time grant or deny the application for increases in passenger fares. This question is reserved for future consideration and determination, and will be considered in connection with the rates to Lagoon, which are alleged to be discriminatory.

Based on the volume of 1918 business the increases allowed would result in additional revenue to the carrier as follows:

Milk revenues	$ 590.08
Freight revenues	8,714.53
Total estimated increase	$9,304.61

The Commission is of the opinion that the year 1918 was an unfavorable one as regards revenues, for the reason that the epidemic of influenza greatly reduced traffic, and the earnings for the year 1919 would show a more favorable situation, due to a general increase in traffic.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN SOUTNOUR,
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 31st day of December, A. D. 1919.

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to increase its freight and passenger rates. } **CASE No. 97**

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, Bamberger Electric Railroad Company, be, and is hereby, permitted to increase its freight rates to the level prescribed by General Order No. 28, issued by the Director General of Railroads, United States Railroad Administration.

ORDERED FURTHER, That applicant be, and is hereby, permitted to increase its rates for the transportation of milk in cans, to the level sought in its application.

IT IS FURTHER ORDERED, That the Commission expressly retains jurisdiction over all passenger rates, fares and charges applying over the line of petitioner, and will issue such further orders as circumstances shall require, after complete investigation.

ORDERED FURTHER, That the increases herein granted may be made effective upon not less than ten days' notice to the public and to the Commission.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Hearing upon the freight service by the UINTAH TRANSPORT & PRODUCE COMPANY between Price, Utah, and points in the Uintah Basin.	**CASE No. 98**

Submitted August 19, 1919. **Decided August 26, 1919.**

REPORT AND ORDER

By the Commission:

Hearing on the above matter was set for Tuesday, the 19th day of August, 1919, at 10 o'clock a. m., at the office of the Public Utilities Commission, Salt Lake City, Utah. Notice was served on V. A. Van Horn, Denver, Colorado, and R. S. Collett, Roosevelt. Said Company, by its agents or otherwise, failed to appear in compliance with the notice and order issued July 15, 1919.

Records in this case disclose the fact that a franchise was granted to the Duplex Sales Agency, predecessors in interest of the said Uintah Transport & Produce Company, October 15, 1918, and that since said certificate of convenience and necessity was issued, the above named were authorized to give service on the route between Price and Vernal and intermediate points.

From the best information obtainable, the Commission finds:

That the said Uintah Transport & Produce Company, successors in interest to the Duplex Sales Agency, has failed and refused to give the service required to meet the necessities, and has failed to comply with the rules and regulations set out in said certificate of October 15, 1918, and, on account of such failure and refusal on the part of the said Uintah Transport & Produce Company, whose omissions to give service as above referred to constitute, under the rules and requirements, an abandonment of the service and a forfeiture of the rights;

IT IS HEREBY ORDERED, That the license and permission to operate, as given by a certificate of convenience and necessity dated October 15, 1918, is hereby revoked and set aside.

By the Commission:

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to assess switching charges at Mohrland, Hiawatha and Panther Station, Utah. } **CASE No. 99**

Submitted December 18, 1918. **Decided March 5, 1919.**

REPORT OF THE COMMISSION

By the Commission:

The above entitled case came on for hearing October 28, 1918.

The Utah Railway Company asks the Commission to grant an order authorizing it to charge for switching cars to the coal tipples of the Mohrland, Blackhawk, Hiawatha and Panther Mines, located in Carbon County, Utah. The application sets out that the said coal tipples are located on tracks owned by the coal companies, except the one at Mohrland, which is located within the yard limits of the applicant.

A motion to dismiss was interposed by the Wattis Coal Company, but was afterwards withdrawn.

Testimony was introduced showing that the Company owns and operates the Utah Railway; that the purpose of such operation is principally to transport coal from the coal mines; that for the convenience of loading said coal upon the cars of the petitioner, spurs had been built to the various mines, one to Panther Mine, about seven-tenths of a mile long, with a grade of 1.85 per cent; one to Hiawatha Mine, one mile; one to East Hiawatha Mine, one and five-tenths mile, with a grade of about 2.5 per cent; one to Mohrland Mine, which appears to be the terminal of the Company's road, with a grade of 1.5 per cent.

The applicant claims that the spur tracks, with the exception of the tracks at Mohrland, are owned by the United States Fuel Company and maintained by the Utah Railway Company at the expense of the United States Fuel Company; that the cars are spotted under the tipple of the various mines at a cost of about $88 per day; that in the

operation of the cars and engine considerable risk is taken by the Company on account of the curvature of said spurs, and also because of the grade; that derailments and accidents are not unusual; that the rates sought to be established would approximately equal the cost of the service; that the hazardous conditions of the grades and curves are such that the Railway Company should not assume to operate under such conditions without some compensation; that the rates asked for are reasonable and are not discriminatory.

It is alleged, further, that the return on the investment in the building, operation and maintenance of the Company's road for nine months, ending September 30, 1918, amounted to 4.7 per cent; that the return for the month of September, 1918, amounted to 5.2 per cent; and that operation under said additional charges would increase the earnings to the Company about $40,000 per annum. It is further claimed by the petitioner that such proposed switching charges are in conformity with the regulations of the Federal Railroad Administration.

It would appear from the showing that coal is the only commodity that the Company hauls from and between the several points mentioned, and that the petitioner uses said spurs for the purpose of spotting its cars for the loading of the coal, and for no other purpose.

It is claimed by the petitioner that the movement of cars on the spurs is an extra service and is a plant facility, and that, therefore, the cost of such movement should be absorbed by the plant, meaning the Coal Company; that the additional charge would amount to about four cents per ton, and would not, in the judgment of the petitioner, advance the cost of the coal to the consumer.

The claim made by the petitioner that an advance would be justified under the rules of the United States Railway Administration is not well taken. General Order No. 15, upon which petitioner relies to support its claim, does not refer to the question raised by the petition, but has particular reference to the construction and maintenance of industrial tracks. No mention is made of switching charges, and investigation discloses that no order defining or establishing switching charges on private tracks or elsewhere within this State has been made by the United States Railroad Administration, and this Commission has the right by statute to deal with the question.

In a well considered case reported in 234 U. S., page

311, entitled 'The Los Angeles Switching Case," Justice Hughes, who delivered the opinion of the Court, said:

> "It is said that carriers are bound to carry only to or from their terminal stations. But when industrial spur tracks have been established within the carrier's switching limits, within which also various team tracks are located, these spurs may in fact constitute an essential part of the carrier's terminal system. It was stated by the Commission that carriers throughout the country treat industry spurs of the kind here in question 'as portions of their terminals, making no extra charge for service thereto when the carrier receives the benefit of the line haul out or in.' It was added that while this general statement covered perhaps ten thousand cities and towns in the United States, the carriers before the Commission could name only three exceptions, to-wit, the cities of Los Angeles, San Francisco and San Diego. But, laying the generalization on one side, it is plain that the question whether or not there is at any point an additional service in connection with industrial spur tracks upon which to base an extra charge, or whether there is merely a substituted service which is substantially a like service to that included in the line-haul rate and not received, is a question of fact to be determined according to the actual conditions of operation."

The question before the court in that case, as here, turns, apparently, upon the point as to whether or not the spur tracks in question form part of the carrier's terminal facilities and are used to the same extent as stations, team tracks or freight sheds.

The testimony in the case before us proved that the spur tracks were built and maintained at the expense of the shipper, but were under the control of the carrier. The carrier, no doubt, could use them for any purpose of its own. The industry would benefit by the operation of such spurs through having the opportunity of direct delivery of its coal without any haul. It appears, therefore, that these spurs, under the existing conditions, may be considered railroad terminals, because their use makes it unnecessary for the carrier to build tracks to, and terminal facilities at, the mines.

In the decision of the Interstate Commerce Commission, in the case of the Associated Jobbers of Los Angeles vs. the Atchison, Topeka & Santa Fe Railway Company,

reported in 18 I. C. C., page 310, it is stated that the railroad recognizes its duty to make delivery under the flat rate stated in its tariffs, and such delivery is made upon industrial tracks, which are part of the carrier's terminal, without additional charge. It treats a dependent spur as a part of its own depot from and to which the published rate handles all freight. It has recognized the value of having industries located on its tracks, and has competed in proper ways to secure them as dependencies. It has accordingly given to such industries the same service as it gives at team tracks, treating the one as a substitute or equivalent to the other. If the delivery is made at the team track the carrier must haul the car from the main line and place it on the team track. So, if the delivery is made at an industry, the car must be conveyed from the main line to the industry.

Of course, it is, as before mentioned, worth something to the shipper to receive cars at its industry. Yet, consideration has been paid for such convenience in the expense of constructing such spurs or tracks, and also, as appears in this case, in the cost of maintaining the same under the control and management of the carrier; and under such circumstances the shipper contributes something for having his coal hauled along the so-called spur.

In the case of the Associated Jobbers of Los Angeles vs. the Atchison, Topeka & Santa Fe Railway Company, above referred to, Commissioner Prouty lays down the following rule:

> "I do not think that the rate carries with it, as a general proposition, delivery upon a private track. Under many circumstances a carrier may refuse altogether to make a private-track delivery, and it may impose different charges for different deliveries of that character. But it seems to me that here these defendants, by their conduct, have made these spur tracks a part of their terminal facilities and that they must be so treated until the whole method of doing business has been changed."

Commissioner Harlan in this same case states:

> "The ordinary shipper of merchandise by the carload must incur the expense of hauling his shipments by wagon to a public team track at which the carrier has placed its cars for loading. He must incur a like expense in taking his inbound carload freight to his factory or warehouse or place of business. The large

shipper, on the other hand, by erecting his factory or warehouse near the line of a carrier and having it connected with the carrier's tracks by a spur track of his own, is enabled to load and unload the car at his door and thus to save the very heavy wagon expense that the handling of his traffic would otherwise require. When the results are compared it is clear that the shipper that enjoys the benefit of a spur track and a storedoor delivery has a decided advantage over shippers that haul their merchandise by wagon to and from the public team tracks. And, considered theoretically and purely from the standpoint of the value of such a delivery to shippers, the placing or 'spotting' of cars on spur tracks at the doors of warehouses and factories might be regarded as an extra service for which, as is actually done at the points here involved, the carrier might make a charge in addition to the rate. Nevertheless, it has been the universal practice in this country for the carrier having the line haul not to make an additional charge for setting a car for loading or unloading at the shipper's door upon a spur or side track connected with its own terminals."

In summing up this case we can not lose sight of the conditions under which the spurs were constructed, and are being operated and controlled, one of the conditions being that no charge should be made for service over them. It would appear that in fixing the published rates the carrier had in mind the entire haul from the tipple to destination. A charge for switching as asked for by the petitioner would operate as an advance in the rate heretofore charged. It is true that the shipper does not oppose the request of the Company for a charge for switching. But the authorizing of such charge as is asked here would no doubt be seized upon as a precedent for establishing switching charges on other spurs and switches elsewhere throughout the State, thereby changing the established rule of performing such service without charge. It would further tend to discourage the construction of spurs and switches, all of which would effect prejudicially both the shipper and the carrier.

After careful consideration of the testimony, and the citations made, together with the switching rules and regulations which have been adopted quite generally in this State, it would appear that the granting of the petition would be against the common practice, heretofore followed and approved, that before authority is granted to charge for switching service upon the spurs and tracks in question,

which in effect would amount to an advance of the rates, the question of the reasonableness of rates charged for the entire movement should be carefully investigated and determined. Therefore, the petition is hereby denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 5th day of March, A. D. 1919.

In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to assess switching charges at Mohrland, Hiawatha, and Panther Station, Utah. } **CASE No. 99**

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 herein be, and the same hereby is, denied.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of DE WIT 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, Utah.	**CASE No. 100**

Decided December 29, 1919.

REPORT OF THE COMMISSION

By the Commision:

This application was heard at Price, Utah, on May 6, 1919, at which time applicant asked that the hearing be continued without date.

Applicant has not requested further hearing, and, therefore, the proceedings in this case should be dismissed without prejudice.

An appropriate order will be issued.

Dated at Salt Lake City, Utah, this 29th day of December, A. D. 1919.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 29th day of December, A. D. 1919.

In the Matter of the Application of DE WIT 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, Utah.

CASE No. 100

This case being at issue upon petition and protest 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, 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 without prejudice.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UINTAH RAILWAY COMPANY for permission to increase its present freight rates, set forth in Tariffs P. U. C. U., Nos. F-9 and F-16.

CASE No. 102

Decided June 11, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed January 30, 1919, the Uintah Railway Company, a corporation, organized and existing by virtue of the laws of the State of Colorado, asks permission to publish and put into effect certain increased rates between the following points in Utah, located on the Uintah Railway: Watson, Dragon, Temple and Rainbow. The proposed tariff is as follows:

COMMODITY	FROM	TO	RATE
Grain—Hay; carloads, Minimum weight, 20,000 lbs.	Watson, Utah	(Rainbow, Utah) (Temple, Utah)	62c per net ton
Grain—Hay; carloads, Minimum weight, 20,000 lbs.	Watson, Utah	Dragon, Utah	$1.25 per net ton
Mining Timbers; carloads, Minimum weight, 20,000 lbs.	Dragon, Utah	(Rainbow, Utah) (Temple, Utah) (Watson, Utah)	$2.50 per net ton
		Rate in cents per 100 pounds.	
		Northbound	Southbound
Where distance carried from 1 to 9 mi., incl.		15	15
Where distance carried from 10 to 14 mi., incl.		20	20

The case was docketed for hearing at Vernal on March 25, 1919, and on March 12, 1919, was postponed without date, as it appeared that the increased rates did not affect shipments to that point.

Communications were addressed to representative shippers located at Watson, Dragon and Rainbow, in an effort to determine the attitude of shippers interested and the extent to which they would be affected by the increase, if allowed. Replies indicated that shippers affected felt that the proposed increase would not injure any shippers.

The Commission has in former cases investigated the financial conditions of applicant, and feels that further investigation is unnecessary at this time to determine the need of such increased rates.

The Commission therefore finds:

1. That the application should be granted, and that suspension order issued January 13, 1919, should be vacated and the Uintah Railway Company be permitted to publish and put into effect on ten days' notice to the public and the Commission the increased rates hereinbefore set forth.

2. That tariff naming increased rates should bear on title page the following notation:

> "Issued on less than statutory notice by authority P. U. C. U. Order in Case No. 102, which order shall not affect any subsequent proceeding relative thereto."

An appropriate order will be issued.

By the Commission.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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. 1919.

In the Matter of the Application of the UINTAH RAILWAY COMPANY for permission to increase its present freight rates set forth in Tariffs P. U. C. U. Nos. F-9 and F-16. } **CASE No. 102**

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 suspension order issued by the Commission January 13, 1919, be, and the same hereby is, vacated.

ORDERED FURTHER, That the application herein be, and the same hereby is, granted, authorizing the Uintah Railway Company to publish and put into effect on ten days' notice to the public and to the Commission, the increased rates asked for in the petition, and set forth in the Commission's Report herein.

ORDERED FURTHER, That the tariff naming such increased rates shall show upon the title page, the following notation:

> "Issued on less than statutory notice by authority P. U. C. U. Order in Case No. 102, which order shall not affect any subsequent proceeding relative thereto."

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the matter of the Application of UTAH POWER & LIGHT COMPANY for permission to put into effect Surcharge Steam Schedule in Salt Lake City, Utah. } **CASE No. 104**

ORDER

Upon motion of the petitioner, and by the consent of the Commission;

IT IS ORDERED, That the proceedings in the above entitled case be, and the same hereby are, dismissed without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 17th day of January, 1919.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES PAPPAS, for permission to operate an automobile stage line between Garfield and Magna, Utah. } **CASE No. 117**

Submitted January 29, 1919. **Decided February 5, 1919.**

King, Braffet & Schulder for petitioner.

E. F. Allen for protestant, J. H. Yates.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant herein asks for the privilege of operating a stage line between Magna, Utah, and Garfield Townsite, Utah, and alleges that the service now being given by J. H. Yates, under permission granted by the Commission, is inadequate; that the schedule is not being observed as published; that the fares charged are not uniform but are increased if the number of passengers is small; that the automobile now being used is totally inadequate to meet the demand; that some trains arriving at Magna carry 15 to 20 passengers, and that many have to walk a distance of five miles on account of inadequate facilities furnished by Mr. Yates for their transportation. The applicant, in his petition, sets out that he would use at least two seven-passenger cars, and guarantee to meet all trains and maintain a uniform scale of prices.

J. H. Yates and Art. Lindgreen filed a protest against the granting of the application, and alleged that they are already providing ample conveyances for all travel between Magna, Utah, and Garfield Townsite, Utah; that they meet trains at Magna and promptly convey all passengers desiring transportation to Garfield or intermediate points. They allege further that on account of restricted travel they have been operating at a loss for sixty days prior to the date of filing the protest, which was December 28, 1918. A memorandum of receipts and expenses was attached to the pro-

test in order to prove the extent of the loss. They ask that no permit for a rival line be granted by the Commission, but that they be given a chance to make up their losses as the volume of traffic increases.

The case was set for hearing January 2, 1919, and was continued to January 10, 1919, at which time testimony was taken, arguments were heard, and the case was submitted. On request of the applicant the case was reopened and a final hearing was had on January 29, 1919, and final submission of the issues was made.

The testimony offered was of a very conflicting character. Reputable witnesses testified that they had been unable to secure transportation on certain occasions, and particularly on December 12, 1918. It was also shown that the protestant had failed to meet, regularly, the midnight train from Salt Lake City, reaching Magna at 12:10 a. m. This testimony was supported by various documents signed by residents of the district, who favored the granting of the application.

For the protestant there was equally weighty testimony that the service given by the present stage line operators was regular, safe and adequate. Residents and business men who were patrons of the line made written statements that the service given was satisfactory and sufficient. Mr. Yates testified in explanation of the failure to have cars at the train on the particular date complained of, December 12, 1918, that he was ill with the influenza for several days, including that date, and that he had engaged the applicant herein, James Pappas, to conduct the stage line for him during his illness, and that if the service failed it was the fault of Mr. Pappas.

Mr. Yates further testified that he had not regularly met the midnight (12:10 a. m.) train from Salt Lake, for the reason that few passengers used that train, but that he had an arrangement under which he would meet the train on request. At the rehearing of the case, testimony was given by John Rasmussen, of Magna, Utah, to the effect that he had been engaged by Mr. Yates to meet the late train with his Studebaker car, and transport passengers to Arthur and Garfield. Under cross-examination the witness was unable to fix the date on which he commenced this service, but he thought it had been a month or more ago. He would not state that the arrangement was made prior to the filing of this application.

The schedule filed with the Commission by Mr. Yates shows that he proposed to meet all trains of the Salt Lake &

Utah Railroad Company on their arrival at Magna, beginning at 8:55 a. m., and continuing up to and including the 6:55 p. m. train, and that he proposed to give special service connecting with the 8:55 p. m. train at Magna, and with the so-called midnight train. This special service is construed to mean service given on request.

The public undoubtedly has the right to expect that the operator of an automobile stage line will give the service provided for in the schedules filed with the Commission, and at the rates therein specified. Gross neglect in the matter of service, or overcharge as to rates, will not be permitted by the Commission. On the contrary, we shall insist that the present operator of the line live up strictly to the requirements of the Commission and the rules and regulations governing automobile transportation, and that the service shall be regular and adequate.

However, in the light of the testimony given by the protestants and undisputed by the applicant, which testimony was that there had been a serious falling off in the amount of traffic during the influenza epidemic, there probably was some justification for failure to meet night trains regularly, if experience had shown that the traveling public was not regularly using those trains, and in the absence of request for special service, especially in view of the provisions of Mr. Yates' schedule. The allegation that overcharges were made was not proved.

As we view it, the applicant did not make out a case strong enough to show that the permission heretofore granted to Mr. Yates should be revoked. Notwithstanding evidence directed against the character and reputation of the present operator of the line, we are not convinced that the service would be in any safer hands if a change were made as proposed in this application. The petition will be denied.

An order will be entered accordingly.

(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 5th day of February, A. D. 1919.

In the Matter of the Application of JAMES PAPPAS, for permission to operate an automobile stage line between Garfield and Magna, Utah. } **CASE No. 117**

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.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for authorization to raise its rates on milk and cream. } **CASE No. 118**

Submitted February 13, 1919. Decided March 19, 1919.

Thomas L. Mitchell for applicant.
H. W. Prickett for protestants.

REPORT OF THE COMMISSION

By the Commission:

The applicant, the Salt Lake & Utah Railroad Company, asks that the Public Utilities Commission of Utah issue an order authorizing it to increase its rates on milk and cream, to conform to the rates fixed by the United States Railroad Administration, the rates under said order being an advance of 25 per cent on the rates charged and collected before such order was issued. It is alleged that a like increase has been and is being charged and collected by the Denver & Rio Grand Railroad and the Los Angeles & Salt Lake Railroad, competitors of this petitioner; that such proposed rates are necessary to keep the rates of the petitioner substantially on a parity with the rates established and in force on said competing lines, and to avoid injustice to and discrimination between shippers; and also to avoid affecting prejudicially the rates and income of the United States Railroad Administration in the territory served by the petitioner; that the proposed increase is necessary in order that the petitioner may receive a fair, reasonable and just compensation for such service, and receive a fair, reasonable, adequate and just return upon its investment; that the milk and cream is handled by the petitioner in a car operated especially for that purpose.

The petition was opposed and contested by the Mutual Creamery Company, et al., upon the grounds that the present rates are sufficiently high; that the protestants have their principal place of business in Salt Lake City, and are

engaged in the purchase and sale of milk and cream and other farm products, and in the manufacture, sale and distribution of butter, cheese and other products of milk and cream; that said protestants receive and forward large quantities of milk and cream transported and handled by the petitioner; that a portion of said milk is manufactured into cheese and the cream is manufactured into butter, which articles are shipped by freight to all parts of the United States in competition with cheese and butter manufactured in surrounding states where milk and cream is transported by carriers at lower rates for similar distances than are now in effect via the applicant's railroad; that the existing rates for the transportation of milk and cream between points on the railroad of said petitioner, are materially higher than the express transportation for the same commodity between points in the State of Colorado and other states; that the advancing of rates by the petitioner would be prejudicial and would tend to retard the development of the dairy business in this State, while the tendency should be to encourage and increase the production of such commodities to meet the increasing requirements of the people.

The testimony on the part of the applicant was to the effect that formerly milk and cream had been transported upon the cars of the Railroad Company in the baggage compartment of passenger cars, but, in order to give more convenient service to the protestants and others, the Railroad Company had installed a special milk car, which was attached to the regular passenger train at Payson at 8:00 a. m., and picked up all the milk and cream between Payson and Salt Lake City and delivered said milk and cream at about 10:40 a. m. at Salt Lake City; that said additional service was provided at the request of the protestants in order that all of the milk and cream might be received at once and handled to a better advantage by the purchasers. The expense to the Company for such additional service was one reason why the advance in rates was asked for, because the extra expense of such service is not covered by the rates at present charged and collected. It was claimed by the petitioner that the car mileage of the milk and cream car is one hundred thirty-four miles per day, and that the car mile cost is 54½ cents, which amounts to $73.03 per day; that the daily revenue from the operation of said milk and cream car at the present rate is $30.93 per day, making a daily loss of $42.10; that the proposed increase would make a daily revenue of $38.66 from the operation of said

express car, while the cost would remain $73.03, making still a loss of $34.37.

The figures presented by the applicant, purporting to show the expense per car mile for operating the milk and cream car, were not entirely convincing. The applicant admitted that the car mile cost, as shown, 54½ cents per mile, was not necessarily the actual cost of operating this car, but was the average cost of operating all cars in its passenger, freight and express services. Admission was made that the passenger cars cost more per mile for operation than did the milk and cream car, and it was further shown that 65 to 70 per cent of the car mileage was represented by passenger cars. It was admitted further that the out-of-pocket cost of operating this car was probably not in excess of 20 cents per car mile, or $26.80 per day, while the income under the existing rates is $30.93 per day. The increase proposed would make a daily revenue of $38.66 from the operation of this car. While we are not taking the position that the Company should operate a car for this particular service, or for any service, on the basis of its out-of-pocket cost, we are, nevertheless, inclined to the opinion that the average per car mile cost of all cars operated should not be taken as the basis of operating costs for the milk car.

Another item that was brought out in the testimony is that this particular car is used not only for the carrying of milk, but for handling newspapers on the outward trip each morning from Salt Lake City, and for handling baggage and express. Testimony did not disclose what the revenue from this newspaper, baggage and express service was, but that there was some revenue from it was made clear, and this, of course, should be credited against the cost of operating the car.

The question as to whether the special car service should be discontinued and substituted by the carrying of the milk in the baggage compartments of regular passenger cars, was given consideration. If this were done it would undoubtedly be a reduction of service, because not all of the milk could be carried on the same car, and there would of necessity be delay and inconvenience both to the farming communities from which the milk is gathered, and to the dairy companies in Salt Lake City who are purchasers of the milk. The saving to the Company if the milk car were taken off the run would, of course, be merely the out-of-pocket cost of the operation. In our opinion the inconvenience to the public outweighs the arguments in favor of taking this car off.

There is no accurate basis upon which to fix rates on various commodities. It is impracticable to determine with reference to any particular kind of freight, exactly what is the cost of handling it. In practice, when new rates are made they are based upon the rates in effect elsewhere on the same commodities, operating conditions, volume of traffic and the competitive trade situation being given due consideration. This brings us to the point emphasized by the protestants wherein they presented exhibits and offered testimony to show that the present milk and cream rates charged by the applicant are in excess of the rates that are being charged for like movement similar distances in many of the states surrounding Utah, where operating conditions are no more favorable than in this State. For instance, Witness Prickett for the protestants testified that the rates in effect after the recent 25 per cent increase, between points in Colorado, Wyoming, Nebraska and Kansas, for distances above twenty-five miles, are lower than the rates at present in effect on applicant's road. Likewise, the rates now in effect, after 25 per cent increase, between points in Idaho, Montana and Washington, are lower for all distances under seventy miles than are the rates over applicant's line.

Exhibits were filed to show that this condition exists in most of the surrounding states, and testimony was given to the effect that operating conditions in the territory served by the applicant's line, were advantageous for the movement of the commodities in question.

The increased rates asked for, if granted, would still further add to the burden placed upon companies such as the protestants herein, who are forced, under competitive conditions, to market their products, in part at least, outside of the State. Some weight, we think, should properly be given to the argument of the protestants, that the increase asked would tend toward the discouragement of the dairy interests in the territory this railroad serves. If this were the result it would follow that the revenues of the railroad would be reduced instead of increased by the application of higher rates.

The point raised by the petitioner with reference to the advisability of keeping its rates equal with the advanced rates of its competitors now under Federal control, is one that merits some comment. This Commission is of the opinion that the action of the Government, through Director General McAdoo, by which rates were increased, would not of itself justify us in authorizing an advance.

The rate increases that became effective January 1, 1919, under Mr. McAdoo's Order No. 56, have not been passed upon by this Commission. No opportunity to review them has been given, and we are in no way bound to attempt to maintain parity of rates between this applicant and Federal controlled lines, even though, as suggested, our failure to do so might adversely affect the revenues of Government controlled lines. We hold that a showing must be made as contemplated in our law to justify a rate increase.

The Commission has heretofore had under consideration the question of allowing some advance on milk and cream rates, the matter having been brought to our attention when the American Railway Express wished to advance rates on these commodities, and others, 10 per cent. The plea was made that this was a war measure; that the American Railway Express was under quasi-government control, and that contractual relations existed with the United States Railroad Administration, under which approximately half the proceeds of the Company went to the Railroad Administration. Under the showing made at that time, the Commission issued its order allowing 10 per cent advance on milk, provided the rate as advanced should not exceed the then existing rate on cream. This order became effective September 7, 1918, since which time milk handled by the Express Companies has been assessed the higher charges.

We are somewhat inclined to take similar action now. However, it will be noted that the principal arguments that induced us to grant that permission are lacking here; namely, the interest of the Government in the revenues and the fact that the advance was an emergency war measure. Our inclination to grant an increase of 10 per cent in the instant case, where 25 per cent was asked, results from another consideration, which is that since the present rate on milk and cream was fixed by the applicant in 1913, the service has been improved by putting on a special milk and cream car for the better, quicker and more convenient handling of the traffic. Admittedly this better service costs more than the old method; how much more we do not know. The applicant expressed a willingness during the hearing to withdraw its request for a rate increase if protestants and the Commission would allow it to return to the former method of handling this traffic. As hereinbefore stated, we would not, as at present advised, favor this reduction of service. Therefore, we shall allow a 10 per cent increase to compensate in part or in whole for the extra service, with the provision that the new milk rate shall not exceed the present rate on cream.

The petitioner relied, in part, for justification of its request for increased milk and cream rates, upon exhibits and testimony presented in Case No. 78, wherein it was emphasized that excessive increases in the cost of materials used in railroad construction and operation had occurred because of war conditions. We feel that this case should not be closed without some comment on the question raised by this request.

The issues presented in Case No. 78 were passed upon by the Commission during the time that hostilities were still active, and materials and labor were at a premium. Since the signing of the armistice, however, there has been an appreciable decline in the cost of important material items used by the railroads, and during the period of readjustment that has already set in it is reasonable to expect that material, and probably also labor, costs, will undergo a substantial reduction. To grant an increase of rates now because of conditions that prevailed when Case No. 78 was heard, in September, 1918, would not seem to be logical. Rather, it would seem the part of wisdom to permit utilities to bear temporarily during the period of reconstruction, such share of the public burden as they can carry without too seriously affecting their financial stability.

It must be apparent that if the abnormally high costs now obtaining are ever to be adjusted to what might be termed normal costs, some one must make the initial movement in that direction. While there is no question here of asking the petitioner to make, at this time, a reduction in its rates and charges, we are inclined to suggest that it should be modest in its demands for increases, because if the policy of general and substantial advancement in cost of transportation is to be pursued, the process of readjustment will be indefinitely delayed.

Under all conditions shown to exist in connection with this milk car movement, we believe the rates should be permitted to advance only to the extent, and solely for the reasons, hereinbefore set forth.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
(SEAL) WARREN STOUTNOUR,
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 19th day of March, A. D. 1919.

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for authorization to raise its rates on milk and cream. } **CASE No 118**

This case being at issue upon petition and protest 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 thereof:

IT IS ORDERED, That applicant be, and it is hereby, authorized to increase its rate on milk and cream 10 per cent, provided that the increased rate on milk shall not exceed the present rates on cream.

ORDERED FURTHER, That said rates may be made effective upon not less than ten days' notice to the public and to the Commission.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of SALT LAKE & UTAH RAILROAD COMPANY, for permission to construct a railroad track on Ninth South Street, crossing at grade the intersections of First West Street, Jefferson Street, West Temple Street, and the existing track of the Utah Light & Traction Company on West Temple Street, Salt Lake City, Utah.	**CASE No. 119**

Submitted January 27, 1919. **Decided February 11, 1919.**

Thos. L. Mitchell for applicant.
R. G. Lucas for Walker Estate, et al.
H. L. Mulliner for protestants.

REPORT OF THE COMMISSION

Highway Grade Crossing Permit No. 32.

GREENWOOD, Commissioner:

The applicant in the above entitled case petitions the Commission to grant permission to it for the construction, maintenance and operation of a track, crossing at grade First West Street, Jefferson Street and West Temple Street, Salt Lake City, Utah.

The petitioner alleges that it is a corporation, duly organized, existing under and by virtue of the laws of the State of Maine, owning and operating a line of railroad in the State of Utah; that it proposes to construct, maintain and operate a railroad track in Ninth South Street, Salt Lake City, Utah, extending from its existing main line on First West Street easterly, crossing at grade First West Street, Jefferson Street and West Temple Street; that the right and privilege to construct a track upon said streets was granted to the petitioner by an ordinance and franchise duly passed by the Board of Commissioners of Salt Lake City; that a separation of grades at either of the above described intersections is neither reasonable or practicable;

that neither public convenience nor necessity demands the separation of grades at any of said crossings; but that public convenience and necessity will be conserved by the construction, maintenance and operation of said railroad at grade across each and all of the said streets, and also across the track of the Utah Light & Traction Compny.

The matter came on for hearing upon said petition and a protest entered by a number of people who contended that the operation of a spur track along the street, as prayed for by the petitioner, was dangerous not only for the traveling public, but especially dangerous and inconvenient for the numerous school children who were compelled to cross and recross said streets; that the operation of freight trains or cars was particularly dangerous and would result in great damage to the property and residences on the said street; that a crossing at grade could not be accomplished without hindrance and danger to the traffic, particularly along West Temple Street, which is one of the main arteries of travel to and from Salt Lake City from the suburban parts south.

The testimony was to the effect that the applicant was a corporation, as alleged in its petition; that it, for some time past, was, and at present is, engaged in the operation of an electric railroad from Salt Lake City south into Utah County as far as the city of Payson, a distance of about sixty-six miles; that in approaching the City of Salt Lake the right-of-way of the Company is on First West Street, traversing said First West Street from the south up to and past First South Street; that for the purpose of taking care of its freight in warehouses and storage depots on what is known as the Walker Block, situated between Main Street and West Temple Street, and Eighth South and Ninth South Streets, the Board of Commissioners of Salt City, by an ordinance duly passed, granted to the Salt Lake & Utah Railroad Company a franchise and right-of-way for the construction and operation of an electric railroad upon and over certain streets named in the application; that the franchise was granted subject to certain provisions set out therein, and as more particularly appears in an ordinance granting said franchise, under date of June 8, 1918.

Some testimony was given to show the unfavorable results that would attend the construction, maintenance and operation of a track along said streets, as contemplated by the petition, the contention being that it would tend to depreciate property by making it undesirable for residences.

The question of grade crossing was gone into, testimony being introduced by the applicant as well as the pro-

testants. Further testimony was submitted directed at the feasibility of an overhead crossing as well as a subway.

An examination of the streets and surrounding conditions was made by the Commission, and reports were obtained from the engineer of the applicant, and from the engineer of the Commission.

The propriety of constructing, maintaining and operating a spur track along the street, and the question of depreciation to the contiguous property, are not matters to be determined by the Commission. These questions were, no doubt, submitted to the Board of Commissioners of Salt Lake City and duly weighed and considered before a franchise was granted. The question submitted to the Commission for its determination is whether the construction of the spur referred to in the franchise should be at grade or otherwise, and, if at grade, what rules and regulations should be required to be observed by the utility in the construction, maintenance and operation of said spur.

The power of the Commission is set out in Sections 13 and 14, Article 4, of the Public Utilities Act of Utah, prescribing the matter of safety appliances, as well as the regulation of grade crossings, and reading as follows:

> "Sec. 13. SAFETY APPLIANCES REQUIRED. The Commission shall have power, by general or special orders, rules or regulations, or otherwise, to require every public utility to construct, maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices, at grade crossings, or junctions, and block or other system of signalling, to establish uniform or other standards of construction and equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand.
>
> "Sec. 14. GRADE CROSSINGS—REGULATION. (a) No track or any railroad shall be constructed across a public road, highway or street at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the

track of a railroad corporation at grade, without having first secured 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, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each crossing of one 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 or street railroad, and of a street by a railroad or vice versa, and to alter or abolish any such crossing, and to require where, in its judgment, it would be practicable, a separation of grades at any such crossing heretofore or hereafter established, and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the alteration or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected, or between such corporations and the state, county, municipality or other public authority in interest."

The testimony disclosed that the construction of an overhead crossing at the street intersections in question, under the conditions existing, would be impracticable. The distance from the point where the spur diverges from the main line on First West Street to the intersection at Jefferson Street, is so short that the grade would be impracticable to operate over. The distance from the intersection at West Temple Street to the point where the spur would enter the warehouse property, in order to be operated for the purposes for which it is to be built, would occasion such a grade as to make it impracticable at the east end of the spur. The plan to make said crossings by subway would likewise be impracticable, for the reason that the operation of a street car line by the Utah Light & Traction Company on West Temple Street would be interfered with, especially that part of the street car line which leads from West Temple Street east on Ninth South Street.

The question then resolves itself into one problem, which is: Shall the petitioner be allowed to construct a track across the intersections mentioned and described herein at grade?

After a careful consideration of the testimony with reference to the intersections on Ninth South Street with Jefferson Street, First West Street and West Temple Street, I am of the opinion that the permission should be given.

It is true that the construction, operation and maintenance of a car line over Ninth South Street will add to the danger and possibility of accidents. It is likewise true that the matter of safety should always be considered in the construction, maintenance and operation of public utilities; that grade crossings, where they can reasonably be dispensed with, should be avoided. The most efficiently managed lines of railroad are giving closest attention to the proposition of safety.

The argument that many other grade crossings in Salt City have heretofore been constructed and maintained is not necessarily conclusively favorable to new constructions of such crossings. On the other hand, contention by protestants that regulations and rules concerning the crossings at grade in various parts of the City are constantly violated, should not of itself be a bar to other grade crossings. If rules and regulations imposed by franchise conditions have heretofore been ignored, the future should develop such a disposition on the part of officers concerning the carrying out of rules and regulations as would tend to correct such violations. The franchise in this case prescribes the manner and time of operating cars along the streets, which, together with the conditions and regulations proposed hereinafter by the Commission, will furnish reasonable safety if precautions are taken by the Company to safeguard the operation of the cars against accidents or inconvenience to the traveling public.

In addition to the requirements concerning the operation of the cars on the spur in question, as set forth in the ordinance granting the franchise to the applicant, the following regulations and conditions should be imposed upon the Company in its operation of its cars over the intersections and upon the streets named herein:

First: That all trains shall be operated with a train crew consisting of motorman, conductor and at least one brakeman.

Second: All cars or engines operated over said spur, before passing over First West Street, Jefferson Street and West Temple Street, shall be preceded by one of the crew whose duty is to learn if the way is clear and if it is safe to proceed, while the other members of the crew shall take

positions on the train where they can render the best possible protection to the public, and to prevent persons from getting upon the track, coming in contact with the cars, or attempting to climb upon the same.

Third: The speed of all cars or engines shall not exceed four miles per hour over crossings.

Fourth: In operating cars upon said spur at the intersections of the streets herein described, such operation shall not be conducted in such a manner as to obstruct the travel upon said streets for a greater length of time than is reasonably necessary to move three cars over and upon said intersections, and in no event longer than five minutes.

Fifth: The applicant shall construct and maintain diamond-shaped metal signs, not less than two feet in vertical dimension, similar to the one used by the Utah Auto Association. A circle shall be inscribed on the said sign with two R's in the upper half, the entire circle to be made white, with a cross and the two R's in black, the metal outside of the circle to be printed yellow. The said signs shall be located on Ninth South Street, First West Street, Jefferson Street and West Temple Street, approximately one hundred feet from the point where the spur crosses the intersections, and shall be in sufficient number, and so placed, that they shall constitute a warning plainly to be seen by drivers of vehicles, and pedestrians approaching said intersections from either direction.

The Commission reserves the right to modify or enlarge upon the regulations herein set forth, if the operation of the spur track at grade over such streets shall be deemed necessary.

The above is hereby adopted as the Order of the Commission.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

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

Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CLARK ELECTRIC POWER COMPANY, for permission to change its schedule of rates.	**CASE No. 120**

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

IT IS ORDERED, That the proceedings in this case be, and they are hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this Third day of March, A. D. 1919.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UINTAH TRANSPORT & PRODUCE COMPANY, for a certificate of convenience and necessity authorizing the operation of an automobile freight line to Fort Duchesne, Moffat and Vernal, Utah. (In addition to points covered in Case No. 98.)	**CASE No. 121**

Decided January 20, 1919.

REPORT OF THE COMMISSION

By the Commission:

Comes now the UINTAH TRANSPORT & PRODUCE COMPANY, and represents it is the successor to the Duplex Truck Sales Agency, V. A. Van Horn, Manager, and is a corporation existing under and by virtue of the laws of the State of Colorado; that it has complied with the requirements of the laws of the State of Utah; that it is engaged in the transportation of property between the towns of Price and Helper, Utah, and the towns of Duchesne, Myton, Roosevelt and Whiterocks, Utah; and petitions the Public Utilities Commission of Utah for authority to extend its operations to include Fort Duchesne, Moffat and Vernal, Utah;

And the Commission having caused investigation to be made, and being fully advised in the premises, finds:

1. That present and future convenience and necessity require and will continue to require the extension of the service now being given, to include Fort Duchesne, Moffat, and Vernal, Utah.

2. That the application of the Uintah Transport & Produce Company should be granted.

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. 30

At a Session of the PUBLIC UTILITIES COMMISSION OF Utah, held at its office in Salt Lake City, Utah, on the 20th day of January, A. D. 1919.

In the Matter of the Application of the UINTAH TRANSPORT & PRODUCE COMPANY, for a certificate of convenience and necessity authorizing the operation of an automobile freight line to Fort Duchesne, Moffat and Vernal, Utah. } **CASE No. 121**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the Uintah Transport & Produce Company, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate a truck line for the transportation of property to Ft. Duchesne, Moffat, and Vernal, Utah.

ORDERED FURTHER, That applicant shall at all times operate in accordance with the rules and regulations prescribed by the Commission.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the DODGE STAGE LINE, for permission to operate an automobile stage line between Roosevelt and Price, Utah, via Myton. } **CASE No. 122**

Submitted February 8, 1919. Decided February 11, 1919.

F. E. Woods for Applicant.

M. B. Pope and Fred L. Watrous for Duchesne Stage & Transportation Company.

Mr. Lee for Uintah Transport & Produce Company.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above matter came on for hearing on the 28th day of January, 1919, at Price, Carbon County, Utah, upon the application of the Dodge Stage Line, and the protests of the Duchesne Stage & Transportation Company and the Uintah Transport & Produce Company.

The testimony in the case disclosed that there is at present no service being given by any authorized automobile corporation or persons for the transportation of passengers from Price to Myton, or from Myton to Price; that a number of people live at various points between Price and Myton; that the establishing of a route between said points would be of great advantage to those people; that the road from Myton to Price would be preferable to that from Myton to Helper, via Duchesne, notwithstanding it is about eight miles farther, for the reason that there is 2,000 feet less elevation to climb; that the road from Price to Myton is open for travel with automobiles practically all the year around, while the road from Myton to Helper, via Duchesne, is blocked for the transportation of passengers with automobiles, during some parts of the year, and that at such times it becomes necessary to transfer the passengers into sleighs to carry them over the mountain top; that with some slight improvements upon the road, the run from Myton to

Price could be accomplished much easier, and in less time, during the entire season, than in traveling the other route.

There was filed with the Commission, petitions liberally signed by numerous people living at Roosevelt and other points nearby, asking the Commission to favor and encourage the operation of passenger service between Price and Roosevelt, via Myton.

It appeared that the road leading from Roosevelt to Helper, via Duchesne, is a good road, that it has been improved recently, and that the State has done some work, especially at the elevated points. It further appeared that with the exception of the winter season the Duchesne road at present was much the better.

At the close of the testimony on the part of the applicant, the protestant, Uintah Transport & Produce Company, withdrew all protests and opposition to the petition of the Dodge Stage Line, and likewise withdrew its application for a certificate of convenience and necessity, recommending, however, that a certificate be issued to the Dodge Stage Line.

The Duchesne Stage & Transportation Company withdrew opposition and protest to the issuing of a certificate of convenience and necessity to the applicant, with the proviso that said applicant's route be limited between the points from Price to Myton. They insisted upon their protest against the operation on the route between Myton and Roosevelt, a distance of twelve miles, upon the ground that the Commission had heretofore granted permission to the said Duchesne Stage & Transportation Company authorizing them to transport passengers from Helper to Vernal, and that the portion of the route named in the applicant's petition, between Myton and Roosevelt, came in competition with protestant, and that if the application was allowed it would greatly interfere with and damage the operation of the Duchesne Stage & Transportation Company.

The only question remaining in dispute in this proceeding is presented by the Duchesne Stage & Transportation Company, which objects to the operation from Myton to Roosevelt, for the reasons above stated. It is true that the distance of twelve miles, from Myton to Roosevelt, is along the same route and over the same road that the Duchesne Stage & Transportation Company carries passengers. There appears, however, to be a great demand on the part of the people at Roosevelt, that a means be provided by which they may travel to Price, via Myton and Nine Mile, and return.

The Commission has endeavored to reasonably prevent

from what is known as the Uintah Basin to Price and Helper any unnecessary competition in the operation of automobiles, either for passenger or freight service, the purpose being to encourage adequate service, and such service as can be depended upon and that will meet the demands of the traveling public, but in carrying out that policy we can not lose sight of what will best serve the demands and requiremnets of the public. To require the Dodge Stage Line to book passengers only as far as Myton, no doubt would have the effect of injuring the service from Price to Myton and Roosevelt. It is not the purpose of the Commission to allow the applicant to interfere with any patronage that would naturally come to the Duchesne Stage & Transportation Company on their route from Helper to Vernal. Neither should the Dodge Stage Line be allowed to do any local business between Myton and Roosevelt.

It appeared from the testimony that Roosevelt was a growing nucleus or center of a number of small towns and communities, and that it is a point which attracts the people who live for a number of miles out, who come to Roosevelt to transact their business, and it is made a starting point for the traveling public in going to various points in and out of the Uintah Basin. The inconvenience to passengers who desire to travel from Price to Roosevelt would be very much aggravated by requiring a terminus to be made by the Dodge Stage Line at Myton, at which passengers must wait until the stage from Helper, via Duchesne, reached that point, and then re-book passage to Roosevelt.

We have here presented a question of competition, to some extent. Passengers would decide which of the two companies, road conditions considered, would be the more attractive, such competition could not be influenced by a difference in price, the Commission reserving the right at all times to decide what the rate should be.

Under the conditions existing, as set out and described by the testimony, together with the demands of the public at various points upon the route in question, there is a reasonable necessity and convenience for the establishing of a passenger service between the points named in the application, and in granting such right to so establish service, the Commission is not unmindful of the necessity of protecting the existing service being given by the Duchesne Stage & Transportation Company, but it would appear to be a violation of the spirit and intention of the law if, under the conditions presented in this case, the application were denied.

It would further appear that there is sufficient travel

to keep the two companies reasonably busy. That is true, especially, when we take into consideration the population and the prospects for further development and building up in the Uintah Basin. There is only one other means by which the traveling public may find egress from and ingress into this prosperous and growing district. The other means of travel into the Basin requires a much longer distance, and if proper service is afforded by the two companies the great bulk of traffic will be over the lines of the applicant and protestant herein.

It is, therefore, decided that the best possible service to the public will be afforded if the application is granted, and it is accordingly granted.

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. 32

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of February, A. D. 1919.

In the Matter of the Application of the DODGE STAGE LINE, for permission to operate an automobile stage line between Roosevelt and Price, via Myton. } **CASE No. 122**

This case being at issue upon petition and protests 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 applicant, DODGE STAGE LINE, 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 Roosevelt and Price, Utah, via Nine Mile and Myton.

ORDERED FURTHER, That applicant shall file with the Commission, and post at each station on this route, schedule of rates and charges for such transportation of passengers, together with the schedule of time for such operation; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission for the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UINTAH TRANSPORT & PRODUCE COMPANY, for permission to operate an automobile stage line for the transportation of passengers, between Price and Roosevelt, Utah.	**CASE No. 123**

ORDER

Upon motion of the petitioner herein, as appears of record in the testimony submitted at the hearing held at Price, Utah, on January 28, 1919, and by the consent of the Commission:

IT IS HEREBY ORDERED, That the application of the Uintah Transport & Produce Company, for permission to operate an automobile stage line for the transportation of passengers between Price and Roosevelt, be, and the same hereby is, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 13th day of February, 1919.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

SAMUEL BELL, Complainant,
vs.
JOHN ISBELL, Defendant.

CASE No. 124

Submitted February 28, 1919. Decided March 10, 1919.

J. M. Foster for Complainant.

Edmond H. Ryan for Defendant.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The time and place for hearing of the above entitled matter was fixed for February 28, 1919, at Cedar City, Utah, at which time the matter came on for hearing upon the complaint of the plantiff and the answer of the defendant.

The complaint alleges and complains of the defendant as follows:

That the defendant, John Isbell, was operating an automobile stage line between Lund and Cedar City, Utah, from August 15, 1918, until the time of the filing of the complaint; that the defendant did not file with the Public Utilities Commission of Utah, a schedule of rates and fares as required by the rules and regulations of the Commission; that the defendant failed to equip his automobiles in such manner as to promote the comfort, health, safety and convenience of his patrons; that he failed to furnish sufficient service to meet the demands of the public; that his automobiles were of such kind and nature that he had frequent breakdowns, requiring, at various times, passengers to walk or wait until other conveyances could be obtained; that the defendant had operated his automobile without a horn; that the defendant had at times failed to give the service as required by the rules and regulations of the Commission. Complaint therefore asks that the defendant's privilege of operating said stage line be declared forfeited.

To the complaint the defendant filed his answer, denying the allegations of the complainant wherein it is charged that defendant has violated the rules and regulations of the Commission in the operation of his cars in transporting passengers between the points in question, and alleging that he has operated his cars at such time and under such conditions as to give reasonable and adequate service to the traveling public; that his cars have been so equipped as to be able to perform the necessary work of transporting passengers; admitting that in their operation he had broken down, which is not an unsual thing in the experience of operating automobiles, and that such accidents happen to other service corporations, and that the recurrence of such accidents has not been any more than happens to every individual or corporation who operates automobiles over like routes; that he had kept his cars repaired and had done everything he could to reasonably comply with the rules and regulations controlling and governing such service.

The testimony submitted at the hearing was to the effect that the defendant had been operating automobiles between Lund and Cedar City for a number of months; that his operation was under the direction of the Public Utilities Commission of Utah; that at times the defendant had failed to give the best of service and was operating cars which should have been in better condition, but on the whole the service had been given in a manner that would hardly warrant and support the allegations of the complaint. It appeared, according to the testimony, that the service given by the defendant, was in a degree connected with that given by Benjamin Knell, who is also operating an automobile stage line between Lund and Cedar City.

The route over which the service in question is given is a desert road, the condition of which varies with the seasons. During the stormy weather the road is inclined to be muddy and travel over the same is accomplished with some difficulty.

It further appeared that the defendant, Mr. Isbell, had been absent from Cedar City, and the operation of the service was left in the hands of his wife and driver, who testified to the effect that the cars had been running on schedule time. It did, however, appear that the cars used by Mr. Isbell were not in as good condition as they might have been.

After a careful consideration of the testimony presented, it would appear that some of the allegations of the com-

plaint were proven, but not to the degree that would call for an order depriving the defendant of his right to operate under the permission heretofore given.

It may be proper to here observe that the defendant will be expected to furnish an improved service in some respects; that the cars and their equipment must be such as will more fully meet the requirements of the law as well as the rules and regulations prescribed by the Commission, one special requirement being that the cars shall be so equipped as to make them comfortable and suitable to the requirements of the traveling public, especially in the winter time.

Further requirements are that all cars shall be sufficient in motive power and equipment so as to make the trip without any liklihood of their breaking down or failing on the road, except on account of unavoidable accidents. The traveling public is entitled, and is warranted in expecting, to have cars that are sufficient in every reasonable thing that tends to make the journey over the desert, safe, certain, convenient and comfortable. Should the defendant fail to comply with the above requirements, then the matter of depriving him of the right to operate may be called in question.

There is a condition existing in this matter that is not satisfactory. It would appear that there is some kind of a partnership existing between Mr. Knell and Mr. Isbell, but it seems to be an understanding that tends to give unsatisfactory service. The handling of the cars seems to be cooperative, that is, service is divided, and unless there are enough passengers only one is required to make the trip on schedule. It would better meet the requirements of the service if there was a more definite relationship between the parties named. There is a partial partnership, but no responsibility, apparently, to the public jointly. This is not the best arrangement that could be entered into, and that should really be entered into by parties who are operating as are Mr. Knell and Mr. Isbell. It is to be hoped that matters can be and will be adjusted by the parties to better facilitate the giving of service, and to place the responsibility upon the parties giving it, rather than the uncertainties of the mutual understanding had between the parties without notice of such understanding to the public.

After a careful consideration of the testimony given in this matter, the conclusion is reached that the complaint has not been sustained, and the prayer of the complainant

asking that the Commission rescind the privilege heretofore given the defendant, of operating along the route in question, is denied.

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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of March, A. D. 1919.

SAMUEL BELL, Complainant,
vs.
JOHN ISBELL, Defendant.
} **CASE No. 124**

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 in this proceeding be, and it is hereby, dismissed.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of SAMUEL BELL, for permission to operate an automobile stage line between Cedar City, Utah, and Lund, Utah. } **CASE No. 125**

Submitted February 28, 1919. **Decided March 10, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Application for permission to operate an automobile stage line between Cedar City, Utah, and Lund, Utah, was filed under date of January 18, 1919. Petitioner asks that in the event the Commission shall declare John Isbell's privilege of conducting and operating automobile service between Cedar and Lund, forfeited, the Commission grant applicant the privilege of conducting said route.

Upon hearing of the complaint made by Mr. Bell against Mr. Isbell, it was concluded and decided that the testimony was not sufficient to warrant the prayer of the complainant, and said prayer was denied. (See Case No. 124.) The application for the right to operate between the points named, will, therefore, be denied.

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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of March, A. D. 1919.

In the Matter of the Application of SAMUEL BELL, for permission to operate an automobile stage line between Cedar City, Utah, and Lund, Utah. } **CASE No. 125**

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 herein be, and the same hereby is, denied.

By the Commission.

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

126. In the Matter of TRANSPORTATION IN EXCHANGE FOR ADVERTISING.

(Reported in 1917 Report.)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of LEIGH & GREEN, for permission to operate an automobile freight and express line between Lund and Parowan, Utah. } **CASE No. 127**

REPORT OF THE COMMISSION

By the Commission:

Application having been made to the Public Utilities Commission of Utah, by LEIGH & GREEN, of Lund, Utah, for a certificate that present and future public convenience and necessity require, and will continue to require, the operation of an auto truck freight line between Lund, Utah, and Parowan, Utah; and the Commission having caused investigation to be made, and being fully advised in the premises, finds:

That present and future public convenience and necessity require, and will continue to require the operation of an auto truck freight and express line between Lund, Utah, and Parowan, Utah, and that the application of Leigh & Green should be granted.

An appropriate order will be issued.

Dated at Salt Lake City, Utah, this 10th day of February, A. D. 1919.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 31

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of February, A. D. 1919.

In the Matter of the Application of LEIGH & GREEN, for permission to operate an automobile freight and express line between Lund and Parowan, Utah. } **CASE No. 127**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicants, LEIGH & GREEN, be, and hereby are, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line for the transportation of freight and express, between Lund, Utah, and Parowan, Utah.

ORDERED FURTHER, That applicants shall file with the Commission, and post at each station on this route, schedule of rates and charges for such transportation of freight and express; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission for the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Petition of the BAMBERBER ELECTRIC RAILROAD COMPANY, for interpretation of Item No. 6, of its Switching Tariff No. 21-B, P. U. C. U. No. F-42. } **CASE No. 128**

OPINION AND ORDER

By the Commission:

This proceeding came before the Commission on an application, in which the Bamberger Electric Railroad Company and the Continental Oil Company joined, to have the Commission pass upon and interpret Item No. 6 of Bamberger Electric Railroad Switching Tariff No. 21-B, P. U. C. U. No. F-42, effective August 5, 1918. The item referred to contains three paragraphs reading as follows:

> "To equalize the receipt and delivery of Competitive Freight, the Bambarger Electric Railroad will absorb at its junction points with other lines, where track connections exist, the Switching Charges of such competing lines, lawfully on file with the Interstate Commerce Commission, when the Carload Freight is competitive with the line whose Switching Charge is absorbed.
>
> "The Bamberger Electric Railroad will absorb the Switching Charges of connecting lines on Carload Freight to or from the Western Pacific Railway Company, when such Carload Freight is destined to, or received from points outside of the Salt Lake City Yard Limits.
>
> "The Bamberger Electric Railroad will absorb such Switching Charges of delivering carriers covering switching performed within the Salt Lake City or Ogden Yard Limits, as is necessary to equalize the rate of competing carrier or carriers."

Investigation of the matter was had before the Commission on January 6, 1919, the Bamberger Electric Railroad Company being represented by Mr. Julian M. Bam-

berger, its President; Mr. J. W. Lowrie, its Traffic Manager, and Mr. Ray B. Needham, its General Freight and Passenger Agent; the Continental Oil Company being represented by Mr. C. W. Fifield, its Division Manager, and Mr. W. D. Hanks, its Local Traffic Manager. Additional views of the Continental Oil Company were presented in a document presented by Mr. P. R. Naylor, its Traffic Manager at Denver, Colorado, which was received by the Commission while the investigation was in progress.

The action arises over carloads of petroleum products originating on the line of the Oregon Short Line Railroad at Salt Lake City, which are switched over to the Bamberger Electric and by that railroad carried to Ogden, where they are delivered to a connecting carrier which performs the switching service to the destination point.

The issue turns on the interpretation to be given to Item No. 6. Of the three paragraphs contained in this item, the first and third only have any bearing upon the question. The language of the two paragraphs is admittedly confusing and indefinite.

In one view, Paragraph 1 would make necessary the absorption of switching charges under the conditions named, irrespective of line haul rates, on the theory that the paragraph provides for such absorption as a means of equalizing the facilities used in the receipt and delivery of competitive freight, while Paragraph 3 would apply only when, and to the extent, necessary to effect rate equality.

Another view would regard the two paragraphs as having identical meaning, and would limit the absorption to such amount as was necessary to equalize the rates for the line haul.

Under the first interpretation the Bamberger Electric Railroad would be required, by the provisions of Paragraph 1, to absorb the switching charges in question, notwithstanding its rate now for the line haul is lower than that of its competitor. Under the second interpretation, no absorption could be made by the Bamberger Electric Railroad, because none is necessary to equalize rates.

Whatever might be the Commission's opinion as to the correct interpretation of Item No. 6, we find ourselves unable to construe it in such a way as to relieve the Bamberger Electric from the necessity of absorbing the switching charges under consideration, because in doing so we would in effect be granting an increase in the cost to the shipper for the entire movement from point of origin to destination. In other words, the Bamberger Electric would

be receiving more for the movement of a given carload of petroleum products from the consignor at Salt Lake City, to the consignee at Ogden, since the rates were advanced under W. G. McAdoo's General Order No. 28, than it received for the same movement prior to that date, and the increase would in this way become effective without a showing of the necessity for such increase, as provided in Paragraph 1 of Section 4830, Compiled Laws of Utah, 1917, which reads as follows:

> "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."

The Commission is of the opinion that under the provisions of Item No. 6, of Switching Tariff No. 21-B, P. U. C. U. No. F-42, the Bamberger Electric Railroad Company should absorb switching charges on the movement of freight in question, and it is so ordered.

Dated at Salt Lake City, Utah, this 19th day of February, 1919.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the B. & O. TRANSPORTATION COMPANY, for Certificate of Convenience and Necessity authorizing the operation of motor truck service between Salt Lake City, Murray, Midvale and Sandy, Utah. } **CASE No. 129**

Submitted March 4, 1919. **Decided March 7, 1919.**

REPORT OF THE COMMISSION

By the Commission:

Hearing on the above petition was held, after due notice had been given to interested parties, at the office of the Commission on March 4, 1919. There were no protests against the granting of the petition, either oral or in writing, except that the Salt Lake & Utah Railroad, in a letter dated February 19, 1919, after asserting that it had no direct interest in the proposed motor truck service, continued by saying:

> "In common with all railroads we object to the use of the public highways by commercial motor truck companies and object to the inauguration of such service as a general proposition."

The Oregon Short Line Railroad, in a letter dated February 24, 1919, and signed by its General Solicitor, advised that it had no objection to the granting of the application. No communication was received from the Denver & Rio Grande Railroad.

Mr. A. Oberg appeared in behalf of the applicant, and his testimony was to the effect that he was the owner and manager of the B. & O. Transportation Company; that his company is not incorporated; that he personally owns the equipment that it is proposed to use in the transportation service, which equipment consists of one two-ton truck, and a two-ton trailer, the two being capable of handling a maximum load of five tons.

He testified that he had made a canvass of the merchants and business people of Murray, Midvale and Sandy, and had found a very general desire for the establishment and operation of a freight service such as he proposed to inaugurate; that owing to the infrequent service by the steam railroads it had become necessary to resort to motor transportation in order to get satisfactory freight movement along the route in question; that this condition had prompted the application herein, and that if a certificate of convenience and necessity were granted, he purposed to give daily service between Salt Lake City and the three towns mentioned.

The route over which his trucks would operate would commence at his depot on West Second South Street, Salt Lake City; thence east to State Street; thence south along State Street to Murray; thence continuing along State Street to Midvale Junction; thence westerly from Midvale Junction to Midvale. Returning to Midvale Junction the route would continue southerly along State Street to Sandy. The return trip would be made over the same route.

It was testified that applicant had opened a depot at 353 West Second South Street, Salt Lake City, and would have an agent on duty there during business hours to receive freight shipments consigned to Murray, Midvale and Sandy, and to issue regular receipts to the consignors. At present the truck would leave the depot at about 1 o'clock p. m., and make delivery at the various points during the early afternoon.

He further testified that his company was prepared to increase its facilities as the demand for freight service enlarged, and if and when necessary would be prepared to make two trips a day instead of the one provided for at present.

Applicant planned, according to the testimony offered, to receive freight in Salt Lake City only at its depot. At the points of destination, however, delivery would be made to the consignees in the business district of each of the three towns. Arrangements would be made so that shipments consigned to other than business houses, or to residents living outside of the business district, would be delivered at a central point in each of the towns, probably to one of the merchants, where it could be called for by the consignee.

As to his financial responsibility, Mr. Oberg testified that he was the owner of Salt Lake real estate, and that he owned the equipment to be used in this service, valued

at about $3,300. He further stated that his Company would carry insurance against accidents that would be a protection to shippers.

After due consideration of the matter the Commission is of the opinion that in view of the conditions shown to prevail in connection with freight movements from Salt Lake City to Murray, Midvale and Sandy, there is reasonable need for the establishing of a motor transportation service between these points; and inasmuch as the applicant herein appears to be financially responsible and appears to be provided with equipment sufficient to begin this transportation service, and to have the endorsement and support of interested shippers and receivers of freight in Salt Lake, Murray, Midvale and Sandy, public convenience and necessity demands that the application be granted, with the stipulation, however, that the applicant shall forthwith file with the Commission and give public notice by posting in its depot in Salt Lake City and in conspicuous places in Murray, Midvale and Sandy, rates and schedules proposed to be established in connection with the freight service.

An appropriate order will be entered.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 33

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 7th day of March, A. D. 1919.

In the Matter of the Application of the B. & O. TRANSPORTATION COMPANY, for Certificate of Convenience and Necessity, authorizing the operation of motor truck service between Salt Lake City, Murray, Midvale and Sandy, Utah. } **CASE No. 129**

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, B. & O. 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 freight between Salt Lake City, Murray, Midvale and Sandy, Utah.

ORDERED FURTHER, That the said B. & O. Transportation Company shall at all times operate said stage line in accordance with the rules and regulations of the Commission, governing the operation of automobile transportation lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HOWARD HOUT, for permission to operate an automobile stage line between Salt Lake City, Utah, and Park City, Utah. } **CASE No. 130**

Submitted March 5, 1919. **Decided March 20, 1919.**

Charles A. Gillette for applicant.

REPORT OF THE COMMISSION

By the Commission:

In an application filed January 27, 1919, Howard Hout asks permission to operate a stage line between Salt Lake City, Utah, and Park City, Utah. He submits a schedule providing for cars leaving Salt Lake City at:

8:00 o'clock a. m.; 11:00 o'clock a. m.
2:00 o'clock p. m.; and 5:00 o'clock p. m.

and leaving Park City at:

8:00 o'clock a. m.; 11:00 o'clock a. m.
2:00 o'clock p. m.; and 5:00 o'clock p. m.

The rates proposed for the service are $2.00 per person for one-way trip, no provision being made for reduced round-trip tickets.

In the application it is stated that the only competition the stage line would have, at present doing business, would be the Denver & Rio Grande Railroad Company, which has one train each way daily, leaving Salt Lake City at 8:20 o'clock a. m., and leaving Park City at 2:30 o'clock p. m.

On January 29, 1919, an application was filed by E. B. Harrison and J. A. Berger, asking the same permission, (Case No. 131).

On February 24, 1919, a similar application was filed with the Commission by Joe Gerrans and Matt J. Contratto, (Case No. 136).

The three applications were heard on March 5, 1919, at 2 o'clock p. m.

Testimony on behalf of Mr. Hout was that he intended to equip the line with either new Cadillac cars or new White cars, of ample carrying capacity to take care of all the traffic offered between Salt Lake City and Park City; that he would be prepared to begin the service at as early a date as the condition of the roads through Parley's Canyon permitted, and that he would continue the service as late in the year as was consistent with road conditions.

Testimony was presented for Mr. Harrison and Mr. Berger to the effect that they were financially able to provide equipment and conduct the service in a way to care for all of the traffic between the points mentioned.

Applicants, Joe Gerrans and Matt J. Contratto, were present at the hearing, and after listening to the testimony in behalf of Mr. Hout and in behalf of Harrison and Berger, stated in open session that they were willing to withdraw their application unless it was considered proper to allow them to operate a car or two over the route. Apparently they were not inclined to accept full responsibility for handling all the traffic between the points.

The Commission has had occasion, during the past two years, to know something of the character of service that has been given over the Salt Lake City-Park City line, by the Daisy Stage Line, of which this applicant, Howard Hout, was at one time manager, and later receiver. Mr. Hout has given good service to the public, and has been found always willing to co-operate with the Commission in carrying out any suggestions and in endeavoring to improve the quality of the service. Very few complaints have been registered by the traveling public, and on the whole the Commission has been satisfied with his manner of conducting the business as to convenience, comfort and safety of patrons of the line.

We have no way of judging as between the service Mr. Hout will give and that which would be given by the other applicants if permission were given for them to operate, but inasmuch as Mr. Hout has showed himself capable of rendering the service required, and inasmuch as his Company held a certificate of convenience and necessity last year and operated while roads were in usable condition, we are not inclined to disturb his right to operate on that line by the granting of an additional certificate to other applicants. Furthermore, Mr. Hout was the first to file with the Commission an application for permission to operate this year.

During the testimony it was brought out that applicants, Harrison and Berger, would be willing to operate in

competition with Mr. Hout's line, and there was some testimony to the effect that in the judgment of witnesses competitive service was desirable. The Commission is not inclined to view with favor the proposal to grant permission for competitive lines where one company is found to be financially able to handle the entire traffic. The Public Utilities law contemplates regulation of utility service rather than competition, and the spirit of the law would, in our opinion, be violated by throwing the service into open competition. We are inclined to think, also, that under competitive conditions, the eagerness to give quick transportation might induce some recklessness in operation, and thus the safety of passengers would be jeopardized. There is a necessity for careful driving over a road such as extends between Salt Lake City and Park City, where extremely dangerous canyon conditions are encountered, with steep hills, sharp curves, and dangerous dugways, all along the line. It is partly because of the splendid record made by the stage lines operating under the management of Mr. Hout, and the very few accidents, and those of only minor character, that have resulted during the period that this Commission has had the line under supervision, that we have decided to give preference to Mr. Hout in granting him permission to continue the operation of the Salt Lake-Park City Stage line during the year 1919.

An appropriate order will be issued.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 36

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of March, A. D. 1919.

In the Matter of the Application of HOWARD HOUT, for permission to operate an automobile stage line between Salt Lake City, Utah, and Park City, Utah. } **CASE No 130**

This case being at issue upon petition on file, and having been duly heard and considered, 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, HOWARD HOUT, 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 Salt Lake City and Park City, Utah, via Parley's Canyon.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of E. B. HARRISON and J. A. BERGER, for certificate of convenience and necessity for the operation of an automobile stage line between Salt Lake City, Utah, and Park City, Utah.	**CASE No. 131**

Submitted March 5, 1919. **Decided March 20, 1919.**

T. D. Lewis for applicants.

REPORT OF THE COMMISSION

By the Commission:

This is an application of E. B. Harrison and J. A. Berger, for a certificate of convenience and necessity for the operation of an automobile stage line between Salt Lake City, Utah, and Park City, Utah.

The case was heard March 5, 1919.

Inasmuch as the Commission has rendered a decision in Case No. 130, and has granted a certificate to operate over the line in question to Howard Hout, and inasmuch as the opinion in that case recites that the Commission is not favorable to granting competitive service over this line, the application herein is hereby denied.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 March, A. D. 1919.

In the Matter of the Application of E. B. HARRISON and J. A. BERGER, for certificate of convenience and necessity for the operation of an automobile stage line between Salt Lake City, Utah, and Park City, Utah. } **CASE No. 131**

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 application herein be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. CLOAN, J. BERGER, P. L. JONES, and A. L. INGLESBY, for permission to operate an automobile stage line between Salt Lake City and Bingham, and from Bingham to Copperfield and Highland Boy, Salt Lake County, Utah.

CASE No. 132

Submitted April 28, 1919. **Decided May 13, 1919.**

E. A. Leatherwood for Applicants.
Booth, Lee, Badger & Rich for Protestants.

REPORT OF THE COMMISSION

By the Commission:

Applicants herein allege that they are residents of Bingham Canyon, Salt Lake County, Utah, and property owners within the State. They ask for permission to operate an automobile stage line between Salt Lake City and Bingham Canyon, and between Bingham Canyon and Copperfield; and also between Bingham Canyon and Highland Boy, all of which places are within Salt Lake County, State of Utah.

It is alleged that the service now being given between these points is not sufficient and adequate to meet the needs of the traveling public.

M. P. Culver and Eugene Chandler entered formal protests against the granting of the application, Mr. Culver alleging that he had been, and was now, operating an auto stage line between Salt Lake City and Bingham Canyon, and Eugene Chandler alleging that permission was granted him July 30, 1918, to operate an automobile stage line between Bingham Canyon and Highland Boy, and between Bingham Canyon and Copperfield. Both protestants declared that they had been giving adequate service under the rules and regulations of this Commission.

Prior to the time of the hearing, one of the applicants, J. Cloan, withdrew as a party of the proceeding, and on February 28, 1919, the applicants withdrew their requests for permission to operate between Bingnham Canyon and Copperfield and Highland Boy.

The case was heard March 7, 1919, and on subsequent dates. There was considerable testimony for the applicants tending to show that the service on the Salt Lake to Bingham Line had not been satisfactory; that cars had been at times over-crowded, rendering the transportation unsafe and uncomfortable; that the published schedules as to time of departure on both ends of the line had been disregarded, and that frequently cars had failed to leave at the appointed time, and in some instances had left ahead of time, thus discommoding patrons. There was also some testimony attempting to show some connection of the operators and employees of the present stage line with the illicit traffic in liquor.

On the part of the protestants testimony was given that the service had been all that was required or reasonably needed by the public.

The case was argued and submitted on March 13, 1919. Subsequently the Commission caused investigation to be made as to the operation of the stage line, and as to certain unauthorized competitive service, and as a result of these investigations the case was reopened on the Commission's motion, and supplemental proceedings were had April 28, 1919, at which time further testimony was taken as to the character of the service being given by the present operators, and particularly as to the activities of J. Berger, who, it appeared from the testimony, had been engaged in transporting persons between Salt Lake City and Bingham Canyon with more or less regularity, and in direct competition with the authorized stage line. Competent testimony showed that he had solicited patronage openly on the public streets of Salt Lake City, and had transported passengers at the regular fare charged, and over the identical route used by the authorized stage line.

Bingham Canyon is a mining town with a population of about 4,000, and is a social and business center for a very much larger population than that of the town itself. It is situated about 26 miles southwest of Salt Lake City. Rail transportation is provided by the Bingham & Garfield Railway Company, which operates passenger trains over a circuitious route via Garfield to Salt Lake City, and by the Denver & Rio Grande Railroad, which gives a branch

line passenger service to Salt Lake City, connecting with its main line at Midvale. The most convenient, direct and available means of transportation, however, is that provided by automobile stages. The highways are maintained in condition for regular service except possibly after a fresh fall of snow in the winter season. For a number of years the people of Bingham and Salt Lake City have relied chiefly on this form of transportation, and it means much to the social and business life of the community of Bingham to have regular, safe, convenient and adequate service by auto stages. The Commission feels that its first duty in this matter is to provide these reasonable needs of the public.

Petitions on file with the Commission and the testimony offered at the hearing, clearly indicate dissatisfaction of a pronounced character, with the service now being given, and while it is recognized that there will generally be complaints against any utility serving the public, we are impressed that in this case we should take such action as would more adequately care for the needs of the people.

One of the serious phases of the situation, as viewed by the Commission, is the lack of direct responsibility and control in the operations of the Consolidated Auto Stage Line, of which M. P. Culver is the reputed head. Frequently when complaints have been registered against the service given by this line, the Commission has been unable to get satisfactory action remedying the conditions, because apparently the various persons interested in the Consolidated Auto Stage Line failed to recognize the authority of Mr. Culver as manager of the line, which position he had declared to the Commission he held. Not only have these various drivers and automobile owners who operate under some loose form of association as the Consolidated Auto Stage Line, failed to recognize Mr. Culver's authority, but they have not been amenable to the authority of this Commission. We have not been able to secure satisfactory adjustments of grievances or to fix responsibility for laxity of service, notwithstanding we have repeatedly demanded of Mr. Culver that he exercise the control and assume the responsibility which his position as manager can reasonably be assumed to place upon him.

The applicants herein declared it to be their intention to incorporate a company for the operation of the stage line, if permission is granted them to give the service. Mr. Culver and one of his associates, Samuel Barnes, have also expressed their intention to incorporate a stage line company to take over the rights now held by the Consolidated

Auto Stage Line, but they say in case the latter organization is effected it is not expected that all of the drivers and owners of automobiles now operating as the Consolidated Line, will become stockholders in the corporation, and thus there would continue to be the same lack of responsible governing head that now exists.

Under these conditions, we are inclined to depart somewhat from our usual finding and to grant permission to establish competitive service between Salt Lake City and Bingham. In reaching this conclusion we are not unmindful of the advantages of regulated monopoly in the giving of utility service. Indeed, if we could feel absolutely certain that the present operators could and would render the service needed by the public, and if there could be a centralized control of the operations with full recognition by all operators and drivers of automobiles on the line of the managerial authority of the designated head of the stage line, we should be inclined to deny permission for any other service to be established; but as hereinbefore indicated, our experience has been the reverse of satisfactory because of the lack of control, and also because of the unwillingness on the part of certain drivers and owners of cars to recognize the regulatory authority of the Commission.

While we are inclined to grant permission for the competitive service we are of the opinion that one of the applicants, J. Berger, has, by his entering into competition with the authorized stage line while his application was pending before the Commission, shown that he fails to recognize, and is unwilling to yield to, the authority of the Commission. So far as the said J. Berger is concerned, therefore, the petition will be denied.

The experience we have had with loose forms of copartnership or other association of individual drivers of automobiles in stage line service, has served to convince us that we should more definitely fix responsibility upon those to whom certificates of convenience and necessity are issued. Inasmuch as only A. L. Inglesby and P. L. Jones of the applicants herein remain to be considered, we are inclined to grant the right to operate to Dr. Inglesby, and leave to him the matter of organizing a company, in which Mr. Jones may be associated if he desires.

Dr. Inglesby stated while on the witness stand, that he would be willing, on his own responsibility, to organize and incorporate a company to undertake the transportation business between Salt Lake City and Bingham Canyon, and that he would personally accept the responsibility of man-

agement of the stage line if the Commission granted the application. The financial responsibility and personal integrity of Dr. Inglesby was vouched for before the Commission, and we are, therefore, inclined to grant the application insofar as the said A. L. Inglesby is concerned, and to authorize the issuance of a certificate of convenience and necessity to him for the operation of a stage line between Salt Lake City and Bingham, Utah.

An appropriate order will be entered.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 44

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. 1919.

In the Matter of the Application of J. CLOAN, J. BERGER, P. L. JONES, and A. L. INGLESBY, for permission to operate an automobile stage line between Salt Lake City and Bingham, and from Bingham to Copperfield and Highland Boy, Salt Lake County, Utah. } **CASE No. 132**

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 of J. Berger for permission to operate an automobile stage line between Salt Lake City and Bingham, be, and the same is hereby, denied.

ORDERED FURTHER, That applicant, A. L. Inglesby, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Salt Lake City, Utah, and Bingham, Utah; provided, That applicant, P. L. Jones, may, if such plan is mutually agreeable, become associated with A. L. Inglesby in the operating of said stage line, provided further that nothing herein shall give said P. L. Jones a right to operate independently, but only under the permission herein granted to said A. L. Inglesby.

ORDERED FURTHER, That applicant, A. L. Inglesby, shall file with the Commission and post at each station on

his route, a printed or typewritten schedule of rates and fares, together with a schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

133. In the Matter of the Application of the OREGON SHORT LINE RAILROAD and the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to construct spur tracks to serve the Utah Oil Refining Company, Salt Lake City, Utah.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the IRON COUNTY TELEPHONE COMPANY for permission to change its schedule of rates. } **CASE No. 134**

Decided December 29, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed December 26, 1918, the Iron County Telephone Company asked authority to increase its rates and make certain changes in the classification of service.

The case was docketed for hearing April 15, 1919, but, upon motion of petitioner, was postponed without date.

No further action having been taken by applicant on this matter, the proceedings in this case should be dismissed without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 29th day of December, A. D. 1919.

In the Matter of the Application of the IRON COUNTY TELEPHONE COMPANY for permission to change its schedule of rates. } **CASE No. 134**

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, without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE, GARFIELD & WESTERN RAILWAY COMPANY, and the INLAND RAILWAY COMPANY, for permission to increase rates.

CASE No. 135

Submitted October 29, 1919. Decided November 24, 1919.

REPORT OF THE COMMISSION

By the Commission:

A hearing on the above entitled application was had on the 28th day of March, 1919.

The application sets out that the Salt Lake, Garfield & Western Railway Company, by Joseph Nelson, its President and General Manager, on behalf of itself, and the Inland Railway Company, under authority of concurrences on file with the Interstate Commerce Commission from the said Inland Railway Company, petitions the Commission for authority to file on five days' notice the increased rates therein set forth. It is proposed to increase certain rates now in effect between points on the Salt Lake, Garfield & Western Railway and on the Inland Railway in the State of Utah, published in Salt Lake, Garfield & Western Tariff No. 3-B, P. U. C. U. No. 3, and as set forth in Exhibit "A" which is made a part of the petition. It also proposes to increase demurrage charges and switching charges to conform to those now in force on Federal controlled railroads, as set forth in said Exhibit "A".

Except as to the rates on coal and the minimum charge for the handling of less than carload shipments, it is desired to increase the present rates so as to conform to the increased rates as provided in General Order No. 28, issued by the Director General of Railroads. The reason for not desiring to advance the rates on coal, the petitioner alleges, is that potash plants and other manufacturing plants are located on its lines of railroad and use quantities of coal; and that to advance transportation rates on coal would no doubt result seriously to the aforesaid industries, especially to that of manufacturing potash, for the reason that im-

portation of potash from foreign countries when peace is declared is expected to have the effect of materially reducing the domestic selling price of said commodity.

Testimony was to the effect that the rates and charges established heretofore and now on file with the Commission were fixed many years ago, and, under the conditions then obtaining, were considered just and reasonable, but under the changed conditions they have become unjust, unfair and unreasonably low, for the reason that while the said rates and charges have remained stationary, all of the elements of cost for rendering transportation service have greatly increased and are continuing to increase.

The principal commodity handled over the rails of the petitioner is salt, which is shipped from Saltair and Crystal, Utah, to points within and beyond the State of Utah. The majority of said shipments move under joint rates published in connection with Federal controlled railroads. Prior to June 25, 1918, when General Order No. 28, increasing freight rates 25 per cent, became effective, the petitioner received, and it now receives, as its division of the aforesaid joint rates, 5 cents per hundred pounds; but the increased joint rates resulting from General Order No. 28 have not increased the revenues of the petitioner, for the reason that the United States Railroad Administration would not allow to non-Federal controlled railroads a division of the joint through rates that are in excess of the local rates in force between the junction points with the Federal controlled railroads and place of destination. It follows, therefore, that while on all movements under joint rates the shipper pays the 25 per cent increase, the applicant gets no part of it, while the controlled line gets not only the 25 per cent advance for its haul, but also gets the increase for the haul made by its non-controlled connections.

The petitioner is asking the Commission for authority to advance the existing rates as shown in Exhibit "A", which is made a part of the petition, as follows:

COMMODITY:		Rates in Cents Per 100 Lbs. Present Rate	Proposed New
†High Explosives, Gun Powder, Common and Black Blasting Powder, carloads; minimum weight 20,000 lbs.		10	12½
†High Explosives, Gun Powder, Common and Black Blasting Powder, less than carloads; minimum charge 50 cents		20	25
‡Water, in Tank Cars; minimum weight 48,000 pounds		2½	3
Sand and Gravel, carloads; minimum weight 48,000 pounds		2½	3½
	FROM		
Stone, artificial and natural, building and monumental, except carved, lettered, polished or traced, carloads; minimum weight 24,000 pounds	*Ewings, Utah *Salt Lake City, Utah *Haskell, Utah *Saltair, Utah	5	7
Stone, broken, crushed and ground, carloads; minimum weight 24,000 pounds	*Saltair Beach, Utah *Saltair Junction, Utah	5	6
Brick, except enameled or glazed, carloads; minimum weight 24,000 pounds	*Crystal, Utah *Crystal Junction, Utah *Jordan, Utah	5	7
	TO	5	7
Cement, Cement Plaster, and Plaster, carloads; minimum weight 24,000 pounds	*Salt Lake City, Utah	5	6½
Lime, carloads; minimum weight 24,000 pounds	*Ewings, Utah *Haskell, Utah	5	5
Coal, carloads; minimum weight 24,000 pounds	*Saltair, Utah		
All Commodities, not otherwise provided for, in straight carloads; minimum weight 24,000 pounds	*Saltair Beach, Utah *Saltair Junction, Utah *Crystal, Utah	5	6½
All Commodities, not otherwise provided for, less than carloads; minimum charge for any single shipment 25 cents	*Crystal Junction, Utah *Jordan, Utah	10	12½
	FROM		
Coal, carloads; minimum weight 48,000 pounds (Exception to Item No. 25)	*Salt Lake City, Utah TO *Haskell, Utah	2½	2½
	FROM		
Coal, carloads; minimum weight 48,000 pounds (Exception to Item No. 25)	*Salt Lake City, Utah TO *Jordan, Utah	5	2

† Rates on Explosives and Powder are applicable in connection and in compliance with regulations fixed by the Interstate Commerce Commission.

‡ Will not apply eastbound.

* No Agent. Freight charges must be prepaid.

SWITCHING CHARGES

Rate per car, including movement of load and empty.

	Present	Proposed
Local	$6.00	$7.50
Interchange	3.00	3.00

DEMURRAGE CHARGES

As at present:

SECTION A. After the expiration of free time allowed, a charge of $2.00 per car per day, or fraction of a day, will be made until car is released.

As proposed:

SECTION A. After the expiration of free time allowed (see Item 9 hereof) the following charges per car per day, or fraction of a day, will be made until car is released:

For each of the first four days	$ 3.00
For each of the next three days	6.00
For each succeeding day	10.00

It would appear that the increase in line haul rates ranges from 20 per cent to 40 per cent, and the average increase asked is 25 per cent. An increase of 25 per cent on local switching charges is asked, and an increase in demurrage charges of 50 per cent for the first four days, 200 per cent for the next three days and 400 per cent for each succeeding day, making the average increase for eight days' charges 150 per cent. The increased revenues that would accrue to the Salt Lake, Garfield & Western Railway Company, under the proposed new rates and charges, if based on 1917 operations, would be $9,057.01 on line haul freight, $162.75 on switching, and $135.00 on demurrage, or a total increase of $9,354.76.

Based on the 1917 report of the Inland Railway, an increase of 25 per cent would have netted the Inland Railway Company $6,680.84 on line haul freight.

The proposed increase on demurrage charges appears to be the same as were in effect on the Federal controlled lines when the application was filed, while the increase proposed in switching charges covering movements from one point within the yard limits to another is also to the same basis as that in effect on Federal controlled lines.

No dividends were paid by either railroad company interested in this application during 1917 or 1918. In the case of the Salt Lake, Garfield & Western, its return on investment in 1917 was 3.83 per cent. In 1918, this return fell to .58 per cent. Under the proposed increases, using freight tonnage figures for 1917, (1918 figures being not

available) the rate of return would be but 1.95 per cent.

The Inland Railway, which has a very low capitalization, was shown to be earning at the old rates a fair return, amounting to 6.43 per cent in 1917 and 5.47 per cent in 1918, but owing to the peculiar conditions under which the road operates, we feel that any increased rates granted to the Salt Lake, Garfield & Western should be extended to the movement over the Inland Railway, which latter is little more than an industry track operated to facilitate the movement of salt to the market. It has no outlet, but merely connects the industries it serves with the Salt Lake, Garfield & Western line, which in turn connects with the larger rail lines at Salt Lake City.

Switching charges amount to an increase in the through rate and should not be allowed without a showing being made that would justify such advance. In this case, the yards of the applicant are shown to be not extensive, extending only from Third West to Tenth West Streets. The switching movement, therefore, measured by distance, is not so extensive as if the yards, as in the case of the larger roads, covered a large area. We are of the opinion that the present rate of $6.00 for the local switching movement should not be advanced as asked.

A similar application was filed with the Interstate Commerce Commission, and, after hearing, applicants requested this Commission to withhold action until such time as a report was received from the Interstate Commerce Commission. On October 29, 1919, advice was received to the effect that the increases sought had been granted by the Interstate Commerce Commission, and this Commission was requested to issue its report and order.

Certain changes in demurrage charges and rules have been made by the United States Railroad Administration since the hearing in this case was held, and it appears proper to permit advances in demurrage only to the extent same advanced on other railroads. The following demurrage charges are in effect on Federal controlled lines:

For each of the first four days after the expiration of free time	$2.00
For each succeeding day	5.00

There appears to have been a sufficient showing to justify the other advances asked for, and, after a careful consideration of the testimony submitted in this case, we are of the opinion that the petition should be granted as to

freight rates and demurrage, the latter not to exceed the present demurrage charges on Federal controlled lines.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 24th day of November, A. D. 1919.

In the Matter of the Application of the SALT LAKE, GARFIELD & WESTERN RAILWAY COMPANY, and the INLAND RAILWAY COMPANY, for permission to increase rates.	**CASE No. 135**

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 so far as it applies to switching charges, be, and the same hereby is, denied.

ORDERED FURTHER, That applicants be, and they are hereby, permitted to publish and put in effect on one day's notice to the public and to the Commission, rates for the transportation of freight and demurrage charges which will not exceed those set forth in the Commission's report.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOE GERRANS and MATT J. CONTRATTO, for permission to operate an automobile stage line for the transportation of passengers, between Salt Lake City, Utah, and Park City, Utah.

CASE No. 136

Submitted March 5, 1919. **Decided March 20, 1919.**

REPORT OF THE COMMISSION

By the Commission:

This is an application of Joe Gerrans and Matt J. Contratto, for permission to operate an automobile stage line for passengers, between Salt Lake City, Utah, and Park City, Utah.

The case was heard March 5, 1919.

Both of the applicants herein were present at the hearing, and each expressed a desire to withdraw the application. They were, however, called upon to state their position, under oath, and expressed a willingness to operate a car or two on the line if the Commission decided to grant competitive service.

Inasmuch as the Commission, in Case No. 130, decided to grant permission to operate on this line to Howard Hout, and inasmuch as in the opinion in that case the Commission expressed its belief that competitive service should not be granted on this route, the application herein is hereby denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 March, A. D. 1919.

In the Matter of the Application of JOE GERRANS and MATT J. CONTRATTO, for permission to operate an automobile stage line for the transportation of passengers, between Salt Lake City, Utah, and Park City, Utah. } **CASE No. 136**

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 application herein be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of BRIGHAM CITY MUNICIPAL CORPORATION, for permission to increase its rates for electric service, and change its rules and regulations.	CASE No. 137

Submitted May 22, 1919. **Decided June 10, 1919.**

REPORT OF THE COMMISSION

By the Commission:

The applicant in the above entitled case asks for an order authorizing it to fix and establish advanced rates and charges, as set forth in this revised schedule filed with, and made a part of the petition, also granting said City the privilege of establishing certain general rules and regulations concerning the operation of its municipal electric plant.

The hearing was held March 25, 1919, at Brigham City, Utah, after due notice had been given, as appears of record. There were no protests or objections filed or presented otherwise, with the exception of the protest of the Perry Electric Light & Power Company, a Utah corporation.

At the hearing it was shown that the applicant was a municipal corporation, organized under the laws of the State of Utah, and engaged, among other municipal activities, in supplying, within the limits of Brigham City, electricity for lighting, heating and power purposes; that on June 18, 1917, charges, rates and tolls for the use of electric power were fixed and determined, as appears in schedules filed with the Commission, a copy of which was introduced in evidence and marked "Exhibit A"; that the petitioner desires to change the rates in said schedule to other and higher rates, as set forth in petitioner's Exhibit "B", and to change and amplify the general rules and regulations.

The petition recites that there are outstanding electric light bonds, issued September 1, 1902, due September 1,

1922, to the amount of $30,000, and that the sinking fund provided to meet this bond issue, at the present time amounts to $15,907.36. It is further alleged as follows:

> "To retire said bonds at the date when due and pay the interest thereon, an annuity of $4,762.22, to bear not less than four and one-half per cent per annum, should be set aside, from the revenues derived from the operation of said plant."

Sections 792, 793 and 794, Compiled Laws of Utah, 1917, provide for the bonding for water, light and sewer. Section 794 provides how bonds shall be issued and disposed of, as follows:

> "The City Council or Board of Trustees, as the case may be, shall provide by ordinance for the issuance and disposal of such bonds, provided that no such bonds shall be sold for less than their face value. The City Council or Board of Trustees, as the case may be, shall annually levy sufficient tax to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same."

From the above section it would seem that the City Council is authorized and required to annually levy a tax to pay the interest on such bonds, as well as to create a sinking fund for the payment of the bonds when due, upon all assessable property within the municipality. The conditions of the bonds create a lien upon the said property for the payment of the obligation, both principal and interest. If these deductions are correct, it would not be proper to raise money with which to pay the interest on the bonds in question, or to create a sinking fund with which to pay the principal, from the revenue collected from the consumers of light and power.

HISTORY

As nearly as can be ascertained, the applicant invested in the lighting plant and system at one time the proceeds of a $30,000 bond issue, and at another time the proceeds of an additional $8,000 bond issue.

Subsequent to the hearing there was filed with the Commission certified copies of resolutions adopted by the

City Council of Brigham City, showing levies were made in 1904, 1905, and 1906 on the taxable property of the City, "to extend, construct and maintain the electric light works"; and a certificate of the County Treasurer showed the total taxes collected for the credit of Brigham City those years. From these documents it would appear that about $12,213.35 was collected in the form of taxes and applied to the use of the electric light works. So that, if we may assume that the city officials have laid before us all the facts concerning the financing of the electric light works, (and we believe they have earnestly tried to do so) it would appear that there has been an investment of money derived from bonds and taxes as follows:

Bond Issue	$30,000.00
Bond Issue	8,000.00
Taxes	12,213.35
Total	$50,213.35

A hydro-electric generating plant was built near the mouth of Box Elder Canyon, about one mile east of the city proper, but within the corporate limits. The location is considered an advantageous one for economical operation. The maintenance and operating charges connected with the plant have been relatively small. The proximity of the generating plant to the city obviates the expense attending long distance transmission of electric current, both as to upkeep of the transmission system and as to line losses.

The applicant fortunately has been able to supply electricity for light, heat and power purposes to the residents of Brigham City, at a very moderate figure, the cost for residential lighting having been 5 cents per kilowatt hour, and for other classes of service proportionately low.

Even while maintaining these favorable rates there have been surplus funds which the city officials have used for the extension of the distributing system, until now practically all of the residents are supplied with electric service.

From an investment of about $50,000, as hereinbefore stated, there has grown a plant costing approximately $122,000, according to estimates supplied by the City Manager, Mr. Roskelley. It would seem, therefore, that about $72,000 have been turned back into capital account in the form of plant extensions and betterments. This policy seems to have been approved by the consuming public, at least there

is no record of complaint having been made, and inasmuch as the users are the citizens of the city, and as such are in effect the owners of the plant, no one has been seriously discriminated against by that method of financing the extensions of the lighting plant.

This $72,000 of extension work having been accomplished in about fourteen years, the operating profit would seem to have been on the average over $5,000 a year. In addition to this $5,000 the plant has borne the bond interest charge. Under a proper system of municipal procedure and accounting, this bond interest would have been provided for by taxation, and had this been done the annual profit would have been about $6,500, as an average over the fourteen-year period.

REVENUES

The testimony was that the annual income from sale of power was $19,399.18, while the expenses of operation, including general administration, labor, supplies, maintenance and repairs, amounted to $10,500. These figures were not given as exact, but testimony was that they were a very close approximation of the true income and outlay for 1918. On this basis it will be seen the net income is now nearly $9,000 a year.

DEPRECIATION

Depreciation is the lessening in value of a property due to wear and tear in operation, the action of the elements, inadequacy and obsolescence and deferred maintenance. Depreciation is both actual and latent; so that it is necessary to create a fund to make replacemnets when and as required so as to guarantee the utility against loss of property in the public service, and to guarantee to the public adequate, efficient service as required. Of course, replacements of the property will vary from month to month as demands are made for that purpose. This means that the amount of money in the depreciation reserve will fluctuate. The very object of creating a reserve is to take care of these fluctuations from month to month. This reserve cannot be paid out in dividends, as it is in reality a trust fund created by the public.

As a utility requires money both as working capital and for capital investment, it appears reasonable that such portion of the depreciation reserve as it not immediately needed might be temporarily invested in the property. Such

portion of the reserve as is needed to meet immediate depreciation demands must be kept available. The portion of the reserve that is invested in a property should receive its proportion of the net income the same as the balance of the property. This income should be credited to the reserve. It follows then that this portion of the reserve that is invested in the property should not be deducted from the cost of reproduction new in arriving at a value for rate-making. Since this sum represents property used and useful in carrying on the business of giving service by the utility, it should be included in the capital investment.

A customer in receiving service from a utility pays a just and reasonable rate for good, efficient service. Insofar as a utility is permitted to fall below this standard the customer does not receive full service, so that to make sure the customer pays only for that which he received, the actual tangible depreciation of the property, otherwise deferred maintenance, should be deducted. The utility should at all times keep an amount equal to deferred maintenance liquid in its depreciation reserve. As this sum is subject to immediate demand and cannot be invested in the property, it should be deducted from the capital account.

When it is necessary for a utility to make replacements of such character that the depreciation reserve invested in the property must be used, the utility should capitalize the amount so invested, and replace in the reserve fund the amount borrowed from it.

The applicant furnished a statement from its engineer and city manager, (Exhibit II) purporting to show the value of the physical property used and useful in giving service to the people of the city. The statement was made the subject of inquiry during the hearing, and in the absence of an opportunity to completely check the items, was submitted to the Commission and accepted as a fairly accurate estimate of the cost of the plant to date. The total arrived at by the city manager was $122,998.12. Pending a physical valuation, this figure will be accepted as a basis for fixing a rate of depreciation.

No depreciation fund has been created, and the property has wasted away through various causes until at the present time the testimony of the city manager is that depreciation of the property has reached 80 per cent. It develops that expenditures for repairs and replacements were not enough to maintain the plant in efficient operating condition. The policy from the beginning has been to extend rather than maintain the plant, and, as stated before, the utility now

finds itself in a condition where no funds are available for replacements. A sound public policy demands that a company should be in a position at all times to replace worn-out, inadequate or obsolete property.

The purpose of setting up a depreciation reserve is clearly set forth by the Maryland Public Service Commission in re Chespeake & Potomac Telephone Company, reported in Public Utilities Reports Annotated, 1916 C, Page 961:

> "Consequently it would seem to be clear that the ideal condition for a public utility subject to state regulation would be for such a utility to have a depreciation reserve created and kept up by the public, at all times ample to cover not only the existing, visible deterioration of its property, but also all latent depreciation, in order that it might be in a position to make replacements when and as required. Such a reserve would stand as a perpetual guaranty to the utility against any loss the property might sustain in the public service, and at the same time as a perpetual guarantee to the public that the utility would always be in a position to render adequate service."

In the case now before us we must pass upon the question as to whether it is proper for customers now taking service to contribute money for reconstruction of the property which has wasted away in the past. A discussion of this question was had in the Supreme Court in the Knoxville Water Company case, where it is said:

> "A water plant * * * begins to depreciate * * * from the moment of its use. Before coming to the question of profit at all, the company is entitled to earn a sufficient sum annually to provide not only for current repairs, but for making good the depreciation and replacing the parts of the property when they come to the end of their life. The company is not bound to see its property gradually waste without making provisions out of earnings for its replacement. It is entitled to see that from earnings the value of the property invested is kept unimpaired, so that at the end of any given term of years the original investment remains as it was at the beginning * * *.
>
> "If, however, a company fails to perform this plain duty and to exact sufficient returns to keep the invest-

ment unimpaired, whether this is the result of unwarranted dividends upon overissues of securities or of omission to exact proper prices for the output, the fault is its own. When, therefore, a public regulation of its prices comes under question, the true value of the property then employed for the purpose of earning a revenue cannot be enhanced by a consideration of the errors in management which have been committed in the past."

In discussing this decision, the Maryland Commission says: (P. U. R. 1916 C, Page 963.)

"This language would seem at first blush to justify a public service commission or other regulatory body in holding that the proprietors of a public utility which had operated under the conditions above pictured should be obliged for all time to bear the loss in the value of their investment which they had failed to guard against in the past by setting up and maintaining adequate depreciation reserves.

"But a close study of this decision and of the numerous other decisions of the same court upon the subject of state regulation of public utilities leads us to believe that such language should not be so construed.

"In the first place it is seldom wholly just to penalize any one for failing to do a thing which he had no reason to believe it was his duty to do. Thirty years ago, or even twenty years ago, the theory of the depreciation reserve was hardly known, much less generally understood. As we know it today, it is an evolution in accounting so far as applied to public utilities. It has, of course, always been understood that a business man must make provision in advance against the time when the property used in his business will wear out and be no longer fit for use. But the idea that the proprietor of a public utility had an absolute right to charge the public a sum sufficient to create and maintain such a reserve was born of the necessity which arose when the states first began to engage actively in the regulation of rates, and to say that the man engaged in a public business of this character should be limited in his profits to a fair return upon his investment.

"And in the second place, a literal interpretation of this language of the Supreme Court would in many

cases defeat the very object which the state has in view in regulating such enterprises—the furnishing of adequate service at reasonable rates."

If depreciation be deducted from the value of the property in this case and rates be based on the remainder, namely 20 per cent, the property would in a short time be lost and service cease altogether.

It appears to the Commission that if mistakes have been made in the past by such utility through a failure to set up proper depreciation reserves, public policy demands that such mistakes should be quickly rectified and the utility placed upon a sound basis. We do not feel that a utility should be permitted to earn a sum sufficient in one year to correct evils where depreciation was ignored; that would place too heavy a burden upon the present consumers. It will, therefore, be necessary in order to insure the continued operation of the property that a substantial sum be set up each year to cover past depreciation and also depreciation which will accrue in the future. We have to determine in the first place how large a depreciation reserve the public should properly create and maintain, taking into account the age and physical condition of the property, and for this purpose the valuation of the property as submitted by the city manager is accepted.

In general a plant situated as is this one, will be on a proper basis of depreciation reserve, if the average life of the property is placed at twenty years, and if, therefore, a 5 per cent reserve is established. City Manager Roskelley accepts this basis for depreciation of the plant in question.

But a reserve fund established now on the basis of 5 per cent of the present value of the property obviously will not be sufficient to overtake the depreciation before the plant is worn out. It will, in fact, provide only for current depreciation, if the theory of twenty years' life for the property is correct. The city manager estimates that 80 per cent depreciation has already occurred, but even if we assume 50 per cent depreciation to date, it will require 5 per cent reserve for ten years to care for past depreciation. This 5 per cent and a like amount to cover current depreciation should, if continued ten years, place the property in good physical condition.

Basing, then, the depreciation reserve on the cost to date of the plant, which, as hereinbefore stated, is $122,998.12, we should provide earnings sufficient to produce $6,149.90 as an annual reserve fund for current depreciation, and $6,149.90 to care for past depreciation, or a total of

$12,299.80 annually. This amount closely approximates the sum that Mayor John W. Peters of Brigham City says will be needed annually to provide for replacement and renewals, his figure being $13,000, as given in a statement filed with the Commission after the close of the hearing.

INCREASED RATES

In this case applicant asked permission to increase its rates, both for power and lighting, and estimated that the increase, if granted, would provide additional revenue in the sum of about $9,000 per annum. It has been shown that in 1918 the net income was about $9,000. Therefore, if we granted the petition in full, and assumed that the same economical operating conditions would continue, there would be approximately $18,000 net income annually from which to provide for depreciation. It is apparent that this would be in excess of the amount needed.

The city contemplates spending this year an amount estimated at $12,800 to $13,000 in making extensive and necessary reconstruction in its street lighting system, and in removing the poles and wires of its distribution system from the main streets and serving customers in the business section from distribution lines located in the middle of the blocks, or in the rear of the business houses. These improvements will make for safety and service, and the Commission heartily approves the civic pride and enterprise shown in the projected improvements. These changes may be classified as renewals or replacements in this case, because the present system is obsolete and precarious, dangerous to life and property, and inefficient.

Of the funds needed some $9,000 will be available from 1919 earnings at present rates, leaving about $4,000 to be provided from some other source.

We cannot accurately determine in advance what the revenues will be under advanced rates, and, therefore, any rates fixed at this time may, in the light of actual experience, need to be readjusted, to provide enough and not too much. As at present advised, however, we believe the interests of the applicant and of the consumers will be best safeguarded by permitting an increase of rates of residential and commercial lighting, as indicated below:

	Old Rate Per K. W. H.	New Rate Per K. W. H.
First 100 K. W. H. per month	.05	.06
All in excess of 100 K. W. H. per month	.04	.05

PROTEST OF PERRY ELECTRIC COMPANY

The Perry Electric Light & Power Company protests the granting of applicant's petition insofar as it provides for a resale power rate which is higher than the rate now being paid by protestants. Testimony introduced was to the effect that in 1905 an agreement was entered into by and between said applicant and the Perry Electric Light & Power Company, in which it was provided that said Perry Electric Light & Power Company should be supplied perpetually with power and light in common and jointly with the users of the power in the City of Brigham, subject to the same rights, guarantees, privileges and rules governing the users of the same class of power within the limits of said Brigham City; that the price charged for said power should be $2.00 per horsepower per month, which price should not change for a period of ten years, provided that at no time thereafter should the price charged the Perry Electric Light & Power Company exceed the price charged for the same class of service to other consumers within Brigham City; that the said Perry Electric Light & Power Company should have the use of all electric power required, provided, that the City of Brigham reserved the right unto itself to retain one hundred horsepower capacity of the electric plant as a reserve for manufacturing and other purposes, and when the power of said plant should all be consumed up to the said reserve limit of one hundred horsepower for manufacturing and other purposes, then the Perry Electric Light & Power Company should have the primary right to the use of the amount of electric power in actual use at that time by it.

In this case we have the question of a municipally owned plant serving its customers, or, in other words, its owners, whose property has been and is hypothecated for the payment of the bonds used for the purpose of constructing the generating plant and distributing system. While the protestant is a mere purchaser of the applicant's power and light, it appeared that for some time the protestant's customers had been receiving power and light at a rate much less than the consumers within the city limits. This appears to be a discrimination in favor of the protestant. However, it is explained by the fact that the applicant was not using all of the energy produced by the operation of its plant and, therefore, was disposing of the surplus, which protestant bought and resold.

We are here to deal with the question of the right and duty of the Commission to establish rates which are just and equitable to all parties; also the right of the Commission to increase rates, notwithstanding a previous contract had been entered into by the parties concerned. The question of the power of the Commission to deal with such a problem was passed upon by the Supreme Court of this State, in the case of Salt Lake City, et al., vs. Utah Light & Traction Company, (173 Pacific, 557) in which the action of the Commission in setting aside contract rates was upheld.

The question of annulling in total the contract in question is not here presented for the consideration of the Commission, for the reason that during the hearing the applicant indicated that the Perry Electric Light & Power Company would be released from any obligations set forth in said contract, and need not, unless it chose to do so, continue purchasing power under the new rates. We have no hesitation in saying that in our opinion the applicant should be permitted to establish the resale power rate as proposed.

The remaining question for consideration is in regard to certain rules and regulations which applicant proposes to adopt for the better control and management of its electric business. The code of rules and regulations proposed to us are similar to those now in effect by other companies, operating in this State, and while the Commission has not in the past specifically approved them, and will not do so in this instance, they will, nevertheless, be received for filing, subject to review on complaint of a consumer or on the Commission's own motion.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 June, A. D. 1919.

In the Matter of the Application of BRIGHAM CITY MUNICIPAL CORPORATION, for permission to increase its rates for electric service, and change its rules and regulations. } **CASE No. 137**

This case being at issue upon petition and protest 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 applicant be, and the same hereby is, authorized to publish and put into effect upon not less than thirty days' notice to the public and to the Commission, rates for electric service which shall not exceed the following:

First 100 K. W. H. per month	.06
All in excess of 100 K. W. H. per month	.05

ORDERED FURTHER, That applicant be, and hereby is, authorized to publish and put into effect, rates for resale power, which shall not exceed the following:

(a) DEMAND. $1.50 per month per horsepower of monthly maximum demand, which charge includes thirty hours' use per month, for each H. P. (22½ K. W. H. per month for each H. P.).

(b) ENERGY. For all energy used in excess of that included in the above as follows:

3 cents per K. W. H. for the next 90 hours' use per month of monthly maximum demand.

2 cents per K. W. H. for the next 120 hours' use per month of monthly maximum demand.

1 cent per K. W. H. for all consumption per month in excess of 240 hours' use per month of monthly maximum demand.

ORDERED FURTHER, That applicant may file with the Commission the rules and regulations proposed in its application, which will be subject to review of the Commission upon complaint or on the Commission's own motion.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of BRIGHAM CITY, a Municipal Corporation, for an order authorizing the construction of a new distributing and street lighting system. } CASE No. 138

Submitted March 25, 1919. **Decided April 1, 1919.**

REPORT OF THE COMMISSION

By the Commission:

The application in the above entitled case was heard at Brigham City, Utah, March 25, 1919.

It was represented by the testimony that for more than fourteen years Brigham City, a municipal corporation, had owned and operated, and now owns and operates, a public utility known as the Brigham City Electric Light Plant, built for the purpose of supplying the inhabitants of said city with electric power for heating, lighting and other purposes, as well as for resale purposes to the inhabitants of the city and surrounding territory; that the construction in the central part of the city consists of conductors suspended from wooden poles erected along the middle of the streets known as Main Street and Forest Street; that upon said poles, below the applicant's transmission wires, are also carried the mast-arms from which are suspended the 1500-volt power lines used by the Utah Idaho Central Railroad Company in its operation of a local, single-track street railway on and along said Main Street and Forest Street for a total distance of about thirteen blocks; that upon the same poles there was formerly a Mountain States Telephone & Telegraph Company line; that such joint use of the poles is in keeping with and pursuant to an agreement made and entered into on September 14, 1910, by and between the three parties, namely, Brigham City Corporation, Mountain States Telephone & Telegraph Company, and David Eccles, Trustee, the last named being a predecessor in interest of the Utah Idaho Central Railroad Company. The joint use of said telephone poles is specifically set out in said contract, certified copy of which was introduced in evidence at the hearing. It appeared by the testimony, however, that the Mountain States Telephone & Telegraph Company had relinquished its

rights under the contract and had abandoned the use of said poles by taking its wires therefrom.

The Utah Idaho Central Railroad Company was represented by its General Manager, W. A. Whitney, who, on behalf of the said Railroad Company, did not claim anything under the contract with reference to the use of the poles, and further stated that his Company had no objection to the granting of the prayer of the petition with reference to moving the poles, as set forth in said petition.

It further appeared that the operation of the wires under the present condition is dangerous; that a reconstruction of the same is very desirable, and, further, that said poles now occupying the center of said Main Street and Forest Street, are obstructive and unsightly; that the proposed new construction, as set forth in Exhibit "B," contemplates the removal of light and power transmission lines from the middle of the streets named, and the construction of a distributing system which will run the power and light wires into the rear of the business buildings, instead of feeding into the front portions of said buildings, the pole lines running through the middle of the blocks instead of in the streets; that this improvement would greatly facilitate the distribution of the light and power to the consumers; and that the said proposed new construction is in conformity with Circular No. 54, National Safety Code, and with the latest plans adopted and used by the up-to-date power and light systems.

The showing made by the petitioner appears to be sufficient to warrant the Commission in granting the application, and inasmuch as the citizens have indicated a desire for the proposed improvement, which would provide for the distribution of light and power with much greater safety than it is at present handled, and would improve the appearance and make more convenient the use of the streets in question; now, therefore, it is the opinion of the Commission that said municipal corporation should be authorized by its agents to reconstruct its lighting system as prayed for in the application.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 1st day of April, A. D. 1919.

In the Matter of the Application of BRIGHAM CITY, a Municipal Corporation, for an order authorizing the construction of a new distributing and street lighting system. } **CASE No. 138**

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, BRIGHAM CITY, be, and is hereby, authorized to reconstruct its electrical distributing and street lighting system, as set forth in the application and exhibits accompanying said application.

ORDERED FURTHER, That in reconstructing said electrical distributing and street lighting system the applicant shall at all times conform to the clearances prescribed by the Commission in its Tentative General Order, dated February 4, 1918. The Commission at this time enters no further orders regarding the manner or method of such construction, but reserves unto itself the right to issue such further orders as necessity may require.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. F. HANSEN, for a certificate of convenience and necessity to operate an automobile stage line between Price and Castle Gate, Utah, via Helper. } **CASE No. 139**

Decided March 17, 1919.

REPORT OF THE COMMISSION

By the Commission:

The application herein was filed February 6, 1919, and asks the Commission to grant a certificate of convenience and necessity to operate an automobile stage line between Price and Castle Gate, Utah, via Helper.

A petition was filed by the same party, J. F. Hansen, May 3, 1918, asking permission to operate between the same points. The matter was considered by the Commission and order issued August 8, 1918, denying the application. (Case No. 53.) Since said order was issued, many of the residents of Price and Helper have petitioned the Commission to establish a service in keeping with the application of Mr. Hansen.

It appeared in the hearing of the former application, that the applicant has been a resident in that section of the country for a long time; that for a number of years he has operated an automobile for the purpose of carrying persons to and from various points in Carbon and Emery counties; that he is equipped with a five-passenger Dodge car; that he is familiar with the road and is a careful, competent operator of said car.

At the previous hearing held on this matter there seemed to be no great demand for said service upon the part of the people, and it appeared by the testimony submitted in protest by the Denver & Rio Grande Railroad, that the traveling public was well taken care of by the Railroad.

It now appears by the schedule submitted with the petition, that a service is required between Price and Castle Gate, Utah, more frequently than is afforded by the Railroad, and the petitioner proposes to make two trips between Price and Castle Gate, and three trips between Price

and Helper, daily, thereby furnishing an opportunity for people who have business to transact at these places, to secure transportation between said points in addition to the schedule furnished by the Railroad.

There is no protest upon the part of the Denver & Rio Grande Railroad, or any one else, to the granting of the application other than the protest offered by the Railroad at the former hearing.

In view of the conditions existing, and in consideration of a petition of numerous citizens living in the towns named in said petition, it clearly appears that there is a necessity, at this time, for the establishing of a service between the points in question, and that said service will be a convenience to the traveling public that is not, in all respects, furnished by the Railroad. It is, therefore, concluded that the proper thing to do under the conditions, is to grant the application herein, for the establishment of a stage line between Price and Castle Gate, via Helper, said line to be established along the main county road as now traveled, and located between Price, Helper and Castle Gate, Utah.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 34

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 17th day of March, A. D. 1919.

In the Matter of the Application of J. F. HANSEN, for a certificate of convenience and necessity to operate an automobile stage line between Price and Castle Gate, Utah, via Helper. } **CASE No. 139**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, J. F. HANSEN, 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 Price and Castle Gate, Utah, via Helper, said line to be established along the main county road as now travelled and located, between Price, Helper and Castle Gate.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of LOUIS PISTOTNIK, for permission to operate an automobile stage line between Winterquarter, Clear Creek, Scofield, Colton, and Soldier Summit, Utah. } **CASE No. 140**

Decided March 17, 1919.

REPORT OF THE COMMISSION

By the Commission:

It appearing that the stage line between the above named points, formerly operated by one J. H. Welch, has discontinued, and that there is no corporation or person operating passenger service between the points designated in the petition filed by Louis Pistotnik, with the exception of the Denver & Rio Grande Railroad, which operates a mixed train for freight and passengers;

And it further appearing that Arthur H. Wells, of Scofield, Utah, who had written to the Commission heretofore concerning the route, has filed with the Commisison a communication, on February 19, 1919, to the effect that he had agreed to accept a partnership with applicant herein;

And it appearing that there is a necessity under a showing heretofore made in the application of J. H. Welch, to operate an auto stage line along said route;

And the Commission having caused investigation to be made, as appears from the report of F. M. Abbott, its Special Investigator, who made a visit to this territory and inquired into the matter, and there appearing to be no objection to the issuing of a certificate of convenience and necessity in keeping with the application herein, to the said applicant; the Commission finds:

That the application herein should be granted.

An appropriate order will be issued.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 35

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 17th day of March, A. D. 1919.

In the Matter of the Application of LOUIS PISTOTNIK, for permission to operate an automobile stage line between Winterquarter, Clear Creek, Scofield, Colton and Soldier Summit, Utah. } **CASE No. 140**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, LOUIS PISTOTNIK, 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 Winterquarter, Clear Creek, Scofield, Colton and Soldier Summit, Utah.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of LOUIS PISTOTNIK, for permission to operate an automobile stage line between Winterquarter, Clear Creek, Scofield, Colton, and Soldier Summit, Utah. } **CASE No. 140**

Decided July 14, 1919.

Failure of Louis Pistotnik to give service over the above route.

REPORT AND ORDER

STOUTNOUR, Commissioner:

An application was filed by the above named applicant with this Commission, February 5, 1919, for permission to operate a stage line between Winterquarters, Clear Creek, Scofield, Colton, and Soldier Summit, Utah.

A hearing was held on the 17th day of March, at the Commission's office in Salt Lake City, Utah, and a showing was made that a necessity to operate an automobile stage line upon said route existed. The application was granted and an order issued authorizing Louis Pistotnik to operate a stage line as set forth in the application. The order authorizing the operation of said stage line was dated March 17, 1919, (Certificate of Convenience and Necessity No. 35).

Since that time applications have been received from various individuals, setting forth that no service was being given on this route and making application for permission to operate a stage line between these points.

Investigation on the part of this Commission, and testimony presented in the various hearings shows that the said Louis Pistotnik has failed and neglected to render service to the traveling public according to rules and regulations established by this Commission governing automobile stage lines.

IT IS THEREFORE ORDERED, That the permission granted to said Louis Pistotnik to operate an automobile stage line between the towns of Winterquarters, Clear Creek,

Scofield, Colton and Soldier Summit, Utah, and all rights acquired or claimed to have been acquired by the said Louis Pistotnik to operate between the said points, be, and they are hereby, annulled and revoked; this order to be and remain in full force and effect from and after the 20th day of July, 1919, unless and until otherwise ordered by the Commission.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES NEILSON, for permission to operate an automobile stage line, to be known as the "NEILSON'S STAGE LINE," between Salt Lake City and Brighton, Utah. } **CASE No. 141**

Submitted April 8, 1919. **Decided April 21, 1919.**

Horace H. Smith for Applicant.

REPORT OF THE COMMISSION

By the Commission:

The application of JAMES NEILSON, for permission to operate a passenger stage line between Salt Lake City and Brighton, Utah, having been filed with the Commission on March 13, 1919, and an investigation having been made and hearing held on April 8, 1919, in which it was shown that the applicant had given satisfactory service over said route during the year 1918, in keeping with an order of the Commission in Case No. 28, issued under date of May 13, 1918, said service being given in accordance with the rules and regulations of the Commission;

And it appearing that there is a necessity for such service during the present season, and that the applicant is equipped to furnish reasonable and adequate transportation facilities for the traveling public, permission is hereby granted to the said applicant to transport passengers between Salt Lake City and Brighton, Utah, and a certificate of convenience and necessity is authorized to be issued to the said applicant.

An appropriate order will be entered.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 39

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of April, A. D. 1919.

In the Matter of the Application of JAMES NEILSON, for permission to operate an automobile stage line, to be known as the "NEILSON'S STAGE LINE," between Salt Lake City and Brighton, Utah. } **CASE No. 141**

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 applicant, JAMES NEILSON, 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 Salt Lake City and Brighton, Utah.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of CLARENCE E. PURDUE, for permission to operate an automobile stage line, between Salt Lake City, Utah, and Brighton, Utah. } **CASE No. 142**

Submitted May 6, 1919. **Decided June 24, 1919.**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The applicant herein filed a petition on March 26, 1919, asking permission to operate, daily, one or more trips with a seven-passenger automobile, carrying passengers and freight for hire between Salt Lake City and Brighton, Utah, and requesting also the privilege of adding a freight auto truck. After the case was submitted, the applicant informed the Commission he did not care to press the matter of carrying freight, but would like the privilege of conveying small express parcels in his passenger cars for the accommodation of his patrons. We shall, therefore, exclude freight traffic from consideration in this case.

STATEMENT

Brighton, Utah, is a mountain resort at the head of Big Cottonwood Canyon, twenty-nine miles southeast of Salt Lake City. During the summer season, from about the first of June to the first week in September, there is some travel to and from the resort, chiefly by residents of Salt Lake City who have summer homes there, or who spend their summer vacations at the resort.

Automobile stages have, for several years, been relied upon by the public as a means of transportation between Salt Lake City and Brighton.

In the year 1916, this class of service was given by the applicant herein, who used a 16-passenger truck and several touring cars, and by James Neilson and Edward Carrow. This was prior to the passage of the Public Utilities Act, and no records of the operations are available. At the end of the outing season at Brighton, in the fall of 1916, this appli-

cant disposed of his 16-passenger truck, but retained possession of his touring cars. This Commission was organized and entered upon the discharge of its duties April 3, 1917. Stage lines were very slow in filing schedules with the Commission, and it became necessary to engage a special investigator to check up stage operations. When the Brighton line was investigated it was learned that during 1917, service had been given by James Neilson and Ora Petty. Mr. Purdue did not run on the line that season.

The Commission, since its organization, has consistently recognized as entitled to continue in the stage business on any given line, the person or persons found actually giving service to the public on said line. In pursuance of this policy, and because Mr. Purdue was not found giving the service; and, in fact, was not known to the Commission, we recognized James Neilson, who, as stated, was found serving the public, as one entitled to operate the Salt Lake-Brighton line during 1918, proof having been made that he had bought out the equipment and rights of Ora Petty. Very little, if any, complaint was made during 1918 of the service given by Mr. Neilson, which appeared in general to be satisfactory, efficient and adequate.

On March 13, 1919, Mr. Neilson filed an application with the Commission asking that he be permitted to resume the operation of the passenger line during 1919. This application, and also the petition of applicant herein, was set for hearing before the Commission on April 8, 1919, and due notice was given to Mr. Neilson and Mr. Purdue, to appear before the Commission on that date in support of their applications. On the day set for the hearing, James Neilson appeared and presented facts in support of his application. Mr. Purdue failed to appear either in support of his application or in protest of the application of Mr. Neilson, and owing to this default and in the absence of any protest, the Commission, on April 21, 1919, unanimously granted to James Neilson a certificate of convenience and necessity authorizing him to operate an automobile stage line for the transportation of passengers between Salt Lake and Brighton.

Later Mr. Purdue expressed a desire to have his application still considered, and another hearing was set for May 6, 1919, at which time Mr. Purdue appeared in support of his application, and James Neilson appeared and entered formal written protest against its being granted.

Mr. Purdue, the applicant herein, bases his request for permission to give this service on the right he claims to have established because of his having been in the business

in 1916. In explanation of his failure to give service in 1917 he stated that on the breaking out of the war he sought to enlist in the aviation service of the United States; that while waiting to have his offer to enlist accepted, he was registered in the draft, and during the summer of 1917 was expecting to be called to the colors, and for this reason did not engage in the transportation business between Salt Lake and Brighton. He was finally called into the service of the United States in the early part of September, 1917, and returned, honorably discharged, during the early part of 1919.

THE ISSUES

The issues presented in this case may be considered under two heads:

First: Is Mr. Purdue entitled to the right to operate on this line because he gave service in 1916?

Second: Does the volume of traffic between Salt Lake and Brighton demand service in addition to that being given by Mr. Neilson?

As to the first question: We are fully in sympathy with the movement in favor of providing employment for returned soldiers and sailors, and we recognize as right the policy of replacing, whenever possible, those who served their country in the positions they occupied when they were called into the service. Mr. Purdue's service to our Country is appreciated alike by all members of the Commission, and with this in mind we have diligently tried to fit the facts developed in this case to the law under which we must act in such a way that we could consistenly and legally grant the application in whole or in part.

But we have become convinced that this is not a case comparable with one in which a draftee is called from a position which another is hired to fill during his absence, and in which nothing but wages or salary is involved. In the latter case the new employee steps into the vacancy, is compensated for his services, and when the soldier returns the change back to the pre-war status can be made with no serious inconvenience and no property loss. Here, however, there was public demand for service year after year. The Commission had no right to declare the service non-essential, or to suspend stage operations during the war. On the contrary it was our duty to insist that the required service be given regularly and with proper and sufficient equipment. The applicant herein was not known to the Commission in 1917 or in 1918. In fact, the first we knew

of his having ever run on the line was when he made the claim in this hearing that he had operated there in 1916. Under these conditions it is obvious that we could not have done other than demand of those whom we found actually running on the Brighton line, that they provide the necessary equipment and give the service. This required an investment in automobiles, which was made with the Commission's knowledge and tacit approval. To take action now that would probably result in a loss of the investment made would show inconsistency, if not bad faith.

Mr. Purdue sold the passenger truck that he used in 1916 and in the spring of 1917, engaged in the taxicab business in Salt Lake, using the touring cars that formerly were part of his Brighton equipment. He continued thus engaged during the Brighton season of 1917, and was still operating taxicabs when he was called to the colors in September of that year. Thus, throughout the entire time that the Brighton traffic was being carried to and from the resort by Mr. Neilson, this applicant was in Salt Lake engaged in a business that presumably was more desirable or more profitable, or both, and making no assertion of right to operate the Brighton line. This might well be construed as a voluntary abandonment of the route to Brighton in favor of the city business. His statement that the service to Brighton was not given because he was expecting to be called into the army might have been readily accepted as a plausible and full explanation if he had likewise discontinued the other branch of his automobile service, the taxicab business in Salt Lake City. But it loses force when it is admitted that the automobiles under his control, all of which were suitable for the Brighton run, were placed in service in Salt Lake City exclusively, while the Salt Lake to Brighton run was permitted to be taken over, without protest on his part, by Mr. Neilson and Mr. Petty, upon whom the traveling public depended for transportation between the City and the mountain resort.

Mr. Purdue's apparent abandonment of the service, from whatever cause, left the public that was depending upon a stage line operating between these points, without means of transportation, so far as he was concerned; and inasmuch as Mr. Neilson continued giving service and has meantime increased his facilities under the sanction, control and regulation of the Commission, and inasmuch as in 1919 he has been given a certificate of convenience and necessity under the circumstances hereinbefore detailed, it would seem to be improper and unfair to now annul or make void Mr. Neilson's certificate or to divide the patronage with a competing line, if adequate service is being given.

The framers of our law had in mind the providing of suitable and proper transportation service rather than the furnishing of employment to any person or class of persons, and the purpose of the law is fulfilled if we see to it that sufficient and dependable service is given.

The only reasons, therefore, that can be consistently advanced for the granting of the certificate asked by Mr. Purdue, would be a showing that the business has not been properly handled in the past, or that the volume of traffic this season will be too great to be adequately cared for by the present stage line.

This brings us to the second point, as to the demand for additional service between Salt Lake and Brighton. The law contemplates that a certificate of convenience and necessity shall be issued only on a showing that the public needs the service. If we issue such certificate to this applicant it must be upon a finding that the present stage line has not taken care of the business, and that a necessity for additional service actually does exist now and will continue to exist. This has not been shown; in fact, the undisputed testimony of Mr. Neilson, whose operating revenues were introduced, was that no such necessity exists or is likely to arise.

Testimony given by Mr. Neilson was to the effect that the granting of a certificate to a competing line would mean that neither line, if both continued, would operate without a loss. Figures were presented showing that there was no great profit in the operation of the line during 1918, when Mr. Neilson operated the only stage line on this route. Mr. Purdue stated that he would be willing to take his chances even in the face of competition by the present stage line. Duplication of service, with the inevitable competition, has been discountenanced generally by Commissions charged with utility regulation. It has been found that regulation is better for the public than unrestricted competition, and the only condition under which duplication should be allowed permanently to obtain is one wherein the utility giving the service is overtaxed to the extent that additional facilities are required to serve the public. Those conditions are not found here.

It was urged that there would probably be more business this year, due to the close of the war, than was enjoyed by the present line in 1918. This may prove to be true, but Mr. Neilson stated that he was willing to assume the responsibility for giving all the service required between the points during 1919.

For the reasons hereinbefore stated, I am of the opinion:

First: That this applicant's failure to give service on the Brighton line in 1917, although, by his own admission, he was equipped to do so, and was so situated that he could have operated said stage line if he had so desired, was in effect an abandonment of the line or route, which abandonment preceded his being called into the service of his country; and that by reason of said abandonment of the line, applicant forfeited any and all rights to operate thereon acquired by reason of operations during 1916.

Second: That there is no necessity, at this time, for competitive service or for an additional stage line between Salt Lake and Brighton. I believe we should, however, watch developments, and insist upon adequate service being given at all times by the Neilson stage line, and if it is found to not be caring for the traffic, the Commission should reopen this case and provide for such service as is necessary, either by granting a certificate to Mr. Purdue in accordance with his application, or otherwise.

The application should be denied.

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

I concur:

(Signed) JOSHUA GREENWOOD,
(SEAL) Commissioner.
Attest:

(Signed) T. E. BANNING,
Secretary.

STOUTNOUR, Commissioner, Dissenting:

In this dissenting opinion, I desire to emphasize certain phases of this case which I do not concede have been given sufficient consideration.

It is true that at the time this Commission was formed, in 1917, numerous stage lines were being operated in this State. The Public Utilities Act provides in substance that no public utility shall, after the effective date of the Act, begin operation in a field already served without having first obtained a permit in the form of a certificate of convenience and necessity, which may only be granted by this

Commission after hearing and upon a showing that such service is necessary. The Act contemplates that, under the new policy of the State, public utilities competing against each other upon the effective date of the Act shall not be disturbed by the Commission unless and when the rules, regulations and requirements of the Commission are violated. Therefore, it is to be presumed that the Commission will not interfere with the operation of public utilities doing business before the effective date of the Act, insofar as competition is concerned.

In line with this policy, under competitive conditions as outlined, if Mr. Purdue had continue to operate his stage line in 1917 and 1918, instead of making his contribution to his country in her great hour of need, he would, no doubt, had he so desired, be operating in this canyon today.

In 1917, this Commission, being newly formed, had adopted no set rule as to what length of non-operation of a stage line constituted abandonment. Effective January 1, 1918, the Commission adopted a rule that discontinuance of service for a period of five days shall be deemed a forfeiture of all rights. One of the questions, then, to be decided is whether or not Mr. Purdue's absence was excusable.

Mr. Purdue's testimony was that in 1917 he was preparing to enter the World war; that he made application in the Aviation Department, but was never accepted; registered for the draft, June 5, 1917, and was finally called in September, 1917. For the reason that he was expecting to be called at any time, he did not operate the stage line during the season 1917. At the time he left for France he had disposed of all of his cars, except two, which were disposed of after he left. In 1918, Mr. Purdue did not make application to this Commission to operate, for the reason that he was serving his country abroad. During most of this year, Mr. Neilson was the sole operator in the canyon, his equipment being augmented to take care of the needs of the traveling public during the season 1918.

Mr. Purdue stated that he was not in condition physically to drive his automobile stages, having been wounded in France, he is now rated 100 per cent disability by the Government, and that he expected to have his brother drive a car, and that he would give his stage line his personal supervision and attention.

The operation of stage lines to this resort usually begins in the first part of June. Mr. Purdue registered for the draft June 5, 1917, and from that time on he was under control of the Federal Government, and was subject to call by his country, and it was only wise forethought that

prompted him to prepare for his departure. I do not concede, and Mr. Purdue's sworn testimony is to the effect that he did not intend to abandon his business. While it is true, and be it said to his credit, he did attempt to volunteer his services, the fact is that he was drafted into the service of his country by Congressional Act, and it was not within the power of this Commission or any State or Federal body to release the subject of Congressional Act from the service for which he was called. It is not to be presumed that the owner of this stage line abandoned his business for the purpose of volunteering to enter the World war. His call was mandatory and was not within the discretion of the individual so called. Hundreds of thousands of business men in this country were called into the country's service at a time when men were vitally needed to fight for the rights of all mankind. It was not within the province of the owner of this line to judge the wisdom of the constituted authorities, but it was his duty, and the law required him, to answer that call.

It should be the opinion of this Commission that the service in question was not abandoned or discontinued, but that a leave of absence from duty and from compliance of State laws had been granted by that higher authority, the Federal Government of the United States.

The state of mind of any man going forth to this war would not be such as to look forward to protecting his rights in a matter of this kind. There was no guarantee on the part of the Government that a man giving himself would return, and he had a right to expect that he was leaving his future secure in the hands of a great and generous people.

Weight is given to the fact that Mr. Purdue paid some attention to the taxi-cab business, which he had been operating as well as a stage line, and which he continued in the summer of 1917. There is a vast difference in the responsibility to the public in the two types of service. This is recognized in the Public Utilities Act itself in that the State has thrown safeguards around the conduct of the stage business, while the taxi-cab business is not so guarded. It is in its very nature a business which can be promptly terminated without substantial injury to the public. While waiting to enter the service, and as a method to sustain himself while waiting the call, Mr. Purdue used good judgment in continuing a service which would be least inconvenient to the public upon being abruptly terminated.

At the hearing, Mr. Neilson, who had been operating there during Mr. Purdue's absence and prior to 1917 also, appeared as protestant to this application, claiming that he

alone should have a permit to operate in this canyon. It is true that Mr. Neilson operated there in 1916, 1917 and 1918.

The Public Utilities Act provides that no common carrier subject to the provisions of this Act shall engage or participate in the transportation of persons or property between points within this State until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this Act. In 1917 no tariffs were filed by Mr. Neilson; so, the Commission had no official knowledge of his operation, and his operation there was in contravention of the Act. Therefore, the competitor of this returned soldier, who now claims protection of the laws of the State of Utah, had no legal standing before this Commission, and is not in a position to assert his sole claim.

It is clearly the duty of this Commission to permit the owner of this line to return to his business and again serve the public as he did before the great World war. It is the spirit of the law, and in common justice the Commission should again return these competing parties to the business in which it found them upon the effective date of the law under which it operates and without which the Commission has no power or authority.

It being found proper by this Commission to return these competing parties to the business in which it found them upon the effective date of the law, a discussion of the second issue raised and of other criticisms in the majority report would not be relevant and would serve no useful purpose.

Mr. Purdue should be permitted to resume the operation of his stage line over his route.

Dated at Salt Lake City, Utah, this 26th day of June, A. D. 1919.

(Signed) WARREN STOUTNOUR,
Commissioner.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 24th day of June, A. D. 1919.

In the Matter of the Application of CLARENCE E. PURDUE, for permission to operate an automobile stage line, between Salt Lake City, Utah, and Brighton, Utah. } **CASE No. 142**

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 application herein be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EARL VEILE, for permission to operate an automobile stage line between Delta, Millard County, and Kanosh, Utah, and all intermediate points. } **CASE No. 143**

Decided April 8, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed March 20, 1919, Earl Veile represents that he has secured the contract for handling U. S. Mail between the towns of Oasis and Kanosh, Utah, and intermediate points, and petitions the Public Utilities Commission of Utah for a certificate that present and future public convenience and necessity require and will continue to require the operation of an automobile stage line between the towns of Delta and Kanosh, Utah, and intermediate points.

Petitioner further represents that he is equipped to properly handle the passenger traffic between said towns, and that a regular schedule will be maintained.

Petitioner further requests that he be permitted to charge the following fares for such passenger transportation:

FROM	TO	FARE
Delta	Holden	$3.00
Delta	Fillmore	4.00
Delta	Meadow	4.75
Delta	Hatton	5.00
Delta	Kanosh	5.25

The Commission having caused investigation to be made, and being fully advised in the premises, finds:

1. That present and future public convenience and necessity require and will continue to require the operation of

an automobile stage line for the transportation of passengers between Delta and Kanosh and intermediate points.

2. That the applicant, Earl Veile, should be permitted to operate such stage line, and should also be permitted to charge not to exceed the following fares:

FROM	TO	FARE
Delta	Holden	$2.50
Delta	Fillmore	3.50
Delta	Meadow	4.25
Delta	Hatton	4.50
Delta	Kanosh	4.75

3. That applicant should file with the Commission and post at each station on his line, a schedule of arriving and leaving time, and a schedule of his rates, fares and charges, and should at all times operate his stage line in accordance with the rules and regulations prescribed by the Public Utilities Commission of Utah governing stage lines.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 38

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of April, A. D. 1919.

In the Matter of the Application of EARL VEILE, for permission to operate an automobile stage line between Delta, Millard County, and Kanosh, Utah, and all intermediate points. } **CASE NO. 143**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, EARL VEILE, 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 Delta and Kanosh, Utah.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of W. E. SWEET, for permission to operate an automobile stage line between St. George, Utah, and Modena, Utah. } **CASE No. 144**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

The above entitled application was set for hearing on the 23d day of April, 1919, at 10:00 a. m., at St. George, Utah, at which time and place Mr. W. E. Sweet, applicant, appeared and stated that he desired to withdraw his application.

Having abandoned his desire to obtain the certificate asked for in the petition, the application was dismissed without further hearing.

An appropriate order will be issued.

(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 5th day of June, A. D. 1919.

In the Matter of the Application of W. E. SWEET, for permission to operate an automobile stage line between St. George, Utah, and Modena, Utah. } **CASE No. 144**

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, which said report is hereby referred to and made a part hereof:

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

By the Commission.

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

145. In the Matter of the Application of JOSEPH S. SNOW, for permission to operate an automobile stage line between St. George, Utah, and Modena, Utah.

PENDING.

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 between Garfield Townsite and Saltair Beach, Utah, during the season of 1919. } **CASE No. 146**

Decided March 28, 1919.

REPORT OF THE COMMISSION

By the Commission:

Application having been made by H. M. BOOTH, under date of January 21, 1919, for a certificate of public convenience and necessity requiring the operation of an automobile stage line between Garfield Townsite and Saltair Beach during the summer season;

And it appearing that applicant, during the summer season of 1918, operated a stage line over the said route, by virtue of an order issued in Case No. 116;

And the Commission having caused investigation to be made, and being fully advised in the premises, finds:

1. That public convenience and necessity require and will continue to require the operation of such a stage line.

2. That the petition of the applicant should be granted.

3. That applicant should at all times operate such stage line in accordance with the rules and regulations governing the operation of auto stage lines.

An appropriate order will be issued.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 37

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 28th day of March, A. D. 1919.

In the Matter of the Application of H. M. BOOTH, for permission to operate an automobile stage line between Garfield Townsite and Saltair Beach, Utah, during the season of 1919. } **CASE No. 146**

This case being at issue upon petition on file, and having been investigated, 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, 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 Saltair Beach, Utah.

ORDERED FURTHER, That Applicant shall file with the Commission and post at each station on his route, schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. 147

Submitted April 8, 1919. **Decided April 21, 1919.**

REPORT OF THE COMMISSION

By the Commission:

After an investigation of the petition of ALEX GIBSON, filed with the Commission April 8, 1919, for permission to operate an automobile stage line between Salt Lake City, Utah, and the Cardiff Mine, in the South Fork of Cottonwood Canyon, Utah, the Commission is of the opinion that the application should be granted.

It appears from the showing made, that said Alex Gibson carries mail for individuals working and living at what is known as the Cardiff Mine, in said Cottonwood Canyon; that during the year of 1918, under permission given by the Public Utilities Commission of Utah, (Certificate of Convenience and Necessity No. 10—Case No. 45), he carried passengers between said points, under the schedule and for the rates approved and fixed by the Commission; that such transportation facilities to the employees of the mines located in that territory is desirable and necessary; that the service heretofore given by the applicant was reasonably adequate and met the requirements of the traveling public between said points; that he is equipped with such facilities as will insure good service.

We, therefore, find that a certificate of convenience and necessity should issue in favor of the applicant, Alex Gibson, authorizing him to operate an automobile stage line between

Salt Lake City and the Cardiff Mine, in Cottonwood Canyon, Utah.

An appropriate order will be entered.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity No. 40

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of April, A. D. 1919.

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. 147**

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 applicant, ALEX GIBSON, 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 Salt Lake City and the Cardiff Mine, in the South Fork of Cottonwood Canyon, Utah.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOSEPH CARLING, for permission to operate an automobile stage line for the transportation of passengers and express between Salt Lake City, and Fillmore, Utah.

CASE No. 148

Submitted May 31, 1919. **Decided June 10, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The application herein came on for hearing at Fillmore, Utah, May 31, 1919, upon the petition of Joseph Carling, together with a protest filed on the part of the Salt Lake & Utah Railroad Company.

At the hearing there appeared the petitioner, Joseph Carling, who represented that he had been engaged in the business of transporting passengers and express between Salt Lake and Fillmore, Utah, and intermediate points, for about three years last passed; that there was a present and future public convenience and necessity for the continuance of such operation under the jurisdiction of the Commission; that said service had been furnished by an automobile equipped to handle both passengers and express; that his initial point was Fillmore, which is located about thirty-five miles east of the Salt Lake Route, in Millard County, and about forty-five miles south of the same route in Juab County; that the only means of getting from Fillmore to the railroad is by wagon or automobile; that there is no regular service being offered between Fillmore and Juab County, a portion of the route over which the service is being given; that there is a necessity and convenience for part of the traveling public who desire to go from Fillmore to Salt Lake City, direct, as well as the receiving and sending of express.

There was no appearance upon the part of the Salt Lake & Utah Railroad Company, other than their written protest, which sets out that the protestant owns and operates an interurban railroad between Salt Lake City and Payson, Utah; that the proposed stage line will be directly competitive with said railroad, and that between Salt Lake City and Payson the protestant provides suitable, reason-

able and adequate facilities for the transportation of persons and property between the said points, and between all intermediate points; that it has large investments and pays large taxes in order to render an efficient service; that said stage line can and will operate only during the winter season, and only when climatic conditions are favorable.

From the showing made and a consideration of the route, geographically and otherwise, it would appear that there is a necessity for such a service as will furnish a convenience to a portion, at least, of the public between Fillmore and Salt Lake City; that such service has been given for some time and has been reasonably remunerative; that to refuse the application would be equal to withholding a service that appears to be a necessary convenience to the people. It is, therefore, decided that the application should be granted.

An appropriate order will be issued.

(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. 48

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. 1919.

In the Matter of the Application of JOSEPH CARLING, for permission to operate an automobile stage line for the transportation of passengers and express between Salt Lake City, and Fillmore, Utah. } **CASE No. 148**

This case being at issue upon petition and protest 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 applicant, JOSEPH CARLING, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers and express, between Salt Lake City, Utah, and Fillmore, Utah.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and charges, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

149. **In the Matter of the Application of FARNSWORTH & FAWCETT, for permission to operate an automobile stage line for the transportation of passengers, between Modena and St. George, Utah.**

PENDING.

150. **In the Matter of the Application of MARSHALL & MILNE, for permission to operate an automobile freight line between St. George, Washington County, and Modena, Iron County, Utah.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. P. McKEAN, for permission to operate an automobile stage line between Milford, Utah, and Baker, Nevada. — CASE No. 151

Decided June 5th, 1919.

REPORT OF THE COMMISSION.

STOUTNOUR, Commissioner:

The above entitled application was, by notice properly given, set for hearing April 25, 1919, at Milford, Utah, at which time and place the applicant made no appearance to support his application.

Investigation developed the fact that Mr. McKean was employed on a ranch about three miles below the town.

It appearing that said applicant had made no showing in support of his petition, and investigation on the part of the Commission having developed the fact that the present holders of the certificates, operating between Milford and Newhouse, and between Newhouse and Baker, are giving adequate and sufficient service at present, there is no justification for the granting of this petition, and it is hereby dismissed.

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 5th day of June, A. D. 1919.

In the Matter of the Application of A. P. McKEAN, for permission to operate an automobile stage line between Milford, Utah, and Baker, Nevada. } **CASE No. 151**

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, which said report is hereby referred to and made a part hereof:

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

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of FRED JEFFERSON, for permission to operate an automobile passenger service, between Milford, Utah, and Beaver, Utah. } **CASE No. 152**

Submitted April 25, 1919. **Decided June 5, 1919.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

The applicant herein, Mr. Fred Jefferson, a resident of Milford, Utah, asks permission to operate an automobile passenger stage line between Milford, Utah, and Beaver, Utah.

A public hearing on the application was had April 25, 1919. Mr. H. A. Larson, of the Utah Transportation Company, present holder of a certificate of convenience and necessity to operate a stage line between Milford and Beaver, appeared in opposition to the granting of the application.

Mr. Jefferson's request was predicated upon the fact that a number of people arrive in Milford on the night train, wishing to go to Beaver, and are compelled to go on the night stage line and accept hotel accommodations offered them at Beaver. He represented that if a stage were operated in the morning from Milford to Beaver, the traveling public would be able to go to Beaver, transact business during the day, and return to Milford in the evening. He also testified that the public would be better served by leaving Beaver an hour and a half later in the afternoon.

No testimony was offered that the present holder of the Commission's certificate to operate was giving a service that was inadequate to serve the public.

Mr. Larson testified that in addition to the evening service there is a morning service being operated by him to Beaver, leaving Milford at 9 o'clock, in case there are passengers who desire to go at that time.

The testimony offered at this hearing was rather in support of a change of schedule than indicative of inadequacy of service.

In view of the fact that no testimony was offered showing that additional service was required or that the public was not being properly served by Mr. Larson, and the Commission being fully advised in the premises, finds that there is no need for additional passenger service between Milford and Beaver, and the application should, therefore, be denied.

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 5th day of June, A. D. 1919.

In the Matter of the Application of FRED JEFFERSON, for permission to operate an automobile passenger service, between Milford, Utah, and Beaver, Utah.	**CASE No. 152**

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 herein be, and it is hereby, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of E. S. QUINN, for permission to operate an automobile passenger service between Salt Lake City, Utah, and Tooele City, Utah. } **CASE No. 153**

Submitted April 29, 1919. **Decided May 19, 1919.**

REPORT OF THE COMMISSION

By the Commission:

Petitioner herein represents that his postoffice address and place of business is Tooele City, Utah; that it is his desire to operate a stage line between Salt Lake City and Tooele City, Utah, under the name of the Tooele Stage Line; that the traveling public between Salt Lake City and Tooele City desires the establishment of an automobile stage line in order to provide quick, efficient service, which at the present time is not being provided. The applicant proposes to make two round trips daily, leaving Tooele City at 8:30 a. m. and 5:30 p. m., and leaving Salt Lake City at 3:00 p. m. and 11:30 p. m.; and declares his readiness to make additional trips if the business warrants. He asks that a certificate of convenience and necessity be issued authorizing him to operate over the route between the two cities named.

Hearing on the petition was had April 29, 1919, at 2 o'clock p. m., at which hour the application of Samuel Barnes and Martin P. Culver, for permission to operate a passenger and express automobile stage line between Salt Lake City and Tooele City, Utah, was also heard.

The application of Mr. Quinn was filed with the Commission April 7, 1919, and that of Mr. Barnes and Mr. Culver, on April 16, 1919.

Testimony offered by both applicants was largely to the same effect, and indicated that there is need of a service such as it is proposed to establish between Salt Lake City and Tooele City. Under the present conditions the traveling public have to depend upon the train service offered by the Salt Lake Route and the Tooele Valley Railway, and,

according to the testimony at the hearing, the service by railroad had been found inadequate to meet present needs.

Tooele is an incorporated City, and is the county seat of Tooele County. It is situated about 33 miles southwest of Salt Lake City, and has a population of 3,500 people. The International Smelters are located there. The demand for transportation between that point and Salt Lake City is growing. No automobile service is now being given between these points, and inasmuch as both applicants were of the opinion that only one stage line was necessary under present conditions, it is left for the Commission to decide which applicant shall be given the certificate authorizing this service.

Applicant herein, Mr. Quinn, declared it to be his intention to personally handle the business if the certificate were granted to him. He testified he had ample equipment arranged for and competent drivers engaged, to take care of the service in a safe and efficient manner.

We have no doubt that either of the applicants would be able to handle this business successfully, but inasmuch as Mr. Quinn was the first to make application for this permission, and in view of the fact that he has filed with the Commission numerous letters of recommendation as to his integrity, ability and trustworthiness, and to his experience in dealing with the public, we are inclined to grant the certificate to him.

An appropriate order will be entered.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 45

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of May, A. D. 1919.

In the Matter of the Application of E. S. QUINN, for permission to operate an automobile passenger service between Salt Lake City, Utah, and Tooele City, Utah. } **CASE No. 153**

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 applicant, E. S. QUINN, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Salt Lake City and Tooele City, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of DANIEL W. COAKLEY, for a certificate of convenience and necessity authorizing the operation of an express and freight line between Salt Lake City and Bingham Canyon, Salt Lake County, Utah. } **CASE No. 154**

Decided July 8, 1919.

REPORT OF THE COMMISSION

By the Commission:

An application having been filed by Daniel W. Coakley for permission to operate an express and freight line between Salt Lake City and Bingham Canyon, Utah, the Commission set the case for hearing at 10 o'clock a. m., Tuesday, April 29, 1919. At the time of the hearing neither the applicant nor his attorney appeared to offer any evidence as to the necessity for the operation of such a line.

In order that applicant might be given every opportunity to present his case the Commission held the matter open until May 21, 1919, when a letter was addressed to the applicant's attorney, asking if it was his desire that the case be held open longer. No reply has been received to this communication and the Commission therefore finds that the case should be dismissed.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 8th day of July, A. D. 1919.

In the Matter of the Application of DANIEL W. COAKLEY, for a certificate of convenience and necessity authorizing the operation of an express and freight line between Salt Lake City and Bingham Canyon, Salt Lake County, Utah. } **CASE No. 154**

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 application herein be, and the same hereby is, dismissed.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of BEN LUDWIG, et al., for permission to operate an automobile stage line under the name of "Cameron & Price Auto Stage Line" between Price, Utah, and Cameron, Utah, via Helper, Heiner, and Castle Gate, Utah.

CASE No. 155

Submitted May 6, 1919. **Decided May 19, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled matter came on regularly to be heard, at Price, Utah, May 6, 1919.

Protest was made to the granting of the application by Mr. J. F. Hansen, for the reason that he had been duly granted a certificate of convenience and necessity to operate an automobile stage between Price and Castle Gate, via Helper.

The applicants contend that the service being given by Mr. Hansen was not adequate and sufficient to meet the requirements of the public. It appeared from the testimony that Mr. Hansen was making his regular schedule and that with an occasional exception the traveling public was being taken care of. Mr. Hansen further contended that the service was not remunerative, for the reason that there were so many cars being used in competition, and that if such competition could be eliminated, additional service could be given.

A part of the route contemplated by the petition, and which is not covered by any regular service, is from Castle Gate to Cameron, a distance of about two miles. A service between Castle Gate and Cameron would not be attractive; in fact the applicants themselves stated that they could not afford to put on a service for the traffic they would get between the two last named points.

Besides the service furnished by Mr. Hansen, there are operated between the points in question, two daily trains upon which passengers may be, and are, transported.

Under all the circumstances and conditions developed in the hearing, it would appear that the petition should be denied.

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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of May, A. D. 1919.

In the Matter of the Application of BEN LUDWIG, et al., for permission to operate an automobile stage line under the name of "Cameron & Price Auto Stage Line" between Price, Utah, and Cameron, Utah, via Helper, Heiner, and Castle Gate, Utah. } **CASE No. 155**

This case being at issue upon petition and protest, 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 application herein be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MIKE SERGAKY and GABRIL PANTELAKIS, for permission to operate an automobile stage line between Helper and Sunnyside, and between Helper and West Hiawatha, Utah.	**CASE No. 156**

Submitted May 6, 1919. **Decided May 20, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled application was, by notice properly given, set for hearing May 6, 1919, at 3 o'clock p. m., at Price, Utah, at which time Arthur J. Lee, appearing for the applicants, stated to the Commissioner that the parties applying had not appeared, and that there was no means of making a showing in support of said petition.

It appearing that the applicants have abandoned their desire to obtain the permission asked for in the petition, there remains but one thing to do, and that is to dismiss said application.

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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of May, A. D. 1919.

In the Matter of the Application of MIKE SERGAKY and GABRIL PANTELAKIS, for permission to operate an automobile stage line between Helper and Sunnyside, and between Helper and West Hiawatha, Utah. } **CASE No. 156**

This case being at issue upon petition and protests 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 application herein be, and the same hereby is, dismissed.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CASTLE VALLEY PASSENGER & EXPRESS AUTO LINE, for permission to operate an automobile stage line between Price, Utah, and Orangeville, Utah, via Huntington and Castle Dale.

CASE No. 157

Submitted May 13, 1919. **Decided June 6, 1919.**

Arthur J. Lee for applicant.
B. W. Dalton for protestant.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The hearing of the above matter was had at Price, Utah, May 6, 1919, upon the petition of the Castle Valley Passenger & Express Auto Line, and the protest filed by the Price-Emery Auto Line.

The applicant sets forth that the service now being given from Price to Emery, Utah, is not adequate in that the equipment for the carrying of passengers is not sufficient; that there is a necessity for additional service in order to meet the demands of the traveling public; that the applicant is financially able, and expects, to put on sufficient equipment to take care of the business that may come, if granted a permit; that the travel is daily increasing between the points in question; that it is impossible for the Price-Emery Auto Line to care for the number of passengers who desire to be conveyed over the route.

The protestant, Price-Emery Auto Stage Line, alleges that for a long time past it has been a corporation organized and existing under and by virtue of the laws of the State of Utah; that its principal place of business is Price, Utah; that at all times since it was granted a certificate of convenience and necessity by the Public Utilities Commission of Utah, to operate a stage line from Price to Emery,

Utah, it has maintained and kept in reserve sufficient equipment to reasonably accommodate the traveling public on said route; that it owns and operates:

2 7-passenger Studebaker Touring cars,
1 Studebaker ton truck equipped to accommodate twenty people,
1 Buick truck,
1 Ford Touring car;

that there is not sufficient travel on the route in question to justify the operation of two stage lines.

Testimony in this case tended to show that the protestant, under the management of H. G. Mills, had been, and was at the present time, operating the United States mail service between Price and Emery; that in connection therewith, it had received a certificate of convenience and necessity to operate an automobile stage line for the transportation of passengers; that its schedule was to leave daily from Price, at 8 o'clock a. m.; that in giving such service the public had been reasonably taken care of, as is evidenced by a petition signed by a number of leading men living along the route, consisting of officers and business men of the communities served.

The report of the financial returns for such service, on file with the Commission, would indicate that the service was not producing any desirable returns, and that without the operation of the mail in connection with the passenger service it would apparently be impossible to give the service.

It further developed that during the rush of travel the protestant had made reasonable arrangements for taking care of the same. The petitioners contend, and filed a petition signed by a number of persons, to the effect that the present line had not furnished adequate service to take care of the business.

It further developed that failing to take care of the travel was occasioned by having but one daily trip out of Price, leaving in the morning, and that the service could be materially improved by adding to the present schedule a trip leaving Price in the afternoon. Thereupon the protestant indicated that it was willing to add to said schedule by giving the service in the afternoon, and the reason that it had not been tendered before was that travel had not been sufficient. It was testified that most of the travel from Price into Emery County was in the morning, but that there was some travel in the afternoon.

The allegations of the petitioner, contending that the service was not sufficient, and that there was a necessity for additional service, were hardly sustained, with the exception that at times it was shown the travel was not always taken care of, especially in the afternoon. There was nothing to indicate, however, that such necessity could not be met by the enlarging of the schedule now being given by the present operator.

It would seem, under the showing, that to grant the petition and allow another corporation to operate over the same route would be unremunerative to both parties, and tend to weaken rather than to strengthen the building up of a reliable, permanent and adequate service; and it would appear that the proper and equitable thing to do in this matter is to deny the application and to allow and order that additional service be given by adding to the present schedule, the following:

Leaving Point:	Time:	Arriving Point:	Time:
Price	3:00 P. M.	Huntington	4:30 P. M.
Huntington	4:40 P. M.	Castle Dale	5:10 P. M.
Castle Dale	5:20 P. M.	Orangeville	5:40 P. M.
Orangeville	5:50 P. M.	Castle Dale	6:10 P. M.
Castle Dale	6:20 P. M.	Huntington	6:50 P. M.
Huntington	7:00 P. M.	Price	8:30 P. M.

Fares and charges now on file with the Commission are to continue in effect.

The application will, therefore, be denied. 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

At a Session of the PUBLIC UTILITIES COMMISSION OF Utah, held at its office in Salt Lake City, Utah, on the 6th day of June, A. D. 1919.

In the Matter of the Application of the CASTLE VALLEY PASSENGER & EXPRESS AUTO LINE, for permission to operate an automobile stage line between Price, Utah, and Orangeville, Utah, via Huntington and Castle Dale. } **CASE No. 157**

This case being at issue upon petition and protest 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 application of the Castle Valley Passenger & Express Auto Line be, and the same hereby is, denied.

ORDERED FURTHER, That the application of the Price-Emery Auto Line for permission to establish the following schedule:

Leaving Point:	Time:	Arriving Point:	Time:
Price	3:00 P. M.	Huntington	4:30 P. M.
Huntington	4:40 P. M.	Castle Dale	5:10 P. M.
Castle Dale	5:20 P. M.	Orangeville	5:40 P. M.
Orangeville	5:50 P. M.	Castle Dale	6:10 P. M.
Castle Dale	6:20 P. M.	Huntington	6:50 P. M.
Huntington	7:00 P. M.	Price	8:30 P. M.

be granted, same to be made effective within ten days from the date of this order.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of PAROWAN CITY, for permission to increase its rates for electric light and power. } **CASE No. 158**

Submitted August 23, 1919. Decided August 27, 1919.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The petition in the above matter came on for hearing at Parowan, Utah, May 28, 1919, notice of which had been given in the "Parowan Times," a weekly newspaper of general circulation published in Parowan.

At the hearing there were the Mayor, one Councilman, City Attorney, City Recorder, City Electrician and Assistant Operator. No objections or protests were filed, nor did anyone appear at the time of the hearing to protest the application.

From the showing it appeared that an electric light and power system was installed by the city in the year 1908. To pay for the same the city had been bonded in the sum of $5,870.00; that said bonds were sold at a premium for the sum of $6,617.00. The cost of the plant was $11,000.00, a part of the means being gathered from special assessments. The history of the operation of the service given, according to the reports submitted, disclosed a deficit most of the years since 1908. Up to March 31, 1919, there was still a deficit of $660.00, with an outstanding indebtedness of $1,000.00, which was borrowed from the bank; that the expense of giving the service has increased materially, and that the rates had remained the same without any modification; that the bonds and interest thereon have been taken care of up to date by special assessments. It was clearly shown that the operation of the plant and the giving of the service have been economically and prudently managed.

The present rates are as follows, the meter rate and flat rate both being used, there being about 25 per cent

taking light and power by meter and 75 per cent by the flat rate:

Meter Rate:	7c per K. W. H.	
Flat Rate:	One 16 candle power	$ .50 per month
	Two 16 candle power	.75 per month
	Three 16 candle power	1.00 per month
	Four 16 candle power	1.25 per month

The petitioner asks that the City Council be permitted:

First: To discontinue the flat rate system and install the meter system.

Second: To raise the rates from 7c per K. W. H. to 9c per K. W. H., and for motors of more than one-half horsepower, to fix the rate at 6c per K. W. H.

The testimony was clear that the revenues derived from the operation of the plant were not sufficient to take care of the expenses, and that, in order to realize sufficient revenue to pay for the running expenses, as well as to furnish means to meet the depreciation and to put the plant in proper condition, advanced rates would have to be collected; that the advance asked for would not increase the revenues to an amount greater than is necessary for the giving of the service. Under the conditions shown, it would be much more desirable and just to install a meter system rather than to continue in part with the flat rate, thereby requiring all customers to take the power through a meter.

After consideration of the testimony given, it appears that the prayer of the petitioner should be granted; that an order should be entered permitting the City Council of Parowan to discontinue the flat rate system and install the meter system in lieu thereof, to raise the existing rates from 7c per K. W. H. to 9c per K. W. H., and for motors of more than one-half horsepower at 6c per K. W. H. In changing from the flat rate to the meter system, a reasonable time should be given, not exceeding a three months' period. In installing the meters, it would seem to require a contract between the city and the consumers, such contract setting out the conditions under which the meter was

installed, and a draft of the same should be furnished the Commission for its approval or disapproval.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We 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 27th day of August, A. D. 1919.

In the Matter of the Application of PAROWAN CITY, for permission to increase its rates for electric light and power. } **CASE No. 158**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, Parowan City, be, and is hereby, authorized to discontinue its flat rate for electric service and to install meters in lieu thereof.

ORDERED FURTHER, That applicant be permitted to increase its rate for metered service from 7c to 9c per kilowatt hour per month for lighting and motors not exceeding one-half horsepower, and to 6c per kilowatt hour per month for motors exceeding one-half horsepower.

ORDERED FURTHER, That applicant shall, before installing meters and increasing its rate, submit to the Public Utilities Commission of Utah for its approval, a draft of the contract proposed between itself and the consumer, covering the installation of the meter.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of SAMUEL BARNES and MARTIN P. CULVER, for permission to operate a passenger and express automobile stage line between Salt Lake City, Utah, and Tooele, Utah.	**CASE No. 159**

Submitted April 29, 1919. **Decided May 19, 1919.**

REPORT OF THE COMMISSION

By the Commission:

This matter came on for hearing April 29, 1919, at the same time as the petition of E. S. Quinn, (Case No. 153) who applied for permission to give a service between the same points.

The Commission having rendered its opinion and entered an order in Case No. 153, granting to E. S. Quinn a certificate of convenience and necessity for the operation of an automobile stage line between Salt Lake City and Tooele City, Utah, and there being a necessity for only one stage line under present conditions, the petition of applicants herein should be denied.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 May, A. D. 1919.

In the Matter of the Application of SAMUEL BARNES and MARTIN P. CULVER, for permission to operate a passenger and express automobile stage line between Salt Lake City, Utah, and Tooele, Utah. } **CASE No. 159**

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 application herein be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of D. SMITH and J. H. SIBLEY, known as "Smith & Sibley," for permission to operate an automobile stage line for the transportation of passengers, between Fillmore and Delta, Utah, and intermediate points.	**CASE No. 160**

Submitted May 31, 1919. **Decided June 6, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing at Fillmore, Utah, May 31, 1919, upon the application of Smith & Sibley, together with an appearance and protest upon the part of Earl L. Veile.

The petition sets forth that the present service now being given by Earl Veile between Fillmore and Delta, is unsatisfactory and inadequate, for the reason that the operator has a contract for the handling of the United States mail; that he has but one passenger car, and it is necessary that all passengers ride in the same car which carries the mail, which causes great inconvenience and dissatisfaction among travelers.

At the hearing there appeared one of the applicants, J. H. Sibley, who stated that he did not believe there was sufficient travel to warrant giving of more than one automobile service between these points; that unless they could get the exclusive right to transport all the traveling public it would not be sufficiently remunerative.

It appeared from the testimony of Mr. Velie that he was engaged, under a contract with the United States, in transporting mail from Oasis to Kanosh, via Fillmore; that in connection with the hauling of the mail he was also engaged in transporting passengers, and for that purpose he had at first operated but one car, but on account of the amount of mail and parcel post, had purchased an extra car, and that the car which was used in hauling passengers was not used for the hauling of mail or parcel

post; that he was taking care of said mail and parcel post outside of the operation of the extra car for passengers; that the car in which the mail and parcel post is being carried, is equipped to carry passengers and is used at times for that purpose.

A certificate of convenience and necessity was granted to the protestant, Earl Veile, April 18, 1919, (Case No. 143). Prior to that time Mr. Veile had been operating a passenger service since July, 1918. There appeared to be no complaints made by the testimony of the petitioners, or otherwise, as to the service given by the protestant.

It further appeared in the hearing, that the distance between Fillmore and Oasis and Delta, is about thirty-five miles, the road being constructed over a section of the country which, during nearly all seasons of the year, under present conditions, is in an undesirable condition, being muddy at some seasons, and considerably cut up and sandy during other parts of the year; that the travel over such road during the winter particularly, is accomplished with a great deal of effort and expense, and the carrying of passengers for the last year had not been remunerative; that in fact the passenger traffic has not been at all attractive, financially; that without the income from the United States mail contract, the protestant would have lost considerable money.

There appears to be very few passengers carried between the two points, the average as testified being about two each way per day. Upon the whole showing it would appear that there is not at present a necessity for an additional service, and that it would be unjust to revoke the certificate heretofore given to Mr. Veile. The application will, therefore, be denied.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
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 6th day of June, A. D. 1919.

In the Matter of the Application of D. SMITH and J. H. SIBLEY, known as "Smith & Sibley," for permission to operate an automobile stage line for the transportation of passengers, between Fillmore and Delta, Utah, and intermediate points. } **CASE No. 160**

This case being at issue upon petition and protest 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 application herein be, and the same hereby is, denied.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to increase certain of its freight rates and passenger fares. } **CASE No. 161**

Submitted June 17, 1919. **Decided December 4, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The hearing on the above petition was had on the 17th day of June, 1919, Messrs. Ross Beason and W. L. White appearing for the applicant.

Proof of publication of the notice of hearing was submitted, showing that due and sufficient notice had been given by publication in the Salt Lake Herald, Salt Lake Telegram, The Citizen, a paper published in American Fork, The Review of Pleasant Grove, The Post of Provo, The Herald of Provo, The Independent of Springville, and The Press of Spanish Fork, and the paper published in Payson, which papers are published and circulated in the district through which the applicant's line operates.

At the time of the hearing there were no protests, contests, or any opposition, in writing or otherwise.

The applicant asks for an order permitting and authorizing petitioner to change and increase its rates and fares as follows:

1. To increase the present round trip passenger fare to equal double the one-way fare, except as to the minimum adult fares as hereinafter set forth.

2. To increase the mileage passenger rates from two and one-fourth cents to two and one-half cents per mile for one thousand mile mileage books, and from two and one-half cents to two and three-fourths cents for five hundred mile mileage books.

3. To change the minimum adult fare from ten cents to fifteen cents, one way, and from twenty cents to twenty-five cents round trip.

4. To charge ten cents additional on all train

tickets sold by conductors, such ten cents additional charge to be refunded by any ticket agent on presentation of receipt to be given by conductor.

5. To change minimum charge for a single freight shipment from twenty-five cents to fifty cents.

6. To institute a minimum class freight rate as follows:

Rates in Cents Per Hundred Pounds

Class	1	2	3	4	5	A	B	C	D	E
Rates	25	21	17½	15	11	12½	9	7¾	6½	5

The applicant claims that the proposed increased passenger fares and rates are necessary in order that the petitioner may receive a fair, reasonable and just compensation for services given, and a reasonable and just return upon its investment, contending that changing the minimum adult fare to fifteen cents, one way, and twenty-five cents, round trip, will tend to make the short-distance rider bear his share of operating costs, while, under the present arrangements, passengers are handled in many instances between non-agency stations for a ten-cent fare, and the actual cost of making stops and giving such service ofttimes exceeds the revenue received for the service; that the proposed additional charge of ten cents on all train tickets sold by conductors constitutes a convenience to the Company, and does not increase the rate since such excess charge is refunded in all cases; that the cost of handling less than carload freight at the Salt Lake City station exceeds the minimum charge of twenty-five cents for single shipments; that the increase of the minimum to fifty cents would tend to divert such freight to the express companies, where it properly belongs; that the cost of handling less than carload freight at the Salt Lake City station exceeds many of the freight rates for short hauls. This results in a loss to the applicant in the handling of such shipments.

Applicant contends that the changes asked for in the classes of freight from Class 1 to Class 5, and from Class A to Class E, inclusive, would result in shipments moving to close-by points under the present minimum scale being handled by dray or truck, which would be entirely satisfactory to the petitioner, for the reason that the present minimum class scale does not begin to pay the cost of operation,

and the changes asked for would place them on a parity with the other carriers in competition with said petitioner, and thereby re-establish a reasonable and just condition between the jobbing points in Salt Lake City and Provo, requiring short haul freight and light freight to pay its fair proportion of cost of operation.

The testimony submitted in this case consisted of a number of exhibits, having for their purpose the showing of the financial condition of the Company. The same have been checked up by the Auditor of the Commission, together with some further explanations and modifications of said exhibits.

A comparative statement of earnings and expenses of said petitioner for 1918 shows:

Operating Statement:		
Total Revenue for Transportation		$184,516.00
Revenue from other Railway Operations		8,089.05
Total Operating Revenues		$537,020.31
Total Operating Expenses		342,479.79
Net Total Operating Revenue		$194,540.52
Taxes for the Year		43,657.92
Operating Income		$150,882.60
Deductions to be taken from Operating Income:		
Interest on Funded Debt	$ 75,140.00	
Other Interest	56,296.60	
Miscellaneous	229.02	
Amortization Discount	4,453.63	
Total Deductions		$136,119.25
Net Income		$ 14,763.35

A statement for the first four months of 1919 shows

Total Revenue from Transportation	$184,516.00
Revenue from other Railway Operations	2,676.11
Total Operating Revenues	$187,192.11
Operating Expenses	126,867.93
Net Operating Revenues	$ 60,324.18
Taxes	14,100.00
Operating Income	$ 46,224.18

Other Income		154.74
Gross Income		$ 46,378.92
Deductions from the Gross Income:		
Interest on Funded Debt	$ 27,042.96	
Other Interest	19,037.28	
Amortization of Discount	6,137.33	
Total Deductions		$ 52,217.57
Deficit		$ 5,838.65

While the four months' statement above referred to shows a deficit for the period of $5,838.65, it will be remembered that during a portion of that time the traffic on the Company's road was very much interfered with, on account of the influenza epidemic, and the revenues, particularly from passenger business, were seriously curtailed. The same condition obtained during the last three months of 1918, so that the statements for 1918 and for the first four months of 1919, would not represent a normal return from the operations of the Company's railroad for such periods. In fact it would be reasonable to assume that results since such reports would show more cheerful conditions for the Company.

The net income of 1918, amounting to $14,763.35, represents the sum available as a return upon the investment. It is contended, however, by the petitioner, that the property has not been properly maintained, and the claim is made that if it had been reasonably maintained there would have been a deficit instead of a net income available for dividends. The testimony would indicate that there was less than $500 per mile for maintenance during the year 1917, and less than $600 per mile during the year 1918, when there should have been $1,200 per mile for 1917 and $1,500 for 1918. The fact that the applicant was not able to expend such amounts as were necessary in 1917 and 1918, call for a greater expenditure for maintenance in 1919 and 1920, and the applicant contends that if the increase asked for be granted, it would simply enable the Company to maintain the property in a condition to give reasonable service.

Petitioner further contends that it is not asking for a return on the capitalization or setting up any specific valuation on its property; that there have been no dividends paid out on the preferred or common stock; that the seven per cent guaranteed dividends on preferred stock are accumu-

lating in favor of said stock and as a charge against the corporation; that the holders of said stock have been waiting patiently for more earnings; and that the Company is anxious for increased revenues to enable it to sell a part of its first preferred stock to clear up the floating debt referred to hereinbefore. The witness of the plaintiff testified that the Company had not been able to dispose of its securities for two years on account of the financial showing of the Company from operations under the present rates.

The subject matter of the present petition was in part before the Commission in Case No. 78, decided October 4, 1918, in which consideration and discussion was given bearing on the Company's capitalization, etc., which need not be repeated at this time. The order issued in that case permitted the petitioner to make some advances which, according to the testimony of W. L. White, resulted in an increase of about six per cent on the passenger revenues and 1.8 per cent on miscellaneous matters. Such advances are considered in the return shown by the exhibits for the year 1918 and the first four months of 1919. The advanced rates, however, have only been in effect during the latter part of 1918 and part of 1919. Witness of the petitioner testified that heavy advances in some classes of wages had been necessary, amounting to 100 per cent in 1915. Exhibit No. 10 shows an increase of the material cost of the principal commodities used in operation and maintenance of the road. Exhibit No. 12 shows the comparative earnings per mile, and, under the proposed rates, the plaintiff would be receiving much less than other roads and represents an average of $.001 per passenger per mile, or an increase of seven cents per passenger carried.

The Commission has given full consideration to the facts presented and has become convinced that some measure of relief is necessary for the Company if it is to continue to give efficient service. It has been our effort to apply advances in such a way as, in our judgment, will most benefit the carrier with the least burden upon the public. It has, therefore, been determined that the following changes will be allowed:

1. To increase the present round trip passenger fare to 190 per cent of the one-way fare, except as to the minimum adult fares otherwise herein provided for.

2. To change the minimum adult fare from ten cents to fifteen cents, one-way, and from twenty cents to twenty-five cents round trip.

3. To charge ten cents additional on all train tickets sold by conductors, such ten cents additional charge to be refunded by any ticket agent on presentation of receipt to be given passenger by conductor.

4. To change the minimum rate for single freight shipments from twenty-five cents to fifty cents.

5. To institute a minimum class freight rate, as follows:

Rates in Cents per Hundred Pounds

Class	1	2	3	4	5	A	B	C	D	E
Rates	25	21	17½	15	11	12½	9	7¾	6½	5

That part of the application asking permission to increase the rate per mile on mileage books, is denied.

The changing of the minimum adult fare from ten cents to fifteen cents one-way, and from twenty cents to twenty-five cents round trip, is permitted with some reluctance, as it might appear an unfair and unreasonable charge to make for short distances. However, it appears that such rates have been charged and allowed elsewhere. It is argued in favor of the higher charge that preparation is required for hauling passengers the shorter distances as well as the longer, and the expense of carrying passengers a few miles would not be materially increased if the same passengers were carried somewhat longer distances.

The Commission will watch the effect of the application of the higher minimum adult fares, both as to the revenues of the Company and the service and convenience of the public, with a view of making modifications of that part of this order if such action later seems desirable.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
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 4th day of December, A. D. 1919.

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to increase certain of its freight rates and passenger fares. } **CASE No. 161**

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 herein for permission to increase the rate charged for mileage books be, and the same is hereby, denied.

ORDERED FURTHER, That applicant be, and is hereby, authorized to publish and put in effect increased rates which will not exceed the following:

Passenger Fares

Round trip fare, 190 per cent of one-way fare. Minimum adult fares, 15c one-way; 25c round trip.

Train fares, 10 cents in excess of regular fare; refund to be made by any ticket agent upon presentation of conductor's receipt.

Freight Rates

Minimum class rate scale as follows:

Rates in Cents Per Hundred Pounds

Class	1	2	3	4	5	A	B	C	D	E
Rates	25	21	17½	15	11	12½	9	7¾	6½	5

Minimum charge for any single L. C. L. shipment, 50 cents.

ORDERED FURTHER, That said rates may be made effective upon ten days' notice to the public and to the Commission. Tariffs naming said increased rates shall bear the following notation upon the title page:

"Issued upon less than statutory notice by authority of Public Utilities Commission of Utah, order dated December 4, 1919, Case No. 161."

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

SALT LAKE REAL ESTATE BOARD, et al.,
Complainants,
vs.
UTAH POWER & LIGHT COMPANY,
Defendant.

CASE No. 162

REPORT AND ORDER

By the Commission:

The above entitled matter was brought to the attention of the Commission by a petition, representing that the rules and regulations of the defendant company relating to the extension of lines to proposed new customers for the purpose of supplying electric lights and fuel service, are unreasonable, unjust and discriminatory, and that such rules, regulations and schedules cause great hardships to the complainants in the prosecution of their business, and to persons requiring service under such extensions; that said rules and regulations militate against the building of homes in outlying portions of the City and retard the progress of the City's development.

The defendant company filed its answer, denying that the rules, schedules and regulations of the company as complained of by the complainants, are either unreasonable, unjust or discriminatory, and further denying that said rules and regulations militate against the building of homes as contended by the complainants.

A partial investigation was had before the Commission in which some testimony was given by the complainants. Upon suggestion of the Commission that the parties hereto might be able to reach a decision satisfactory to all concerned in the controversy, the taking of further testimony was suspended and a reasonable time given for conference for the purpose of agreeing to modifications of the rules and regulations on file with the Commission, and particularly of Rule 12 thereof, which relates to extensions.

Thereafter, on June 30, 1919, the parties appeared before the Commission and submitted proposed amendments to Rule 12, on extensions, which amendments, changes and

modifications of said Extension Rule 12, were agreed to as being satisfactory to the parties, both the complainants and the defendant. Thereupon no further testimony was taken.

It appearing that the parties bringing the matter before the Commission are satisfied with the said proposed amendments, modifications and changes as submitted, and it further appearing that the amended rule shows reductions and modifications which are favorable to the patrons of said defendant company;

IT IS HEREBY ORDERED, That the said amendments, copy of which is attached and made a part hereof, may be filed, effective immediately, in all territory within the State of Utah now served or to be served by the defendant company.

The inquiry in this case did not extend to a complete and thorough investigation of the questions involved, and for that reason this order is entered subject to any further action deemed necessary by the Commission on its own motion or on complaint or other action by the public. If it develops that there are cases to which the amended rule will not satisfactorily apply, such cases will be given proper consideration and separate hearings will be granted and such action taken as appears proper in the premises.

Dated at Salt Lake City, Utah, this 11th day of July, 1919.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

12. EXTENSIONS. (Amendment effective ————)

"Extension" as used in this paragraph is any branch from, or continuation of an existing line, to the Consumer's place of operations, including any increase of capacity of an existing extension necessary to meet the Consumer's requirements.

Where the Consumer's operations are not located upon the completed Transmission or Distribution lines of the Company of such capacity as to enable it to serve the Consumer, and where the estimated cost of the extension will not exceed $2,500.00, extension from the nearest available line of the Company to the Consumer's place of operation will be made upon the following conditions:

(a) Upon receipt and approval of an application for service under the Company's standard schedule applicable to the service contemplated, for a term of not less than two years for lighting or domestic service and not less than five years for other service, with a satisfactory guaranty of minimum bills of not less than one-half of the estimated cost of the extension for each year of the term specified in the application, the Company will make the extension at its own expense.

(b) When the satisfactorily guaranteed annual minimum bills for service on a proposed extension are less than one-half of the estimated cost of making the extension, the Company will require an advance from the Consumer of the difference between twice such guaranteed annual minimum bill and the cost of making the extension. Upon receipt of such advance and of an application for service under a standard schedule for a term of not less than five years, the Company will make the extension and will thereafter own and maintain it. The Company will credit the Consumer against such advance with one-third of each monthly bill when paid by the Consumer for service on the extension, from the date of beginning service until, but not after, either (1) the expiration of five years from the beginning of service, or (2) the termination by the Consumer of the contract for service on the extension, in accordance with the Company's Rule 46 prior to the expiration of such period, or (3) the amount of such credits shall equal the Consumer's advance without interest.

(c) Any Consumer, who shall, as an incident of

his contract for such service, have made a cash advance as provided in paragraph (b) above, may assign such contract, and by proper instrument transfer to his assignee his interest in whatever part of said advance may then not have been refunded. But the Company shall not be required to admit or accept such transfer until duly notified thereof in writing by and over the signature of the Consumer. Thereafter said fund shall continue in the possession of the Company and be credited to the account of the assignee, subject to the Company's disposition thereof, as provided by said contract and the Company's Rules and Regulations made a part thereof.

(d) Additional provisions covering domestic service in incorporated villages, towns, and cities: Where an advance payment is made by the original applicant for an extension for service, such applicant shall receive in cash, in addition to the credit provided in paragraph (b) above, for each additional Consumer connected to the extension, the difference between twice the guaranteed annual minimum bill of such additional Consumer from said new connection and the cost of the new extension therefor, when such cost shall be less than twice said guaranteed annual minimum bill. But the original applicant shall not be entitled to such cash payment until he shall have notified the Company in writing of the connection of the additional Consumer and made demand accordingly, nor after either, (1) the expiration of five years from the beginning of service to said original applicant, or (2) the termination by the original applicant of his contract for service before the expiration of such period, or (3) the amount of such credits and cash payments shall equal the original applicant's advance without interest. Any Consumer may, at any time after two years from the date upon which his service shall have commenced and provided he shall then have become entitled to refund in full hereunder of his advance payment, terminate his service contract upon thirty days' written notice to the Company of his intention so to do.

163. JEREMY FUEL & GRAIN CO.,

A Corporation, et al.,

Complainants,

vs.

DENVER & RIO GRANDE R. R. CO.,

A Corporation,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MIKE PALLOTTA, for permission to operate an automobile stage line between Magna and Saltair Beach, Salt Lake County, Utah. } **CASE No. 164**

Decided June 23, 1919.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

This matter was set for hearing May 26, 1919, at the same time that other applications were heard for permission to operate over the same line.

This applicant was present during the hearings, and at the close thereof declined to introduce testimony in support of his application, but asked the privilege of giving further consideration to the matter, and by his own request was granted one week in which to decide whether or not to withdraw his application. More than one week having elapsed since that time, and nothing having been heard from the applicant, it is taken for granted that he does not now wish to have his application further considered.

And it appearing to the Commission that the service being given over the route asked for by this applicant is being, and will be, otherwise adequately taken care of, the application will be dismissed. An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 23d day of June, A. D. 1919.

In the Matter of the Application of MIKE PALLOTTA, for permission to operate an automobile stage line between Magna and Saltair Beach, Salt Lake County, Utah. } **CASE No. 164**

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, which said report is hereby referred to and made a part hereof:

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

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. G. JACOBS, for permission to operate a stage line for the transportation of passengers and express, between Park City, Heber City, and Duchesne, Utah.

CASE No. 165

ORDER

Upon motion of the petitioner and by the consent of the Commission:

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

By the Commission.

Dated at Salt Lake City, Utah, this 3d day of June, 1919.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of R. L. FROST and MYRON BOND, for permission to operate an automobile stage line between Garland and Deweyville, Utah, via Tremonton, Utah.

CASE No. 166

Submitted June 27, 1919. **Decided July 10, 1919.**

Alva D. McGuire for applicants.

B. H. Jones for protestants.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

This petition was filed April 28, 1919. The applicants are residents of Tremonton, Utah. They ask for permission to establish a stage service between Deweyville and Garland, Utah, via Tremonton, Utah, and to charge a one-way fare of $1.08, including war tax, between Deweyville and Tremonton; a one-way fare of $1.62, including war tax, between Deweyville and Garland, and a one-way fare of $1.08, including war tax, between Garland and Tremonton.

The application was protested by Elmore Adams, of Deweyville, who alleged that he had been meeting the trains at Deweyville during the past two and one-half years as a taxicab operator, and had been prepared to convey passengers from Deweyville to any point desired, including Tremonton and Garland.

Protests were also filed by a number of automobile livery men doing business in Tremonton and Garland, and by various business men and institutions and residents of the two towns.

The case came on for hearing at Deweyville, June 27, 1919. Testimony by the applicants was that if granted the permission sought for, they were prepared to meet all trains on the Oregon Short Line Railroad and the Utah Idaho Central Railroad, and promptly convey passengers to Tremonton and Garland, and would operate on a schedule suited to the convenience of the traveling public. Mr. Frost, one of the applicants, said in response to questions that he

would not be willing to undertake the service over this line for fares lower than those proposed by him, the passengers to be assessed the war-tax.

For the protestants, testimony was given to show that the public needs are already adequately cared for, and that the service now being given by Mr. Adams, and that provided at Tremonton and Garland by the various auto livery companies doing business there, is sufficient. It was testified that the Adams livery service was available to passengers arriving in Deweyville on any train from either direction during the day, Mr. Adams being equipped with two automobiles. It was further shown that there was ample equipment available at Garland and Tremonton to convey passengers to the trains at Deweyville. Witnesses testified that the present service is satisfactory to the public.

The distance between Deweyville and Tremonton is four miles, and between Tremonton and Garland, is two miles.

One passenger train a day via the Malad branch of the Oregon Short Line Railroad is operated to and from Tremonton and Garland, connecting with the main line at Brigham City. This, however, does not provide convenient or sufficient transportation facilities for the public, a number of persons preferring to go by automobile to Deweyville, where frequent railroad service is obtainable.

The livery service that has been in the past, and is now, available to the public, provides transportation for a single individual between Garland and Deweyville, for $1.50; if two or more persons go in the same car, the fare is $1.00 each. The fare between Tremonton and Garland, and Tremonton and Deweyville, is $1.00 each person, regardless of the number. In all cases the livery men, protestants herein, have themselves paid the war tax out of their fares. If a stage line is established in accordance with this application, it would result in an increase in the fare between Deweyville and Tremonton, and between Tremonton and Garland, of 8 cents. The fare would be increased 12 cents between Deweyville and Garland if one party was being carried, and in case of two or more parties the increase would be 62 cents between Deweyville and Garland, due to the liverymen reducing their charge between Deweyville and Garland for a party of two or more, which would not be done by the applicants under a stage line permission.

The only testimony offered in support of the application and in proof of there being a necessity for the establishing of a stage line, was the testimony of the two applicants themselves. As before stated, there is on file a protest against granting the application, carrying the sig-

natures of substantial business men and other residents of Tremonton and Garland, and in addition thereto, testimony was presented to the effect that there was no necessity for the stage line.

Before a certificate of convenience and necessity can be issued there must be a showing made that the public needs and requires the service. On this point the law says: (Compiled Laws of Utah, 1917, Sec. 4818)

> "No * * * automobile corporation * * * shall henceforth establish or begin the construction or operation of a * * * line, route, * * * or system * * * without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction."

The evident intent of the law is that where the public is being served adequately and satisfactorily, such service should not be disturbed. In the instant case it is not certain that the interests of the public would be subserved by substituting regulated service for that now being given. So far as public sentiment could be judged by the testimony at the hearing, it would be against the change. Hence, on the showing made, we could not certify that public convenience and necessity required the operation of the proposed stage line. Nor would we feel justified in adding to the burden of the traveling public that has occasion to use the service between Deweyville, Tremonton and Garland, by establishing a stage line between those points with authorized fares higher than are being paid at the present time for special car service.

The applicants were given opportunity to modify their request for higher fare than is now being charged, but stated positively that the business would not be attractive to them and that they would not care to assume the responsibility of giving the service at any price lower than that asked for in their application. This leaves the Commission with the alternative of denying the application or increasing the fares, which on the present livery stage basis are high in comparison with stage line service in other parts of the State, even where road conditions are more dificult than they are in the district in question, during most seasons of the year.

The Commission will watch developments in this district and check up the amount of traffic in order to determine whether the public is being fairly treated or would be

better served if a stage line were established. As at present advised, it would appear proper to deny the petition.

An appropriate order will be issued.

(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 10th day of July, A. D. 1919.

In the Matter of the Application of R. L. FROST and MYRON BOND, for permission to operate an automobile stage line between Garland and Deweyville, Utah, via Tremonton, Utah. } **CASE No. 166**

This case being at issue upon petition and protests 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 application herein be, and it is hereby, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

MRS. S. J. STEWART, Complainant,
vs.
PROGRESS COMPANY, Defendant.
} CASE No. 167

Submitted May 8, 1919. **Decided May 12, 1919.**

Edward F. Allen, attorney for complainant.

F. C. Loofbourow, attorney for defendant.

REPORT OF THE COMMISSION

By the Commission:

The above entitled case came on for hearing before the Commission May 8, 1919, upon the petition and complaint of the complainant and the answer of the defendant, the Progress Company.

Complainant alleges that defendant wantonly and without just cause disconnected the wires and removed the meter from her premises, known as the Stewart Hotel, at Magna, Utah; that defendant refused and still refuses to furnish electrical energy for lighting purposes to plaintiff; that said action upon the part of the said defendant was without just cause and resulted in depriving the complainant of necessary light for her premises. Plaintiff prays for an order requiring the defendant to furnish and sell her electrical energy for lighting purposes at the rates and charges by it legally published and made effective.

The defendant admits that it disconnected the wires and removed the meter from the said premises, and justifies such action upon the grounds that the complainant was found to be perpetrating a fraud upon the Company by a certain contrivance called a "jumper," which was a wire connection so used and arranged as to convey around the meter then being used upon said premises, a portion of the electrical energy consumed on said premises; and that by such acts upon the part of the complainant said meter failed to register the amount of the electrical energy that was consumed by the said complainant upon said premises. The defendant further contends that if the said "jumper" had

been maintained on said premises and service continued under existing circumstances, there would have resulted a preference to said petitioner over other customers of the Progress Company, and the Company would be discriminating in plaintiff's favor.

The Progress Company asserts and alleges that it is ready and willing to furnish said petitioner energy on exactly the same basis as it furnishes electrical energy to other persons in the same district, provided a satisfactory protective device is installed on the premises of the petitioner at her expense, and asks that an order issue requiring the petitioner to furnish upon her premises at her own expense such satisfactory protective device.

The testimony at the hearing was to the effect that a so-called "jumper" device had been applied to the wires of the meter upon the premises of the plaintiff for the purpose of preventing part of the electrical energy used from passing through and being registered by the meter, which was installed upon said premises for the purpose of registering all of the electrical energy used and consumed by the plaintiff, and that the effect of using said contrivance was to cause the meter to record only a comparatively small part of the electrical energy actually used, and thus to make the monthly light and power bill smaller to plaintiff than it should have been.

Under the showing made by the said Company the disconnecting of said meter and the refusal to furnish electrical energy was warranted and justified under the rules and the law regulating said matters.

We, therefore, find:

That the complainant should be required to install or pay for the installation of a satisfactory protective device, to cost not more than twenty dollars, to be used in connection with the means of furnishing electrical energy to said premises, and that upon satisfactory arrangements being made with said Company by the complainant, the said Company should immediately install a meter and furnish electrical energy to plaintiff to be used on the premises in question.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 12th day of May, A. D. 1919.

MRS. S. J. STEWART, Complainant,
vs.
PROGRESS COMPANY, Defendant.

CASE No. 167

This case being at issue upon complainant 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 complainant, Mrs. S. J. Stewart, before receiving further electric service, be required to install or have installed a satisfactory protective device to be used in connection with the furnishing of such electric service, the cost of same to be borne by complainant, said cost not to exceed twenty ($20.00) dollars.

ORDERED FURTHER, That upon such installation being completed, defendant, The Progress Company, shall immediately install a meter and furnish complainant with electric energy at the rates set forth in its schedule on file with the Public Utilities Commission of Utah.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } **CASE No. 168**

Decided April 24, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 7, 1919, A. P. Hemmingsen petitions the Public Utilities Commission of Utah for a certificate that present and future public convenience and necessity require, and will continue to require, the operation of an automobile stage line between Lark and Salt Lake City, Utah, twice weekly.

Applicant asks for permission to operate such a line, leaving Lark at 9 a. m., Wednesdays and Saturdays; leaving Salt Lake City at 6:30 p. m., Wednesdays and Saturdays; and to charge the following fares between Salt Lake City and Lark, Utah:

One way	$1.50
Round trip	2.75

And the Commission having caused investigation to be made, and being fully advised in the premises, finds:

1. That public convenience and necessity requires and will continue to require, the operation of an automobile stage between Lark and Salt Lake City, Utah.

2. That applicant has in the past operated such line, giving sufficient and adequate service, and should be granted permission to resume such operations.

3. That applicant should file with the Commission, and post at each station on his route, a typewritten or printed schedule showing time of arrival at, and departure from,

each station, and a schedule naming fares between all stations.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 41

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 24th day of April, A. D. 1919.

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. } **CASE No. 168**

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, 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 the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

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 LIGHT & TRACTION COMPANY, for permission to remove from that portion of Center Street, between Second North Street and Fern Avenue, its rails, ties, poles, wires and all electrical or other equipment now by it installed thereon.	**CASE No. 169**

ORDER

Upon motion of the petitioner, and by the consent of the Commission;

IT IS ORDERED, That the application herein be, and it is hereby, dismissed, without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 27th day of September, 1919.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. R. BARTON, for permission to operate an automobile stage line for the transportation of freight and express between Marysvale and Panguitch, Utah, and intermediate points.	**CASE No. 170**

Decided May 7th, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 30, 1919, A. R. Barton petitions the Public Utilities Commission of Utah for a certificate that present and future public convenience and necessity require and will continue to require the operation of an automobile truck line for the transportation of freight and express between Marysvale and Panguitch, Utah.

Petitioner states that at the present time there is no established line handling express and freight between Marysvale and Panguitch, Utah; that Marysvale is the terminal of the Denver & Rio Grande Railroad, and that the residents of Panguitch and intermediate towns receive their supplies and materials via the railroad to Marysvale and thence by team or truck; that petitioner will be equipped with one two-ton Federal truck, which will enable him to care for the business at this time, and that additional equipment will be secured as needed.

The Commission has in the past investigated conditions existing in the territory covered by this applicant, and is, therefore, famliar with the needs of the citizens of Panguitch and intermediate towns.

We, therefore, find:

1. That present and future public convenience and necessity require and will continue to require the operation of an automobile truck line for the transportation of property between Marysvale and Panguitch, Utah.

2. That the petition of A. R. Barton should be granted.

3. That petitioner should comply with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines, and should, before beginning operations, file with the Commission a schedule naming the rates charged for the transportation of property between all points as well as a schedule showing the time of arrival and departure from such points.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 42

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 7th day of May, A. D. 1919.

In the Matter of the Application of A. R. BARTON, for permission to operate an automobile stage line for the transportation of freight and express between Marysvale and Panguitch, Utah, and intermediate points.	**CASE No. 170**

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 applicant, A. R. BARTON, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile truck line for the transportation of freight and express between Marysvale and Panguitch, Utah, and intermediate points.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and charges, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the MOAB LIGHT & POWER COMPANY, for permission to increase its rates for electric service. } CASE No. 171

Submitted September 3, 1919. Decided September 19, 1919.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The Moab Light & Power Company is a Utah corporation, engaged in the business of furnishing electric light and power to the people of Moab and the immediate vicinity in Grand County, Utah.

Hearing on the application for an increase of rates was held at Moab, September 3, 1919. Mr. C. A. Robertson appeared on behalf of the Town Board and participated in the proceedings.

Testimony for the applicant was given by C. A. Hammond, its manager, and was to the effect that up to May 23, 1915, there had been an expenditure on capital account of $8,197.67. Since that date an additional $7,648.01 has been invested in plant and equipment, which makes the investment to date in property now used or useful, $15,845.68. In addition to this amount, $1500.00 has been spent for the construction of a dam, and about $900.00 for crib work, which dam and crib work were recently washed out with total loss to the Company. The wash-out referred to occurred about the first of August, 1919, since which time there has been no electric service.

The Company plans now to construct a concrete dam, to cost approximately $4,000, and expects to spend about $1,000 on a building, so that by the time service is renewed the investment of the Company, according to the testimony of Mr. Hammond, will be about $20,000.

Testimony was submitted showing that for the year 1918 the total income of the Company was.....$3,681.15

Charges against gross earnings were as follows:

Wages	$1,797.30	
Current Expenses	650.00	
Depreciation charged off	1,000.00	
Total		3,447.30
Balance to apply as return on investment		$ 233.85

Mr. Hammond testified that on the basis of the wage scale now in effect, the Company's salary account will be increased to $2250 for 1919. The advance in the cost of materials and supplies necessary for the upkeep of the plant, and the higher range of general expenses, will increase its expenditures at least $200 for current expense account. He testified that the income will not be sufficient to provide operating expenses and a reserve for depreciation, to say nothing of interest on the investment.

There would seem to be very little prospect of materially increasing the number of users of lighting service. There is a prospect, however, of some additional day power being used, which, it is hoped, will increase the income, but the present prospects do not seem to indicate that the Company can increase its sale of light and power sufficiently to cover its increased expenditures. It would seem, therefore, that there is nothing to do but to grant an increase of rates if the Company is to remain in a condition to give adequate and reliable service to the public.

The new schedule of rates proposed by the Company in its original application was, by consent, corrected in some particulars, and an amended application was filed at the time of the hearing, in which the Commission's approval of the following schedule of rates was asked:

Meter Rates

15c per K. W. H. for the first 100 K. W. per month.

10c per K. W. H. for all current over 100 K. W. per month.
Minimum rate for any month, $2.00.

5c per K. W. H. per month for cooking purposes only, when used on a separate meter connection.
Minimum rate, $1.50 per month.

5c per K. W. H. per month for power purposes when used on a special power meter, provided such power purposes is construed to exclude all household electrical appliances and devices coming under the regular lighting service, e. g., electric irons, washing

machines, electric curlers, grills, chafing dishes, sewing machines, fans, vibrators, vacuum cleaners, electric sweepers, and all other personal and household electric appliances of whatsoever nature not hereinbefore mentioned.

Flat Rates

75c for one 40 watt light per month.
$1.50 for two 40 watt lights per month.
$2.00 for three 40 watt lights per month.
50c for each additional 40 watt light per month.
50c for each washer for family use only.
75c for each electric iron for family use only.

The wisdom of excluding household electrical appliances from the benefits of the cooking and power rates may be open to question. The future growth of the Company's business will apparently depend largely upon the development of the small power load. The use of electrical household appliances and utensils, such as ranges, washing machines, irons, sewing machines, fans, vacuum cleaners, etc., is increasing, under the stimulus of active sales campaigns conducted by power companies. Inasmuch as most of such power is used during the daytime, and, therefore, serves to bridge a daily recurring period of minimum power demand, this Company, as well as others, can probably afford to lend encouragement to the fullest use of such appliances and devices, by applying to them rates for service similar to rates accorded users of small motors. This is being done with satisfactory results by other power companies operating in this State, and the plan should be tried by the applicant herein.

It would be somewhat difficult to estimate the income to be derived from the application of the proposed new rates. It was the opinion of Mr. Hammond, however, that the increase would be approximately 25 per cent. Some addition to this might be received because of the expected increased consumption of day power as its use is developed under the plan hereinbefore proposed, but as nearly as can be ascertained the probable income under the new schedule of rates would be, for the present, approximately $5,000 a year. Assuming this estimated figure to be correct, and accepting the estimate of expenditures made by Mr. Hammond, we would get the following results:

Expected Income		$5,000
Operating Expenses:		
Salary	$2,250	
Current Expenses	850	
Total		3,100
Balance to apply on capital charges and depreciation		$1,900

It will be seen that this estimate, if realized, will provide a total of 9½ per cent on the $20,000 which, according to the testimony, will have been invested by the time the plant is again placed in operation. If we allow four per cent for depreciation, there would remain but five and one-half per cent as return on investment.

On the showing made I am of the opinion, and, therefore, find that applicant should be permitted to increase its rates for light and power service, to the schedule proposed in its application; provided, however, that provision should be made for the cooking or power rate to apply on electrical household appliances when used on cooking or power meters.

An appropriate order will be issued.

(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 19th day of September, A. D. 1919.

In the Matter of the Application of the MOAB LIGHT & POWER COMPANY, for permission to increase its rates for electric service. } **CASE No. 171**

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, which said report is hereby referred to and made a part hereof:

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

Meter Rates

Lighting—

First 100 K. W. H. per month	15c per K. W. H.
All over 100 K. W. H. per month	10c per K. W. H.
Monthly minimum charge	$2.00

Cooking and Power—

Per K. W. H.	5c
Monthly minimum charge	$1.50

This rate to apply for cooking purposes and to include all household electrical appliances, e. g., electric irons, washing machines, electric curlers, grills, chafing dishes, sewing machines, fans, vibrators, vacuum cleaners, electric sweepers and all other personal and household electric appliances of whatsoever nature not hereinbefore mentioned, when measured by a separate meter.

Flat Rates

One 40 watt light	$ .75 per month
Two 40 watt lights	1.50 per month
Three 40 watt lights	2.00 per month
Each additional 40 watt light	.50 per month
Each washer, for family use only	.50 per month
Each electric iron, for family use only	.75 per month

ORDERED FURTHER, That such increased rates may become effective with the resumption of electric service to the public, provided that schedule naming such increased rates be filed with the Public Utilities Commission of Utah and the public at least fifteen days before becoming effective.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of Application of the OREGON SHORT LINE RAILROAD, for permission to construct, operate and maintain a standard gauge spur railroad track over and across Second West Street, between Second and Third South Streets, Salt Lake City, Utah.

CASE No. 172

ORDER

Upon motion of the petitioner and by consent of the Commission;

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

By the Commission.

Dated at Salt Lake City, Utah this 10th day of June, 1919.

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

173. **W. P. EPPERSON, et al.,**

Complainant,

vs.

BAMBERGER ELECTRIC RAILROAD COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of E. J. DUKE, for permission to operate an automobile stage line between Park City and Heber City, Utah.	CASE No. 174

Decided May 8, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed March 24, 1919, E. J. Duke petitions for a certificate that present and future public convenience and necessity require and will continue to require the operation of an automobile stage line between Park City and Heber City, Utah.

Petitioner represents that he has for the past sixteen years been engaged in operating such a stage line and is so engaged at present; that he is now and for the past two years has been charging and collecting the following fares between Park City, Utah, and Heber City, Utah: One-way $1.50, round-trip $2.50; and for the transportation of express, $1.00 per one hundred pounds, with a minimum charge of 25c; that he is equipped to carry on such stage business, and has the contract for carrying the United States mail between the above named points;

And the Commission having caused investigation to be made, and being fully advised in the premises, finds:

1. That present and future public convenience and necessity require and will continue to require the operation of an automobile stage line for the transportation of persons and property between Park City and Heber City, Utah.

2. That the application of E. J. Duke should be granted.

3. That petitioner, E. J. Duke, should file with the Commission and post at each station on his route a printed or typewritten schedule naming rates for the transporta-

tion of persons and property between all points, and a schedule showing the time of arrival and departure of his stage cars.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 43

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of May, A. D. 1919.

In the Matter of the Application of E. J. DUKE, for permission to operate an automobile stage line between Park City and Heber City, Utah. } **CASE No. 174**

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, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That applicant, E. J. DUKE, 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 and express between Park City and Heber City, Utah.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JESSE EARL BOOTH, for permission to operate an automobile stage line between Garfield Townsite & Magna, Utah. } **CASE No. 175**

Submitted July 11, 1919. **Decided July 15, 1919.**

REPORT OF THE COMMISSION

By the Commission:

In this case a temporary permit to operate a stage line between Magna and Garfield, Utah, was granted June 25, 1919, to the applicant herein, a showing having been made before the Commission that the traveling public needed better services than was being given at that time by J. H. Yates, who was operating under permission of the Commission.

The permit was issued pending further investigation and final determination of the matters presented in the application, and also of matters pertaining to the alleged irregular and unsatisfactory service of the said J. H. Yates.

Investigation having been concluded by the Commission, on July 11, 1919, which was the date set for final hearing of the complaints against the said J. H. Yates; and the Commission having, under date of July 15, 1919, issued an order revoking the permission under which the said J. H. Yates was operating a stage over the route covered by this application, effective July 17, 1919; and the Commission being fully advised in the premises, finds:

1. That a certificate of convenience and necessity as prayed for in this application should be issued to the applicant herein, for the operation of a stage line between Magna, Utah, and Garfield, Utah.

2. That the applicant should file with the Commission and post at each station on his route, a schedule showing the time of arrival and departure at each of said stations, and

a tariff stating the rates to be charged between all points on said route.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 55

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 15th day of July, A. D. 1919.

In the Matter of the Application of JESSE EARL BOOTH, for permission to operate an automobile stage line between Garfield Townsite and Magna, Utah. } **CASE No. 175**

This case being at issue upon petition and protests 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 applicant, JESSE EARL 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 Magna, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of R. S. WILSON and J. A. HALVERSON, for permission to operate an automobile stage line for the transportation of passengers between Heber City and Provo, and between Provo and Salt Lake City, Utah.

CASE No. 176

Submitted June 12, 1919. **Decided July 2, 1919.**

Gustin, Gillette & Brayton for petitioners.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

This application was filed May 1, 1919. The applicants request the Commission to grant permission for the operation of a passenger stage line between Salt Lake City and Heber City, Utah, via Provo.

The case was heard May 27, 1919, at the same time that hearings were had on the application of the Salt Lake & Duchesne Stage Company (Case No. 177), and the application of James S. Frontjes (Case No. 190). The Salt Lake & Duchesne Stage Company asked permission to operate between Heber City and Provo, Utah, and James S. Frontjes asked permission to operate between Salt Lake City and Heber City, via Provo.

The Salt Lake & Utah Railroad Company entered protest to the granting of any certificate of convenience and necessity which would permit the transportation of passengers in competition with its electric line, between Salt Lake City and Provo and intermediate points.

At the conclusion of the testimony the several cases were taken under advisement. Subsequently the case of James S. Frontjes was reopened for the purpose of receiving additional testimony. On that date all of the applicants desiring permission to operate over the line between Salt Lake City and Heber City, via Provo, were present. Mr. Frontjes asked permission to change his application so that the route from Salt Lake City to Heber City would be via

Parley's Canyon instead of via Provo. Permission was granted for the change in his application in accordance with this request, which, of course, makes it unnecessary to give further consideration to Mr. Frontjes' application so far as this case is concerned.

At the same time the Salt Lake & Duchesne Stage Company was granted permission to withdraw that part of its application in Case No. 177, which had reference to the route between Provo and Heber City, leaving its application only for the route between Heber City and Duchesne, via Strawberry. This leaves only the application of the petitioners herein to be considered.

These petitioners stated that after further consideration they had concluded to not request permission for operation over the route between Salt Lake City and Provo, and would ask only that their application be considered insofar as it affected the service between Provo and Heber City.

Inasmuch as there is no contest and no other applicants for the route between Provo and Heber City, the other applications having been withdrawn as hereinbefore stated; and sufficient showing having been made to satisfy the Commission that there is a public necessity for the establishing of a passenger stage route between the points mentioned, and applicants herein having satisfied the Commission that they are able to give the service, their petition should be granted.

It is understood that applicants herein will operate their stages so that they will make close connections at Heber City with the stage lines operating between that point and Duchesne and other points in the Uintah Basin, the understanding having been arrived at between the Salt Lake & Duchesne Stage Company and applicants herein, that they will establish traffic arrangements subject to the approval of the Commission which will permit persons going to or coming from the Uintah Basin to continue their journey out of Heber City without delay.

An appropriate order will be entered.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

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

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 49

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of July, A. D. 1919.

In the Matter of the Application of R. S. WILSON and J. A. HALVERSON, for permission to operate an automobile stage line for the transportation of passengers between Heber City and Provo, and between Provo and Salt Lake City, Utah. } **CASE No. 176**

This case being at issue upon petition and protests 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 applicants, R. S. WILSON and J. A. HALVERSON, be, and they are hereby, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line for the transportation of passengers between Provo, Utah, and Heber City, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In re R. S. WILSON and J. A. HALVERSON failing to render proper passenger service between Provo, Utah, and Heber, Utah.	CASE No. 176

Decided November 13, 1919.

REPORT AND ORDER

By the Commission:

Hearing on the above matter was set for Wednesday, the 22nd day of October, 1919, at the office of the Public Utilities Commission of Utah, Room 303 State Capitol, Salt Lake City, Utah. Notice was served on Wilson and Halverson, through their attorneys, Gustin, Gillette & Brayton. Said Wilson and Halverson failed to appear or make answer in compliance with the notice and order, issued September 29, 1919.

From the information obtainable, and upon investigation, the Commission finds that Wilson and Halverson have failed to give the traveling public service between Provo and Heber City, and have failed to operate an automobile stage line between said points, as authorized in Certificate of Convenience and Necessity No. 49.

IT IS THEREFORE ORDERED, That the right of Wilson and Halverson, and permission to operate an automobile stage line between Provo, Utah, and Heber City, Utah, be, and is hereby, revoked and set aside.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & DUCHESNE STAGE COMPANY, for permission to operate an automobile stage line for the transportation of passengers and express, between Duchesne and Provo, Utah, via Heber City.

CASE No. 177

Submitted June 12, 1919. **Decided July 23, 1919.**

REPORT OF THE COMMISSION

By the Commission:

This application was filed January 25, 1919. The applicant asks permission to operate a stage line between Duchesne and Provo, via Heber City, Utah.

Hearing was had on the 27th day of May, 1919, at which time the applicant amended its petition limiting operations to the route between Duchesne and Heber City, via Strawberry Valley.

The applicant herein testified that arrangements had been made with James S. Frontjes, under which through traffic arrangements would be in effect permitting passengers from Vernal destined Salt Lake City, or from Salt Lake City destined Vernal, to make a continuous journey with close connections at Heber City and Duchesne, with the stages to be operated by the said James S. Frontjes.

Testimony was offered further, to the effect that this applicant, if granted the permission requested, would make close connections at Heber City with the Provo stage line, operated by Wilson & Halverson, under permission of the Commission, in Case No. 176, and that in the operation of the line, freedom would be accorded passengers to continue their journey from Heber City via Provo or via Parley's Canyon to Salt Lake City. In other words, that the applicant herein would preserve the open gateway at Heber City. It was further agreed that Duchesne should be an open gateway for passengers from Vernal, who should be free to choose to go out of Duchesne via Helper or this applicant's line via Strawberry Valley.

The Commission having given full consideration to this matter, finds:

1. That the public convenience and necessity require and will continue to require the operation of a stage line, daily, during the period of the year when the roads are passable, between Duchesne and Heber City.

2. That the applicant herein should be granted permission to operate said stage line upon the filing of schedules and rates with the Commission.

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. 56

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23d day of July, A. D. 1919.

In the Matter of the Application of the SALT LAKE & DUCHESNE STAGE COMPANY, for permission to operate an automobile stage line for the transportation of passengers and express, between Duchesne and Provo, Utah, via Heber City. } **CASE No. 177**

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 applicant, the Salt Lake & Duchesne Stage Company, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers and express, between Duchesne, Utah, and Heber City, Utah.

ORDERED FURTHER, That arrangements shall be made by the applicant with connecting lines, so that passengers shall be accorded a choice of routes between Heber City and Salt Lake City, to travel either via Provo or via Parley's Canyon; and that applicant shall, at all times, arrange to make close connections at Heber City with stage lines operating via Provo and via Parley's Canyon; and at Duchesne with stage lines operating between that point and Vernal and Helper.

IT IS FURTHER ORDERED, That applicant, before beginning operation, shall, as provided by law, file with the

Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of GEO. E. HANKS, for permission to increase rates for passenger service between Marysvale and Panguitch, Utah. } **CASE No. 178**

Submitted June 25, 1919. **Decided July 31, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

On May 10, 1919, Geo. E. Hanks, operating an automobile stage line between Marysvale and Panguitch, filed an application for permission to increase the fare for transporting passengers from Marysvale to Panguitch, from $3.00 to $4.00, when the service is performed at night, after the arrival of the Denver & Rio Grande train at nine o'clock p. m.

An investigation was conducted at Richfield, on June 25, 1919, at which time it developed that the present rate is inadequate for the service performed, which consists of transporting passengers 55 miles over a mountain road on which the ruling grade is ascending. There were no protests to this application, and the showing made seems to the Commission sufficient to warrant the granting of the application.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) 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 31st day of July, A. D. 1919.

In the Matter of the Application of GEO. E. HANKS, for permission to increase rates for passenger service between Marysvale and Panguitch, Utah. } **CASE No. 178**

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 applicant be, and hereby is, permitted to publish and put in effect a rate of $4.00 for transporting passengers from Marysvale to Panguitch, when such service is performed at night after the arrival of the train at Marysvale.

ORDERED FURTHER, That printed or typewritten schedule naming such rate shall be filed immediately with the Public Utilities Commission of Utah, and posted at each station located upon the line of the applicant.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the WESTERN PACIFIC RAILROAD for permission to close its station at Low, Utah.

CASE No. 179

Submitted April 28, 1919. **Decided May 13, 1919.**

REPORT OF THE COMMISSION

By the Commission:

On April 28, 1919, the Western Railroad, by W. R. Scott, Federal Manager, filed an application for permission to close its station at Low, Utah.

The petitioner sets forth in its application that Low is a small station on the desert, opened as an operating convenience for dispatching trains, etc., and that there is no community located at that point; that the freight revenue for twelve months ending March 31, 1919, was $1100.99 received, and $1227.81 forwarded, which revenue includes shipments received and forwarded at Clive Knolls, Barro and Arinosa, non-agency stations; that the passenger revenue amounted to $199.90 for the same period; that aside from shipments to employees of petitioner, the freight business consists of supplies, etc., for sheepmen and is handled chiefly during a two months' period; that all facilities will be retained at Low station, and that tleephone communication is contemplated between Low and Delle, the nearest agency station.

No hearing was held on the application, the Commission being informed of conditions through former investigations.

Therefore, the Commission having caused investigation to be made and being fully advised in the premises, finds that the business done by the petitioner at its station at Low, Utah, is insufficient to warrant maintaining an agent at that point.

The Commission expressly reserves the right to require petitioner to reopen said station, should future business connections warrant such action.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 13th day of May, A. D. 1919.

In the Matter of the Application of the WESTERN PACIFIC RAILROAD for permission to close its station at Low, Utah. } **CASE No. 179**

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, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That applicant, the Western Pacific Railroad, be, and hereby is, authorized to discontinue its agency station at Low, Utah.

ORDERED FURTHER, That the Public Utilities Commission of Utah expressly reserves the right to order such agency station re-established, should conditions warrant.

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 COPPER COMPANY, for relief from the Commission's tentative standard clearance order, in respect to the construction of an overhead railroad track crossing near Bingham, Utah.

CASE No. 180

CLEARANCE PERMIT No. 2

By the Commission:

Comes now the Utah Copper Company and represents that at Bingham, Utah, it has a spur track crossing over a road used for vehicular traffic; that the road in question has not been condemned or dedicated as a public highway but is used primarily by the applicant and two other mining companies of Bingham; that the spur track referred to above was carried over the wagon road by a curved trestle with 12-foot bents; that the proposed change will eliminate the curved trestle and substitute a concrete arch over and above said road of one span with abutments placed 16 feet apart; that the physical condition at this point is such that a greater clearance cannot be provided except at an expense so great as to be prohibitive; that the proposed construction is now well under way, having been commenced prior to the date of filing application, due to a misapprehension of the jurisdiction of the Commission where the crossing was not over a public highway; that the change desired will be a material improvement over the former conditions, as the curved trestle will be eliminated and the clearance increased from 12 feet to 16 feet.

The Commission having caused investigation to be made, and being fully advised in the premises;

IT IS HEREBY ORDERED, That applicant, the Utah Copper Company, be, and hereby is, authorized to proceed with the construction of the bridge referred to herein, according to the specifications hereinbefore set forth and described on blue print accompanying and made part of the petition.

The Commission expressly reserves unto itself the right to modify the provisions of this order covering clearances, provided conditions dangerous to the public safety should arise which in the opinion of the Commission require a greater clearance.

Dated at Salt Lake City, Utah, this 14th day of May, A. D. 1919.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Petition of residents of Sigurd, Utah, and vicinity, to have a depot constructed by the Denver & Rio Grande Railroad at Sigurd, Utah. } **CASE No. 181**

Submitted June 26, 1919. **Decided August 5, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The petition of W. S. McClellan, et al., asking that a depot and freight station be established at Sigurd, Utah, was heard at Sigurd, June 26, 1919. There appeared at said hearing, representatives from Wayne County, Sigurd, and other points in question. There also appeared in behalf of the Railroad Company, I. H. Luke, General Superintendent, J. T. Slattery, Superintendent, B. W. Robbins, Assistant General Freight and Passenger Agent, J. H. Hornung, Division Agent of the Sanpete Branch, and B. Howell, Attorney.

The prayer of the petitioners is based upon the following:

That Sigurd is the nearest central point to and from a surrounding country, consisting of a number of towns, as shown on Exhibit "A," which is a map drawn for the purpose of showing the location of the railroad in question, as well as the highways, towns and villages which patronize the railroad in the matter of shipments into and from the said section of country. The distance from Sigurd, on the railroad, to the various towns and settlements, is indicated upon said map, as well as the population of the towns and settlements. It was testified, however, that the population shown was less than the actual population to the extent of about 10 per cent.

It appeared by the testimony that Sigurd is a farming town located upon the Sevier River; that the county and state roads coming from the east and southeast, as well as the north and south roads, pass through said town, and that east and south from Sigurd there are a number of towns

and villages connected with said Sigurd by said roads, and through which passes a great part of the freight into and out of said section of country. From the testimony submitted, it appears that most of the freight taken to and from the railroad is carried by wagon and automobile through the town of Sigurd, thence parallel with the railroad a distance of about twelve miles, making in all an extra distance to travel of about twenty-five miles; that at present most of the freight that passes into and out of said district from the east and south is handled at Salina, a distance of eleven or twelve miles north of Sigurd; that some of the freight is taken to Richfield, a distance of about eight or nine miles south of Sigurd, thereby making an extra haul of freight from and to the railroad, to either point.

From an examination of the map and a consideration of the testimony given, it appears that Sigurd is the logical and most accessible point for the delivery of freight carried by the railroad to the petitioners, and that in being compelled to go to Salina or Richfield is an additional inconvenience as well as a greater expense as far as the wagon or automobile haul is concerned.

It further appeared that outside of the freight, which was being shipped from Sigurd, and which would be shipped, if conveniences were such as to accommodate shippers, a much larger number of passengers would find it more convenient and less expensive to use the station at Sigurd when going and returning upon the railroad.

The contention of the railroad officials is that there would not be sufficient revenue derived from the freight in question to justify the establishing of a station, which contemplates an agency as well as other conveniences for the handling of freight and stock.

A digest of the exhibits introduced by the Railroad Company for the purpose of showing the amount of traffic shipped to and from Richfield and Salina, destined to the points in question, shows the following for the period June, 1918, to May, 1919, inclusive:

Freight Received

	No. of Carloads	Total Tonnage Inc. L. C. L.	Freight Revenue
Total	52	2,668	$11,673.75
Monthly average	4 1-3	222 1-3	972.81

Freight Forwarded

	No. of Carloads	Total Tonnage Inc. L. C. L.	Freight Revenue
Total	468	15,803	$33,309.77
Monthly average	39	1,317	2,775.81

Total Freight

	No. of Carloads	Total Tonnage Inc. L. C. L.	Freight Revenue
Total	520	18,471	$44,983.52
Monthly average	43 1-3	1,539¼	3,748.63

Passengers From and To Sigurd

	Passengers	Revenue
October, 1918	66	$139.45
November, 1918	36	48.65
December, 1918	47	124.20
January, 1919	25	65.10
February, 1919	29	48.75
March, 1919	49	98.35
Total	252	$524.50
Monthly average	42	87.42

The figures in the reports submitted by the Railroad Company do not pretend to include all of the traffic that would naturally go to Sigurd, for the reason, as appeared in the testimony, that a great deal of freight whose final destiny is outside of Richfield or Salina, and which would have been booked to Sigurd, was first shipped to Salina or Richfield without any reference to its final destination, while the reports referred to give an account only of the freight that was shipped to Salina or Richfield.

It was testified by representative business men that there are large quantities of wool and sheep that are shipped via Green River, which is not the most practical way for handling such shipments; that much of the same would be shipped via Sigurd if the conveniences were improved at that point; and further that the shipping of live stock would be much more convenient from Sigurd than from Richfield or Salina; that it was estimated there are about 25,000 head of sheep shipped from Wayne County annually, and possibly 5,000 shipped into the county, most of which are taken to and from Salina, Green River and Richfield; that Sigurd is more convenient for the reasons that better accommodations for pasture, if any is wanted, are obtainable, and that grazing on the range is accessible almost to the station.

It further developed in the testimony that the section in question was improving and growing; that there are a number of natural resources in the country, the development of which was having the effect of increasing the number of stock, hogs, sheep and cattle, and likewise the extending of the agricultural interests.

It was further claimed by the petitioners that one reason why most of the passengers booked from and to Salina or Richfield in preference to Sigurd is on account of there being no accommodations or protection from the storms of winter and the heat of summer.

It further appeared that a large number of hogs had been raised in the section of the country east of Sigurd, and that many more would be shipped if the distance to the railroad was shorter and more convenient for the handling of said animals.

It also appeared from the testimony that what is known as the Marysvale Branch of the Denver & Rio Grande Railroad, had, year by year, increased its business, so much so that instead of running a mixed train to handle the business, it now operates a regular passenger train separate from the freight train; that the extension of water systems, the operation of sugar beet factories and the increased interest taken in the stock business, strongly indicate that the general business of the railroad warrants expectation of a continued increase in the future. The establishment of a depot at Sigurd will no doubt lessen the business at Richfield and Salina.

As to the matter of convenience, as referred to above, the testimony was clearly with the petitioners. The extra efforts required in going to Richfield and Salina presents a condition favoring the granting of the petition.

However, the question of expense to the railroad and

the traffic conditions should be considered in connection with the convenience. It was estimated by Mr. Luke, General Superintendent of the railroad, that it would require an outlay of about $5,000 to provide a suitable station and proper conveniences. It was an estimate, and no doubt given with the thought that a less expensive station could be erected to begin with at a much lower figure.

The question of outlay for a station at Sigurd is largely in the hands of the Company, and no doubt would be controlled and governed in part by the amount of traffic that is now or may be handled at that point. It would be reasonable to suggest that the installation and operation of a station at that point should be done with the least possible expense and without any unnecessary outlay other than to meet the reasonable demands of the business transacted now and to be expected in the immediate future.

Aftr a careful study and consideration of the conditions, as presented by the testimony, together with some knowledge of physical facts, as represented by the exhibits and otherwise, it is clearly shown that suitable conveniences should be furnished by the Denver & Rio Grande Railroad by building a depot and other station requirements at Sigurd that will take care of the shipping and passenger traffic which logically and reasonably would come to the Railroad Company; that said conveniences should be furnished without unnecessary delay and within a reasonable time, consistent with business rules and methods required for such work of improvement.

Further action will be taken, and such other orders will be issued by the Commission as appears proper and necessary in the premises.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
Commissioner.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the TOWN OF SALEM, for permission to increase its rates for electric service. } **CASE No. 182**

Submitted July 16, 1919. **Decided July 19, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled petition came on for hearing before the Commission at Salem, Utah, June 2, 1919, at eleven o'clock a. m. Notice of said hearing was given as directed by the Commission. There appeared no protest or opposition, in writing or otherwise.

From the showing made by the petitioner, it appears that the Town of Salem for some time has been receiving power for electric purposes from the United States Reclamation Power Plant, under a contract signed and executed March 25, 1912. In February, 1919, the United States Reclamation Power Plant advanced the rates for power furnished said petitioner, increasing said rates about 100 per cent; that for the purpose of constructing a light system with which to furnish the inhabitants of said town with light and power, a bond of $7,000 was placed upon the property of the town. The amount derived therefrom was used to install said system.

The energy furnished under the contract above referred to was distributed to the citizens at a rate of 10 cents for the first ten K. W., and a discount of 4 per cent for all extra power used. The revenue derived from the furnishing of lights was barely sufficient to pay for the expenses of the operation of the light plant. The Town Board from year to year had levied a special tax with which to pay all the bonded indebtedness and to meet the interest thereon. It further appeared that at no time did the officers of the town set aside an amount to cover the depreciation; that during the year operated under the existing rates there were but few years where their accounts show a surplus, while

most of the years show a deficit. The following statement shows a yearly average of the accounts:

Earnings	Power	Supplies	Labor	Miscellaneous	Total Expenses	Surplus
$1,063.94	$726.23	$190.44	$108.53	$6.59	$1,031.79	$32.15

The following table shows the estimated earnings under proposed rates, the cost of power under new rates, (average taken from bills for the months of March, April, May and June) depreciation at 3 per cent on plant estimated to be worth $7,000, and other operating expenses at the average for the past five years. Revenue figures are worked on the basis of 95 consumers at a minimum of $1.20 per month and additional power on the basis of 1517 K. W. H., that amount of additional power having been sold in 1918:

Earnings	Power	Supplies	Labor
$1,489.32	$1,244.52	$190.44	$108.53
Miscellaneous	**Depreciation**	**Total Expenses**	**Deficit**
$6.59	$210.00	$1,760.08	$270.76

The amount paid to the United States Reclamation Power Plant for energy was about $60.00 per month, flat rate, while the operations under the new contract entered into by said petitioner and the United States Reclamation Power Plant would be about $110.00 to $120.00 per month.

The returns or earnings from the consumers at the rate asked for, namely 12 cents for the first ten K. W., and 8 cents for all over 10 K. W., would be approximately $1489, and, with 3 per cent for depreciation, would still leave a small deficit. It is contended, however, by the officers of the Town, that any further advance at this time than the one above stated might result in a number of the customers refusing to continue as patrons, and that the amount required to put the system in proper condition could be carried for a number of years.

The question of the advance on the part of the Government was gone into by the Commission, who conferred with the United States Attorney, whose opinion was to the effect that the Commission did not have jurisdiction over the plant owned and operated by the Government.

It further appeared at the hearing that an investigation and inquiry had been made by the people of Salem, as well as other municipalities, who were consumers of the energy furnished by said Power Plant, and that a conclusion was reached that the advance on the part of the Government was justifiable, in that under the conditions shown by the Government the advance in rates was necessary to meet the expense of furnishing the power.

Under the conditions disclosed by the testimony, it clearly appears that in order to meet the advanced prices paid to the Government for power and energy, and to provide a fund to take care of depreciation at a rate of 3 per cent, and to meet other necessary expenses of operation, the advance in rates asked for should be granted.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
WARREN STOUTNOUR,
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 July, A. D. 1919.

In the Matter of the Application of the TOWN OF SALEM, for permission to increase its rates for electric service. } **CASE No. 182**

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 applicant be, and it is hereby, permitted to publish and put into effect increased rates for electric service which shall not exceed the following:

12c for first 10 K. W. H.
8c for all over 10 K. W. H.

said rates to be effective with the service rendered on and after August 1, 1919; and filed with the Public Utilities Commission of Utah at least five days prior to the effective date; schedule to be published in conformity with the provisions of tariff circular No. 3.

IT IS FURTHER ORDERED, That applicant shall annually set aside a depreciation fund of not less than three per cent of the value of the property used and usable in furnishing electric service to the residents of Salem.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EMANUEL JACOBSEN, for permission to operate an automobile freight line getween Lund, Utah, and Cedar City, Utah.	CASE No. 183

ORDER

Upon motion of the petitioner, Emanuel Jacobsen, and by the consent of the Commission;

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

By the Commission.

Dated at Salt Lake City, Utah, this 22nd day of May, 1919.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the HADLEY TRANSFER COMPANY, for permission to operate an automobile freight line between Salt Lake City, Utah, and Brighton, Utah.

CASE No. 184

Submitted May 28, 1919. **Decided June 6, 1919.**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The applicant herein is a corporation, doing business in Salt Lake City and vicinity, and having its principal office at No. 141 East Second South Street. The Company is the owner of a fairly large equipment of standard trucks of various capacities which it uses in its transfer business in and around Salt Lake City.

Permission is asked for the operation of an automobile truck line for the carrying of all classes of commodities between Salt Lake City and Brighton, Utah, which latter place is a mountain resort frequented by summer campers and pleasure seekers, situated twenty-nine miles southeast of Salt Lake City.

A public hearing on the application was had May 28, 1919. No protests were filed and no one appeared in opposition to the granting of the permission requested. Frank Hadley, President and General Manager of the Company, testified that his Company was amply able to take care of all freight and express business moving between Salt Lake City and Brighton during the camping season; that it was the intention of the Company to receive freight and express packages at its office at Salt Lake City, and to make deliveries at a designated point in Brighton; that for the present it was expected that two trips each way each week would be sufficient to take care of the business, but that if additional service became necessary or desirable the Company would be in a position to immediately put on extra trucks. He testified that to the best of his knowledge and belief such service would not come in conflict with any other automobile stage service between the points mentioned. His testimony was that after investigating the conditions he had

become convinced of the necessity of such a service being established and regularly operated.

The Commission having made investigation and being advised in the premises, finds that there is need for an automobile freight service between Salt Lake City and Brighton, Utah; that applicant should be granted the permission to operate such service upon filing with the Commission a schedule showing the time of departure from Salt Lake City and Brighton, and stating the rates to be charged for the service rendered between Salt Lake City and Brighton, and intermediate points.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
Commissioners.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 47

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 6th day of June, A. D. 1919.

In the Matter of the Application of the HADLEY TRANSFER COMPANY, for permission to operate an automobile freight line between Salt Lake City, Utah, and Brighton, Utah. } **CASE No. 184**

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 applicant, HADLEY TRANSFER COMPANY, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile truck line for the transportation of freight between Salt Lake City and Brighton.

ORDERED FURTHER, That applicant shall file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and charges, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of BENJAMIN F. KNELL and JOSEPH BARTON, both of Cedar City, Utah, asking that the automobile service heretofore given by Benj. F. Knell and John C. Isbell, be consolidated under the name of the "Lund and Cedar City Transportation Company."

CASE No. 185

Submitted May 27, 1919. **Decided July 8, 1919.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed May 8, 1919, Benjamin F. Knell and Joseph Barton respectively engaged in operating automobile stage lines between Lund and Cedar City, Utah, ask the Commission to authorize a consolidation of their lines into one line to be known by the name of the "Lund & Cedar City Transportation Company."

The case was docketed for hearing at Cedar City, May 27, 1919, and proper notice given all parties. An investigation of conditions, service, etc., being conducted by the Commission at Cedar City, May 26 and 27, and the Commission being fully advised in the premises, finds:

1. That applicant, Joseph Barton, has purchased from J. C. Isbell, the stage line operated by the latter party between Lund and Cedar City, Utah.

2. That the proposed consolidation will tend to more efficient, adequate and responsible service to the traveling public than can be given by competing lines.

3. That the application should be granted and the consolidated company should be required to file with the Commission new schedules naming all rates, rules and regulations effective over the individual lines at time of consoli-

dation and a schedule showing time all cars leave each station on the route.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 8th day of July, A. D. 1919.

In the Matter of the Application of BENJAMIN F. KNELL and JOSEPH BARTON, both of Cedar City, Utah, asking that the automobile service heretofore given by Benj. F. Knell and John C. Isbell, be consolidated under the name of the "Lund and Cedar City Transportation Company." } **CASE No. 185**

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 applicants, Benj. F. Knell and Joseph Barton, be, and they are hereby, authorized to consolidate their respective stage lines, operating between Lund and Cedar City, Utah, under the name of the "Lund & Cedar City Transportation Company."

ORDERED FURTHER, That the "Lund & Cedar City Transportation Company shall immediately file with the Commission, new schedules naming all rates, rules and regulations effective over the individual lines at time of consolidation, and a schedule showing time all cars leave each station on the route.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN SPIGARLLI, for permission to operate an automobile stage line for the transportation of passengers between Helper and Kenilworth, Utah.

CASE No. 186

Submitted May 6, 1919. **Decided May 19, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing May 6, 1919, at Price, Utah. There were no protests to the granting of the application.

It appeared from the testimony submitted that Kenilworth is a mining camp located about five miles from Helper; that there is occasionally some travel between said points.

As to the real necessity for the service, it was not very clearly shown. However, Kenilworth is a mining camp that normally employs a number of miners, who go to Helper on business, and travel to Helper to catch the train going east or west; likewise in going to the county seat at Price, to transact business.

There appearing no objections or reasons why a certificate of convenience and necessity should not issue, the Commission is of the opinion that permission should be granted to the applicant.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

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

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 46

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of May, A. D. 1919.

In the Matter of the Application of JOHN SPIGARLLI, for permission to operate an automobile stage line for the transportation of passengers between Helper and Kenilworth, Utah. } **CASE No. 186**

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 applicant, JOHN SPIGARLLI, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Helper and Kenilworth, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

187. **In the Matter of the Application of the DESERET IRRIGATION CO. and the MELVILLE IRRIGATION CO., for a certificate of convenience and necessity authorizing the construction, operation and maintenance of electrical power plants and lines.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN CAPPUZZI and JOHN LAKOCS, for permission to operate an automobile stage line for the transportation of passengers between Helper and Mortonville, and between Helper and Kenilworth, Utah. } CASE No. 188

Submitted May 6, 1919. **Decided May 20, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

It would appear from the showing made in the above application, at the hearing held at Price, Utah, May 6, 1919, that there is no necessity for additional service between Helper and Mortonville. The Commission has issued a certificate of convenience and necessity to John Spigarilli, (Case No. 186) authorizing him to operate between Helper and Kenilworth, Utah.

Mortonville is a small mining camp recently opened up, about two miles west of Rains, and the service now being given in Spring Canyon to Rains can be extended to Mortonville, if road conditions permit, and if the travel demands such extension. Representatives of the Spring Canyon Auto Line and the Silver Star Auto Line, now operating to Rains from Helper, indicated at the hearing that they were willing to take any and all parties who desired to be conveyed to Mortonville, but that they did not think it was necessary, nor that it would pay, to make regular trips to said point. It would clearly appear under the showing that the application should be denied.

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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of May, A. D. 1919.

In the Matter of the Application of JOHN CAPPUZZI and JOHN LAKOCS, for permission to operate an automobile stage line for the transportation of passengers between Helper and Mortonville, and between Helper and Kenilworth, Utah. } **CASE No. 188**

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 application herein be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of I. H. LLEWELYN, for permission to operate an automobile stage line between Colton, Soldier Summit and Scofield, Utah. } **CASE No. 189**

Submitted June 27, 1919. **Decided July 15, 1919.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed May 20, 1919, I. H. Llewelyn sets forth that for the past sixteen years he has been engaged in carrying the United States Mail between Colton, Soldier Summit and Scofield; that the holder of a permit issued by this Commission to operate an automobile stage line between the above named points, had ceased to operate, and no one at that time was operating a stage between the said points.

At the hearing, held June 27, 1919, at Colton, Utah, Mr. Llewelyn testified that he had one Ford truck and one Ford touring car, and he desired to operate a stage line during the season of the year that permits automobile traffic over this route. During the winter the roads are impassable. He did not desire to operate an automobile stage line between Colton and Soldier Summit.

This application was protested by Pete Catalina and J. A. Sharp, who were also applicants for certificates to operate an automobile stage line over this route.

It appearing from the testimony offered at this hearing that other of the applicants have better equipment and are more experienced in operating automobiles, are willing to give their entire time to the operation of such stage line,

and are in a position to serve the public more adequately, this petition should be denied.

An order will be issued accordingly.

(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 15th day of July, A. D. 1919.

In the Matter of the Application of I. H. LLEWELYN, for permission to operate an automobile stage line between Colton, Soldier Summit and Scofield, Utah. } **CASE No. 189**

This case being at issue upon petition and protests 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 application herein be, and it is hereby, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES S. FRONTJES, for permission to operate an automobile stage line between Salt Lake City and Vernal, via Provo Canyon, Heber and Strawberry Valley. } **CASE No. 190**

Submitted July 21, 1919. **Decided July 23, 1919.**

REPORT OF THE COMMISSION

By the Commission:

Hearing was had on the above application, May 27, 1919, and later, on June 12, 1919, an amended petition was filed which asks that a certificate of convenience and necessity issue to this applicant to operate an automobile stage line between Duchesne, in Duchesne County, Utah, and Vernal, in Uintah County, Utah, taking in the intermediate points of Myton, Roosevelt, Fort Duchesne, and Moffat; also between the towns of Helper, in Carbon County, and Duchesne, in Duchesne County; and between Salt Lake City and Heber City, via Parley's Canyon, to a point below Park City, Utah, and from there across what is known as the "cut-off" to Heber City; all of which makes a system of passenger service from Helper to Vernal, via Duchesne, and from Salt Lake City to Duchesne, via Strawberry Valley, with the exception of the route between Duchesne and Heber City, which route is operated by the Salt Lake & Duchesne Stage Company under an order issued in Case No. 177.

A temporary order was issued to the applicant on June 25, 1919, authorizing said applicant to begin to give service over part of the route in question, namely, between Salt Lake City and Vernal, via Heber, Strawberry Valley, Duchesne, Roosevelt and other intermediate points.

The Duchesne Stage & Transportation Company, which for some time has been operating under the control of the Commission, between Helper and Vernal, via Duchesne, by its President, A. M. Murdock, appeared before the Commission in connection with the service referred to in the amended application, and stated that, on account of existing

conditions the said company was willing to withdraw from said service, and thereafter filed a regular withdrawal.

The traveling public in the section of territory covered by the routes in question is in great need of a dependable, adequate service, which can, according to the judgment of the Commission, be best secured by a consolidation of such service under one head.

After investigatiing the requirements and conditions and ascertaining the desire of many of the leading people in the section to be served, the Commission has concluded as follows:

1. That there is a necessity for the establishing of such service as contemplated by the petition and the amended petition of the applicant.

2. That the applicant has shown by former service, and by endorsements of the people who are to be served, that he is equipped and able to furnish said service.

3. That a certificate of convenience and necessity should issue to said applicant, permitting him to operate said stage line between Salt Lake City and Heber City, via Parley's Canyon; and from Duchesne to Vernal, via Myton and Roosevelt, provided that the permission herein given shall not authorize the applicant to transport passengers between Salt Lake City and Park City, or between Park City and Heber City; that he should further be authorized to establish and operate a stage line between Helper, Utah, and Vernal, Utah, via Duchesne; that in the conducting of such service over the route, the passengers should be accorded an opportunity of choice as to which route they wish to take between Duchesne and Salt Lake City, whether by Helper or by Strawberry Valley and Heber City; likewise a choice of routes between Heber City and Salt Lake City, via Provo or via Parley's Canyon; that the applicant should be required to conform to such rules and regulations as the Commission may prescribe, and to make such connections at Heber City and at Duchesne as would be most convenient and serviceable to the traveling public.

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. 57

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of July, A. D. 1919.

In the Matter of the Application of JAMES S. FRONTJES, for permission to operate an automobile stage line between Salt Lake City and Vernal, via Provo Canyon, Heber and Strawberry Valley. } **CASE No. 190**

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 applicant, JAMES S. FRONTJES, 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 Salt Lake City and Heber City, via Parley's Canyon, and from Duchesne to Vernal, via Myton and Roosevelt, and from Helper to Vernal, via Duchesne.

ORDERED FURTHER, That arrangements shall be made by the applicant with connecting lines, so that passengers shall be accorded choice of routes between Duchesne and Salt Lake City, to travel either via Helper or via Heber City; that the open gate-way shall also be preserved at Heber City, so that travel may be either via Provo or Parley's Canyon; and that applicant shall at all times arrange to make close connections with connecting lines at Heber and Duchesne.

IT IS FURTHER ORDERED, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on the route, a printed

or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. W. JONES, for permission to operate an automobile stage line between Magna and Arthur, and Garfield, Utah. } **CASE No. 191**

Submitted June 30, 1919. **Decided July 10, 1919.**

H. J. Fitzgerald for applicant.

REPORT OF THE COMMISSION

By the Commission:

In a petition filed May 21, 1919, applicant herein asked permission to operate a stage line from Magna to Arthur and Garfield, giving hourly service from 9 o'clock in the morning until 12 o'clock at night, and also asked permission to operate a shift bus between Magna and Arthur for the accommodation of residents of Magna whose daily employment is in the Arthur mills.

Temporary permission has been granted to Jesse Earl Booth, under date of June 25, 1919, to operate a stage line between Magna and Garfield. It appearing that at present there is no necessity for additional service on the Magna-Garfield line, the application so far as it relates to the said Magna-Garfield line will, therefore, be denied.

In regard to the shift bus between Magna and Arthur, a conference was held June 30, 1919, at which J. H. Yates, H. M. Booth, and this applicant were represented before the Commission, and an agreement was reached at that time under which any and all objections on the part of Mr. Yeates and Mr. Booth to the establishing of this shift service between Magna and Arthur were withdrawn.

It appears to the Commission under the showing made that public convenience and necessity require and will continue to require the operation of a shift bus line between Magna and Arthur for the accommodation of mill workers at Arthur. The Commission finds that such service should be instituted, and this applicant, having satisfied the Commission that he is able to and will provide the necessary

equipment to render satisfactory service on that line, should be permitted to begin operation of a shift bus service between Magna and Arthur, upon his filing with the Commission for its consideration, a schedule showing his running time and the fares to be charged.

An appropriate order will be entered.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 52

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. 1919.

In the Matter of the Application of J. W. JONES, for permission to operate an automobile stage line between Magna and Arthur, and Garfield, Utah. — **CASE No. 191**

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 application herein so far as it relates to the operation of a stage line between Magna and Garfield, be, and it is hereby, denied.

ORDERED FURTHER, That applicant, J. W. JONES, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile shift bus between Magna and Arthur for the accommodation of mill workers at Arthur.

ORDERED FURTHER, That applicant, before beginning operation shall, as provided by law, file with the Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES M. FORSYTHE and JAMES CHARLESWORTH, for permission to operate an automobile stage line between Helper, Duchesne, Myton, Roosevelt, Ft. Duchesne and Vernal, Utah.	**CASE No. 192**

Submitted June 12, 1919. **Decided July 23, 1919.**

REPORT OF THE COMMISSION

By the Commission:

This application was filed June 3, 1919. The applicants desire permission to operate a stage line between Helper, Duchesne, Myton, Roosevelt, Ft. Duchesne and Vernal.

Hearing was had on June 12, 1919, when the applicants were heard in behalf of their petition.

A certificate of convenience and necessity having been granted in Case No. 190 to James S. Frontjes, granting permission to operate a passenger stage line over the same route covered by this application, and the Commission being fully advised of the needs of the traveling public, and being of the opinion that there is no present or prospective demand for additional or competitive service over the said route, the petition should, therefore, be denied.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 23rd day of July, A. D. 1919.

In the Matter of the Application of JAMES M. FORSYTHE and JAMES CHARLESWORTH, for permission to operate an automobile stage line between Helper, Duchesne, Myton, Roosevelt, Ft. Duchesne and Vernal, Utah. — **CASE No. 192**

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 reports 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.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HADLEY TRANSFER COMPANY, for permission to operate an automobile stage line for passengers between Salt Lake City and Brighton, Utah. } **CASE No. 193**

Submitted May 28, 1919. **Decided June 6, 1919.**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

During the hearing of the petition of this applicant for permission to operate a freight service between Salt Lake City and Brighton, Utah, held at the Commission's office, May 28, 1919, the applicant herein asked permission to withdraw its application for permission to operate a passenger service, for the reason that an automobile passenger service is already being given over the same route, under authority of the Commission, by James Neilson.

The application will, therefore, be dismissed.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 6th day of June, A. D. 1919.

In the Matter of the Application of HADLEY TRANSFER COMPANY, for permission to operate an automobile stage line for passengers between Salt Lake City and Brighton, Utah. } **CASE No. 193**

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, which said report is hereby referred to and made a part hereof:

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

By the Commission.

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

194. SAMUEL O. WHITE, JR., et al., Complainants.

vs.

BEAVER CITY, UTAH, Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the GUNNISON TELEPHONE COMPANY, for permission to extend its lines to the Town of Mayfield, Sanpete County, Utah.	CASE No. 195

Decided July 2, 1919.

REPORT OF THE COMMISSION

By the Commission:

Comes now the Gunnison Telephone Company and represents that it is a corporation existing by virtue of the laws of the State of Utah, and engaged in the operation of a telephone system at Gunnison, Utah; that present and future public convenience and necessity require and will continue to require the construction, maintenance and operation of a telephone line from Gunnison, Utah, to Mayfield, Utah, a distance of 3.25 miles; that at present the town of Mayfield is without telephone service, and that the proposed extension will not enter into competition with any existing telephone lines; that the Town of Mayfield has granted the Gunnison Telephone Company a franchise, dated June 6, 1919, authorizing said Company to erect, operate and maintain a telephone system within said Town of Mayfield, Utah, and to erect and maintain poles, wires, cross arms and all other fixtures and appurtenances necessary and incident to the operation and maintenance of a public telephone system, copy of said franchise being attached to and made part of the application.

The Commission having caused investigation to be made and being fully advised in the premises, finds:

1. That present and future public convenience and necessity require and will continue to require the construction, maintenance and operation of a telephone system between Gunnison and Mayfield, Utah.

2. That such telephone line or system should be constructed according to the standard adopted by the Public

Utilities Commission of Utah governing the construction of wire lines, along the route set out in the petition, described in the franchise and shown on the map filed with said application.

3. That the application herein should be granted.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 50

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of July, A. D. 1919.

In the Matter of the Application of the GUNNISON TELEPHONE COMPANY, for permission to extend its lines to the Town of Mayfield, Sanpete County, Utah. } **CASE No. 195**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, GUNNISON TELEPHONE COMPANY, be, and it hereby is granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain a telephone line or system between the Towns of Gunnison and Mayfield, Utah, and within the Town of Mayfield.

IT IS FURTHER ORDERED, That construction of such telephone line or system shall be in accordance with the standard adopted by the Public Utilities Commission of Utah governing the construction of wire lines.

ORDERED FURTHER, That before the beginning of such operation, applicant shall file with the Commission a schedule naming rates, rules and regulations, in the form and manner prescribed by the Commission's Tariff Circular No. 3.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. A. SHARP, for permission to operate an automobile stage line between Colton, Clear Creek, Winterquarters, Scofield, and Soldier Summit, Utah. } **CASE No. 196**

Submitted June 27, 1919. **Decided July 18, 1919.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

This application was heard at Colton, Utah, June 27, 1919, and was protested by I. H. Llewelyn and Pete Catalina, who were also applicants for permission to operate an automobile stage line over the above route.

Mr. Sharp advised that he is at present operating the hotel at Colton, and has resided in Colton for three years. He has one five-passenger Paige, one seven-passenger Studebaker, and one Ford car to be held as a reserve, as occasion may require.

He further testified that in the winter the roads were impassable between these points, and that he desired to operate during the season of the year when the roads were open; that he had attempted to make a trip from Colton to Scofield on March 20th, but was unable to reach his destination on account of the snow, and finally succeeded in getting through about April 3d. He had made no attempt to maintain a regular schedule over the route, but had made a number of trips between these points.

From the evidence submitted at this hearing, it appears that the applicant herein is generally in a position to more adequately serve the public than any other applicants in this case.

It appearing that public convenience and necessity require and will continue to require the operation of an automobile stage line over the above named route, the Commission finds:

1. That the application herein should be granted.

2. That the said J. A. Sharp shall immediately file

with the Commission for its consideration, a schedule showing his running time and the fares to be charged.

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 54

At a 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. 1919.

In the Matter of the Application of J. A. SHARP, for permission to operate an automobile stage line between Colton, Clear Creek, Winterquarters, Scofield, and Soldier Summit, Utah. } **CASE No. 196**

This case being at issue upon petition and protests 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 applicant, J. A. SHARP, 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 Colton, Clear Creek, Winterquarters, Scofield and Soldier Summit, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. G. JACOBS, for permission to operate a passenger automobile stage line between Salt Lake City, Utah, and Coalville, Utah. } **CASE No. 197**

Submitted June 17, 1919. **Decided July 2, 1919.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed May 24, 1919, J. G. Jacobs asks permission to operate an automobile stage line between Salt Lake City, South Weber, Mountain Green, Peterson, Morgan, Devil's Slide, Croyden, Henefer, Echo and Coalville. He submits the following schedule:

Leave Coalville, daily	7:00 A.M.
Arrive Salt Lake City	11:00 A.M.
Leave Salt Lake City	4:00 P.M.
Arrive Coalville	8:00 P.M.

Fare between the two terminals, $3.50 each way.

He further states that no passengers will be handled between points on the line, Salt Lake City and South Weber.

He further represents that he is equipped to properly handle the passenger traffic between said towns; that no part of this route is at present covered by any competing lines; and that there is public necessity for the service.

There were no protests.

A hearing having been held, and being fully advised in the premises, the Commission finds:

1. That present and future convenience and necessity require and will continue to require the operation of an automobile stage line for the transportation of passengers between Salt Lake City and the points set out in the application.

2. That the applicant, J. G. Jacobs, should be permitted to operate such stage line and should be permitted to charge not to exceed the fare set forth in said application.

3. That applicant should file with the Commission and post at each station on his line, a schedule of his arriving and leaving time, and a schedule of his rates, fares and charges, and should at all times operate his stage line in accordance with the rules and regulations prescribed by the Public Utilities Commission of Utah governing stage lines.

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 51

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of July, A. D. 1919.

In the Matter of the Application of J. G. JACOBS, for permission to operate a passenger automobile stage line between Salt Lake City, Utah, and Coalville, Utah. } **CASE No. 197**

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 applicant, J. G. JACOBS, 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 Salt Lake City and Coalville, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. G. JACOBS, for permission to operate a passenger automobile stage line between Salt Lake City, Utah, and Coalville, Utah.	CASE No. 197

In re Passenger Service being rendered between Salt Lake City and Coalville.

Decided November 13, 1919.

REPORT AND ORDER

By the Commission:

Hearing on the above matter was set for October 22, 1919, at the office of the Public Utilities Commission of Utah, Room 303 State Capitol, Salt Lake City, Utah. Notice was served upon J. G. Jacobs. Said J. G. Jacobs failed to appear or make answer in compliance with the notice and order issued September 29, 1919.

From information and investigation the Commission finds that said J. G. Jacobs has failed to operate a stage line between Salt Lake City, Utah, and Coalville, Utah, as provided in Certificate of Convenience and Necessity No. 51, and the same should, therefore, be revoked and set aside.

IT IS THEREFORE ORDERED, That the right of J. G. Jacobs, and permission to operate an automobile stage line between Salt Lake City, Utah, and Coalville, Utah, be, and is hereby, revoked and set aside.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HARRY BIRD, for permission to operate an automobile express line, between Tooele and Salt Lake City, Utah. } **CASE No. 198**

Submitted July 23, 1919. **Decided August 1, 1919.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed June 2, 1919, Harry Bird of Tooele City, Utah, asks authority to operate an automobile truck line for the transportation of property, freight and express, between Salt Lake City and Tooele City, Utah.

In his application it is represented that a necessity for such service exists, and that at present no automobile express and freight service is being given the residents of Tooele City, who desire such service in order to facilitate the movement of property between Salt Lake City and Tooele City.

The case was docketed for hearing June 27, 1919, before the Commission, and was subsequently redocketed for hearing June 17, 1919, at which time, due notice having been given, applicant failed to appear, but appeared on June 18, and asked that he be heard at that time. There having been no protests his request was granted.

Applicant subsequently, on July 23, 1919, filed an amended application setting forth the rates which he desired to charge for transporting freight as 40c per 100 pounds, and express as 90c per 100 pounds, and stating his intention of maintaining a depot at No. 62 East 2nd South Street, Salt Lake City.

Applicant further states that he desires to operate on the following schedule:

Leave Salt Lake City, 7 a. m. every Tuesday, Thursday, and Friday.
Leave Tooele City, 1 p. m., the same days.

Petitioner represents he has one ton-truck to be used in operating the proposed line.

The Commission being fully advised in the matter, finds:

1. That there is a necessity for the operation of a truck line for the transportation of property between said points.

2. That the application should be granted.

3. That applicant should at all times operate in accordance with the rules and regulations prescribed by the Public Utilities Commission of Utah, and before beginning operation should file with the Commission and post at each station on his route, a schedule of his rates and charges, and schedule of time of leaving each station.

An appropriate order will be issued.

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

(SEAL)
Attest:

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

ORDER

Certificate of Convenience and Necessity

No. 58

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 1st day of August, A. D. 1919.

In the Matter of the Application of HARRY BIRD, for permission to operate an automobile express line, between Tooele and Salt Lake City, Utah. } **CASE No. 198**

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 applicant, HARRY BIRD, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of freight and express between Tooele and Salt Lake City, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) HAROLD S. BARNES,
(SEAL) Assistant Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ELLA JOHNSTON, for permission to operate an automobile stage line between Garfield and Salt Lake City, via Magna, Utah, and between Garfield & Magna and Saltair Beach.

CASE No. 199

Submitted June 17, 1919. **Decided July 1, 1919.**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The applicant herein is a resident of Garfield, Utah, and is the owner of one seven-passenger touring car. She asks for permission to operate a motor stage passenger line between the Town of Garfield, Utah, and Salt Lake City, Utah, via Magna, Utah; and between the said Town of Magna, Utah, and Saltair Beach via Garfield.

The application came on for hearing June 17, 1919, at which time the applicant testified in support of the granting of the application, her testimony being that she had been informed and believed that there was necessity for additional service being given over the routes mentioned in her application.

A protest against granting the application, so far as Saltair traffic is concerned, was presented by H. M. Booth, who holds a certificate of convenience and necessity issued by the Commission authorizing him to give service between Garfield Townsite and Saltair. Mr. Booth asserted his ability to take care of all the business offered over that line, and declared that he had given adequate service to and from the Lake Resort at Saltair.

The Commission has heretofore given much study to the transportation situation as it exists in the Magna and Garfield districts, and is, therefore, in a position to understand more or less definitely the needs of the traveling public in that locality. From the testimony offered and our own investigations, we are convinced that there is no present necessity for additional service being given between Garfield Townsite and Saltair. The stage line now being

operated there is fully equipped with cars to handle all the traffic offered, and it would be, in our opinion, against public policy to grant competitive service where this condition obtains.

With reference to the Magna to Garfield line, it would appear that the service that has hitherto been given has not been satisfactory, but in order that the public shall be served, a temporary permission to operate over this line has been granted to Jesse Earl Booth, pending a hearing on the right of the present operator of that line to continue to give service.

This leaves only that part of the route between Magna and Salt Lake City for consideration. The Salt Lake & Utah Railroad Company has filed with the Commission a protest against the granting of the application so far as it relates to the district between Magna and Salt Lake City, which district is served by the Magna Branch of that Railroad. Rail service to and from Salt Lake is given every two hours. In our opinion an automobile stage line cannot successfully compete with the service already given by the railroad. Indeed the automobile stage line that was giving service when the railroad commenced operating, is reported to have been forced out of business. This is not surprising when it is considered that the automobile has to travel a distance of about eighteen miles between Magna and Salt Lake City, while the distance by rail is 14.8 miles. The service is given with sufficient frequency to make unnecessary the establishing of an automobile stage line.

The application will be denied. An appropriate order will be entered.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 1st day of July, A. D. 1919.

In the Matter of the Application of ELLA JOHNSTON, for permission to operate an automobile stage line between Garfield and Salt Lake City, via Magna, Utah, and between Garfield and Magna and Saltair Beach. } **CASE No. 199**

This case being at issue upon petition and protests 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 application herein be, and the same hereby is, denied.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. H. YATES, for permission to operate an automobile stage line between Magna and Garfield, Utah. } CASE No. 200

Decided July 15, 1919.

Investigation of the service being given by J. H. Yates over the above route.

REPORT AND ORDER

This proceeding results from complaints made to the Commission, and from the Commission's own investigation, tending to show that the said J. H. Yates is not now, and for some time past has not been operating his stage line regularly between Magna, Utah, and Garfield Townsite, Utah, in accordance with the rules and regulations of the Commission, but that he has failed to maintain his published schedule, and further, that he has at times operated his cars over and along the route of other stage lines.

The Commission, on June 12, 1919, ordered that said J. H. Yates appear before it at ten o'clock a. m., June 27, 1919, then and there to show cause why authority heretofore granted by the Commission to operate said stage line, should not be revoked and set aside. The date of the hearing was subsequently, by the Commission, changed from June 27, 1919, to June 17, 1919, notice of said change of date having been given on June 13, 1919, by mail, the letter containing notice of said change of time having been addressed to said J. H. Yates at his post office address, Magna, Utah.

The matter was called for hearing at the time specified in said amended order, but the said J. H. Yates failed to appear either in person or by counsel.

Subsequently, the Commission, in order to give Mr. Yates every possible opportunity to appear and be heard, reset the case for hearing on Friday, July 11, 1919, at ten a. m., and accomplished personal service of notice of such hearing on Mr. Yates, June 30, 1919.

When the case was called on July 11th, Mr. Yates again

failed to appear, either in person or by counsel. The original order contained the following paragraph:

> "ORDERED FURTHER, That should said J. H. Yates fail to appear on the date and time set for such showing, the Commission shall deem such failure as evidence that said J. H. Yates does not desire to continue operations and shall issue an order revoking all permission heretofore granted."

It appearing to the Commission that the default of said J. H. Yates indicates that he does not desire further to operate under the permission heretofore granted;

And it further appearing to the Commission from the testimony presented in the various hearings that have been had, and from the evidence gathered by investigations instituted by the Commission itself, that the said J. H. Yates has, for some time past, failed, neglected and refused to render the service to the traveling public according to schedules now on file with the Commission, and according to the rules and regulations established by the Commission governing automobile stage lines;

IT IS ORDERED, That any permission granted to said J. H. Yates to operate an automobile stage line between the Towns of Magna, Utah, and Garfield Townsite, Utah, and intermediate points, and all rights acquired or claimed to have been acquired by said J. H. Yates, to operate between the said points, be, and they are hereby, annulled and revoked.

IT IS FURTHER ORDERED, That the said J. H. Yates shall, from and after the 17th day of July, 1919, cease and desist from operating or attempting to operate an automobile stage line over the route between Magna, Utah, and Garfield Townsite, Utah, this order to be and remain in full force and effect from and after the said 17th day of July, 1919, unless and until otherwise ordered by the Commission.

By the Commission.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of PETE CATALINA, for permission to operate an automobile stage line between Colton, Soldier Summit and Scofield, Utah.	CASE No. 201

Submitted June 27, 1919. **Decided July 18, 1919.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

The application in the above entitled case was heard at Colton, Utah, June 27, 1919, at which time I. H. Llewelyn and J. A. Sharp, also applicants for permission to operate over the above named route, appeared as protestants.

The testimony showed that Pete Catalina had one seven-passenger Willys-Knight car, and had arranged for the use of one seven-passenger Studebaker car; that he has been operating automobiles for hire for the past seven or eight years at various points, and, finding no service was being given over this route, had been transporting the public over the above named route for the past month, had been maintaining a fairly regular schedule, and desired to operate the same as long as the road conditions would permit.

It appearing from the testimony that J. A. Sharp is in a better position to serve the public adequately, the application of Pete Catalina will be denied.

An order will be issued accordingly.

(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 18th day of July, A. D. 1919.

In the Matter of the Application of PETE CATALINA, for permission to operate an automobile stage line between Colton, Soldier Summit and Scofield, Utah. } **CASE No. 201**

This case being at issue upon petition and protests 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 application herein be, and the same hereby is, denied.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SYNDICATE INVESTMENT COMPANY, for relief from the Commission's Tentative General Order governing clearances.	**CASE No. 202**

Submitted July 11, 1919. **Decided July 16, 1919.**

CLEARANCE PERMIT No. 3

STOUTNOUR, Commissioner:

The Syndicate Investment Company, in an application dated June 12, 1919, seeks relief from the Commission's Tentative General Order adopting Bureau of Standards Circular No. 54 governing overhead wire clearances.

In this case the petitioner desires to construct an addition to a building on its property at Second South and First West Streets, which is now being served by a spur track of the interurban lines, where the clearance of the trolley wire is but nineteen feet six inches.

The Commission has adopted as a standard, a clearance of twenty-two feet for trolley wires for all new constructions over rails where standard freight cars are transported.

Petitioner represents that the proposed addition will be south of the present building and over the spur track now serving the industry, and that there will be no hazard by reason of the present clearance being maintained.

The Commission caused an investigation to be made, and ordered a hearing to be held at 2:00 p. m., July 11, 1919. Notice of hearing was sent to all interurban railroads and to petitioner. The interurban lines were not represented, and, upon inquiry, the two lines entering Salt Lake advised that they had no objections to the proposed clearance.

The Commission finds that it is warranted in this case in granting relief from the standard clearance, primarily for the reason that no change is contemplated in the existing condition, and the clearance at this point is greater than is generally observed on electric lines, clearances having been created before the advent of this Commission.

IT IS THEREFORE ORDERED, That petitioner, the Syndicate Investment Company, be, and is hereby, granted relief from the provisions of Circular No. 54, insofar as the same applies to the proposed addition to the present building located at Second South and First West Streets, and is authorized to construct said addition in such a manner to provide a clearance of not less than nineteen feet six inches from top of rail to the trolley wire.

The Commission expressly retains jurisdiction over this clearance and reserves unto itself the right to issue any further orders which may be necessary to maintain safety of operation.

By the Commission.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

203. AMERICAN FOUNDRY & MACHINE COMPANY,

Complainant,

vs.

UTAH POWER & LIGHT COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of FRANK T. BURMESTER, for permission to operate an automobile stage line for the transportation of passengers and freight, between Burmester, Utah, and Grantsville, Utah.	CASE No. 204

Decided July 12, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, June 11, 1919, Frank T. Burmester, of Grantsville, Utah, petitions the Commision for a certificate that the present and future public convenience and necessity require and will continue to require the operation of an automobile stage line for the transportation of passengers and freight, between Burmester and Grantsville, Utah. Applicant also asks that he be granted permission to operate such a stage line.

The Commission having caused investigation to be made and being fully advised in the premises, finds:

1. That present and future public convenience and necessity require and will continue to require the operation of a stage line for transporting passengers and property between Burmester and Grantsville, Utah.

2. That the application herein should be granted.

3. That applicant should, before beginning operation, file with the Commission and post at each station on his route, typewritten or printed schedules showing all rates, charges and fares, as well as leaving and arriving time at each station, and should at all times operate his line as

prescribed in the rules and regulations governing the operation of automobile stage lines.

An appropriate order will be issued.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 53

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. 1919.

In the Matter of the Application of FRANK T. BURMESTER, for permission to operate an automobile stage line for the transportation of passengers and freight, between Burmester, Utah, and Grantsville, Utah. } **CASE No. 204**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, FRANK T. BURMESTER, 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 and freight, between Burmester, Utah, and Grantsville, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on the route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to discontinue the operation of its street car lines in Brigham City, Utah, and to remove its street car tracks, poles and equipment in Brigham City, Utah.	**CASE No. 205**

Submitted July 29, 1919. **Decided August 6, 1919.**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

This petition was filed July 16, 1919. The Utah Idaho Central Railroad Company asks that the Commission authorize the discontinuance of street car service on its Brigham City street car line; that it be permitted to remove all that portion of its said car line from a point 900 feet east of the intersection of Forest Street and Fifth West Street, east to the intersection of Forest Street and Main Street, and from Main Street as far south as Fruitdale, or to the end of said street car line; and that it be relieved from further liability or obligation to operate said street car lines, imposed by a certain franchise granted to a predecessor in interest of the petitioner, which franchise was attached to and made part of the petition.

The case was heard at Brigham City, July 29, 1919. No written protests against the granting of the petition had been filed, but at the hearing, Brigham City was represented as protestant, by its attorney, W. E. Davis, and its mayor, John W. Peters. The town of Perry was represented as protestant, by its attorney, Roy B. Young.

The street car line herein sought to be abandoned was constructed on the streets of Brigham City, about the year 1910, by the Ogden Rapid Transit Company, a predecessor in interest of the petitioner. For a number of years the line through the main street of Brigham City was operated as part of an interurban electric railroad, then extending from Ogden to Brigham City. About the year 1915 the Ogden, Logan & Idaho Company, successor of the Ogden

Rapid Transit Company, constructed its main interurban line through Brigham City along Fifth West Street, and abandoned all that portion of the electric interurban track constructed by the Ogden Rapid Transit Company between Ogden and Brigham City, except the portion between Fruitdale and Brigham City, which portion has been used for street car service only, since that time.

This street car service has been given over a line approximately 2.61 miles in length, extending from the Oregon Short Line depot, at the foot of Forest Street, east to Main Street, and thence south to Fruitdale. That portion of the line lying between Third West Street and the Oregon Short Line depot has been used by the petitioner, in addition to the use made of it for street car service, as a transfer or interchange track, connecting the petitioner's main line with the main line of the Oregon Short Line Railroad Company.

The present proceeding was commenced, following an announcement by the City officials of Brigham City, of the intention of the municipality to pave a portion of Main Street, and a portion of Forest Street, and its intention to remove the present pole line, including the supply wires of the street car line, from the middle of the street to the curb line, thus replacing the present overhead construction used in the operation of said street car line, with a suspension system. These street improvements it was estimated would cost the petitioner $45,914.20.

At the hearing, testimony was given in behalf of the petitioner, showing that the average daily cost of operating the said street car line, excluding any allowance for direct or indirect supervision or overhead, for the year, June 1, 1918, to May 31, 1919, was $8.93, while the average daily revenue for the same period was $5.69. An operating statement of the street car line for the year June 1, 1918, to May 31, 1919, showed a net deficit from operations, of $6,850.35, including interest on the petitioner's investment already made for the street car line and equipment, of $42,676.41 .

It was further testified that if the petitioner is required to make the aditional investment of $45,914.20 for the improvements proposed to be made on the streets of Brigham City, its constructive net deficit including interest on the additional investment, based upon the experience of the past year, would be $10,458.74 per annum.

It was shown that only a very small percentage (1.9 per cent) of the population of Brigham City find it con-

venient to, and actually do, make daily use of the service of the street car line. In view of the very meagre revenue derived from the operation of the line, resulting in a deficit being regularly incurred, and having in mind the constant deterioration of the property, with no financial provision for its maintenance or replacement, it would seem clearly unjust and unreasonable to demand that the service be continued, or that the petitioner be denied the privilege of removing and making other use of the material involved. An increase of fares would not remedy the difficulty, because it is evidently a lack of patronage that causes the deficit. While it is conceivable that more frequent car service might increase the patronage somewhat, it is doubtful if, under any conditions that could be brought about, the revenues could be made to equal the actual outlay in the operation of the car line. It would, therefore, seem to be the duty of the Commission to grant the application of the petitioner.

The matter of leaving a portion of the line on Forest Street in service as an interchange track, while removing all that part of the trackage that is used at present exclusively for street car operation, was brought up by the protest of the City to the granting of the petition, unless all trackage was removed from Forest Street. This question is not necessarily a part of this case. It should be said, however, that the petitioner volunteered the information that negotiations are under way looking to the providing of other trackage for interchange purposes, and that the intention is to abandon service over the present transfer track at the earliest possible date, probably in from one to three years.

The granting of this petition in no way bars the City or other interested parties from asking for relief if conditions warrant a formal demand for the discontinuing of service over, and the removal of, the said transfer tracks.

I am of the opinion, and, therefore, find:

1. That the petitioner should be permitted to discontinue the furnishing of street car service on its Brigham City street car line, and should be relieved from further liability or obligation to operate said street car line, imposed by a certain franchise issued to David Eccles, trustee, his successors and assigns, predecessors of the petitioner herein, passed and approved by the Mayor and City Council of Brigham City, Utah, March 9, 1910.

2. That petitioner should be allowed to remove that portion of its said street car line from the following described portion of the streets of Brigham City:

> Commencing at a point approximately 900 feet east of the intersection of Forest Street and Fifth West Street, thence east to Main Street; thence south along Main Street to the present terminus of its said street car line at Fruitdale.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
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 6th day of August, A. D. 1919.

In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to discontinue the operation of its street car lines in Brigham City, Utah, and to remove its street car tracks, poles and equipment in Brigham City, Utah. } **CASE No. 205**

This case being at issue upon petition and protests 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, which said report is attached hereto and made a part hereof:

IT IS ORDERED, That applicant be, and is hereby, authorized to remove that portion of its street car line in Brigham City, described as follows:

> Commencing at a point approximately 900 feet east of the intersection of Forest Street and Fifth West Street, thence east to Main Street; thence south along Main Street to the present terminus of its said street car line at Fruitdale.

ORDERED FURTHER, That upon five days' notice to the public, street car service over the above described line may be discontinued on and after August 15, 1919.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

206. **In the Matter of the Application of the MOUNTAIN STATES TELEPHONE & TELEGRAPH CO., for permission to continue in effect the service connection charges, exchange and toll rates, and rules and regulations instituted by Postmaster General Burleson.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. W. JONES, for permission to operate an automobile stage line between Magna and Black Rock, Utah. } **CASE No. 207**

Submitted July 11, 1919. **Decided July 23, 1919.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed July 7, 1919, J. W. Jones asks the Public Utilities Commission of Utah for a certificate of convenience and necessity to operate an automobile stage line between Magna and Black Rock, Utah.

The matter came on for hearing on July 11, 1919, at which time it developed that Black Rock was, years ago, a bathing resort on the edge of Great Salt Lake. During recent years it has been abandoned, and there are no bath houses or other facilities located at that point at this time. There appearing no necessity for regular service between the points in question, the application should 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 23rd day of July, A. D. 1919.

In the Matter of the Application of J. W. JONES, for permission to operate an automobile stage line between Magna and Black Rock, Utah. } **CASE No. 207**

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 application herein be, and it is hereby, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BIG SPRINGS ELECTRIC COMPANY, for permission to discontinue its flat rate charge. } CASE No. 208

Submitted August 14, 1919. **Decided August 25, 1919.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The Big Springs Electric Company, located at Fountain Green, Sanpete County, Utah, and operating in Fountain Green and Moroni, Utah, distributing energy for light and power, asks permission to discontinue their flat rate, and to install meters for the purpose of distributing light and power to its customers.

The matter came on for hearing at Fountain Green, August 8, 1919. Notice of said hearing was published in the Mt. Pleasant Pyramid, a weekly paper published in Sanpete County, Utah. Notices were also posted in conspicuous places at Fountain Green and Moroni.

There was no opposition or protest offered to the application.

From the showing it appeared that the applicant had been in the business of furnishing power and light to the residents of Fountain Green and Moroni for a number of years; that with a very few exceptions its system of distributing light and power was by the flat rate; that on account of the use of power and light under the flat rate system, which resulted in wasting the power, the Company felt that the only just method would be to install meters, whereby each individual would pay for the amount of energy consumed. The conditions as represented by the petitioner would seem to warrant the change asked for.

It was the purpose, as indicated by the petitioner, to charge only a reasonable price for the meter. The contract submitted by the applicant, with reference to installing the meter, states that the party of the second part (the consumer), agrees to purchase from the party of the first

part, a meter, installed and complete, and pay therefor the sum of $10.00, said amount to be paid in advance; with the conditions that if the consumer desires to discontinue the use of electricity furnished by the Company, the said Company would refund all money paid for the meter, with the proviso that the meter is returned in a reasonably good condition. The $10.00 was explained by the witness to be for the purchasing of the meter and the installing of the same, but had no reference to the wiring of the house.

If the deposit above referred to contemplates the consumer leaving with the Company the $10.00 until such time as the consumer desires to discontinue the use of the same, then, in that event, it would seem to be a just and proper thing for the Company to allow 6 per cent per annum for the use of said deposit. This provision should be incorporated in the contract, copy of which has been submitted for the consideration of the Commission.

The earnings of the Company have been sufficient to pay as much as 10 per cent on the investment. It, however, appeared that the Company was not setting aside any amount for depreciation.

Without passing upon the question of rates, which is not necessarily raised in this petition, it appears to the Commission that the minimum charge of $1.20 per month is out of proportion to the rate of 7c for each kilowatt hour. The rates that have been filed with the Commission heretofore, would remain in effect until they are questioned by the consumers, or the Commission, upon its own motion, institutes a hearing as to the reasonableness of the same.

There should be set aside at least three per cent from the earnings of the Company as a depreciation fund.

From the showing made, it would appear that the petitioner should be authorized to institute the meter system, and to discontinue the flat rate system of distributing energy.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We 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 25th day of August, A. D. 1919.

In the Matter of the Application of the BIG SPRINGS ELECTRIC COMPANY, for permission to discontinue its flat rate charge. } **CASE No. 208**

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, Big Springs Electric Company, be, and is hereby, authorized to discontinue its flat rate service and to meter all electric service rendered its consumers.

ORDERED FURTHER, That applicant may require a deposit of not to exceed $10.00 from each consumer receiving metered service, and shall in all cases pay interest on such deposits at the rate of six per cent per annum, said interest being payable annually.

ORDERED FURTHER, That applicant shall hereafter annually set aside from its earnings as a depreciation fund an amount equal to three per cent of the value of its property used and useful in rendering service.

IT IS FURTHER ORDERED, That applicant may discontinue its flat rate, upon sixty days' notice to the consumers now using flat rate.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CITY OF TREMONTON, for permission to increase its rates for water. } **CASE No. 209**

Submitted August 20, 1919. **Decided August 26, 1919.**

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The City of Tremonton, in an application filed July 23, 1919, asks permission to raise the water rate now being charged its inhabitants under schedule on file with the Commission, effective June 1, 1918, by increasing the charge per connection for private residences, barber shops, stores and all places of business not specifically mentioned in said tariff, from $12.00 per annum to $24.00 per annum, and increasing the rate for hotels or rooming-houses, for each ten rooms, or fractional number of ten rooms, from $12.00 to $24.00 per annum.

The case was heard at Tremonton, August 20, 1919.

The City of Tremonton has a population of approximately 1,100, and an assessed valuation of $535,000. Prior to July 8, 1918, there had been a town government. On the latter date, the government was changed to that of a third class city.

Since the year 1910, water for culinary and other purposes has been supplied through a pipe line, about two miles in length, connecting with a reservoir, which reservoir receives its water supply from the Bear River Canal, which skirts the foothills northwest of the City. This water system was paid for in part by a bond issue dated September 1, 1910, in the amount of $6,000, with interest at the rate of six per cent, payable semi-annually. The water supply from the canal was contracted for by the Town of Tremonton from the Utah-Idaho Sugar Company, owners of the canal. The price to be paid for the water was fixed at $1.00 per capita of the population of Tremonton, and the Sugar Company was authorized to take the census of the

population of the town at any time it saw fit, for the readjustment of the charges. However, the charges have uniformly been based year after year on the population of the town at the time the service was first given. The charge for water has, therefore, been $350.00 per year. The purity of the water from the canal has frequently been brought into question, and an examination has shown that it carries excessive quantities of impurities and some disease germs. The citizens have felt it necessary, therefore, to sterilize the water before using it for household purposes, and some have felt compelled to haul water for culinary use from the neighboring city of Garland, or elsewhere.

The need for a better water supply has been generally recognized. Recently the city officials purchased a mountain spring located about three and one-half miles northwest of the city, and also acquired the right to develop water on other property in the neighborhood of this spring. Construction work, looking to the conveying of the spring water to the city, has been about completed, and has been paid for in part by a bond issue of $40,000, bearing five per cent interest, the bonds having sold at par. A cement reservoir, with a capacity for storing 102,000 gallons of water, has been constructed at a point about two miles from the city, the water from the spring being conveyed to said reservoir through 3,700 feet of pipe. From the reservoir to the city the water is carried through a ten-inch, redwood pipe. The distribution system is partly eight-inch iron pipe, and partly six-inch and four-inch wood pipe. The water is delivered to the city under two hundred foot head.

Testimony at the hearing was that the system would cost upwards of $50,000. The spring water will be available to all citizens, arrangements having been made for general distribution to reach practically every residence. This new and additional water system will have no connection with the old system, the plan being to have both in operation. The water from the old system, it is expected, will be used for lawn sprinkling, stock watering, and other such purposes, while the spring water, through the new system, is intended to supply the needs of the residents for culinary and household purposes.

The tariff of rates in effect at present were fixed for the use of the canal water through the old system, and the purpose of the city in asking permission to double the rates is to induce all residents of the city to connect with both systems. According to testimony given at the hearing by Mayor Charles McClure, it was feared that if the old

rate of $12.00 per year for the water through the old system continued effective and a new rate of $12.00 per year for water through the new system was instituted, the result would be that many citizens would take the water only through the new system, and that it would be difficult to limit its use to culinary and household purposes; while, if the water rates are permitted to be increased in accordance with the application, it would result in an equitable distribution of water through both systems, and in the economical use of the spring water for household purposes, which is very desirable and even necessary, if the somewhat limited supply is to be found adequate for the needs of the public.

The testimony of Mayor McClure was that there would probably be about one hundred eighty connections made in the city, which would produce a gross revenue in the amount of $4,320.00, assuming that each connection paid $24.00 a year.

A careful estimate of the necessary expenditures for the maintenance and upkeep of the system was given by Mayor McClure as $3,500.00. In this there is no provision for a depreciation reserve. The testimony indicated that in the past there has been no opportunity to provide against depreciation of the pipe used in the old system, the gross income being on the whole not sufficient to pay rent for water, salaries, repairs and maintenance, and miscellaneous expenses connected with the distribution of the water. While the exact figures were not available, the testimony at the hearing was that the general fund had been called upon to bear the annual deficit that had accrued. Figures submitted for the year 1918 showed that the gross income was $2,049.00, while various items of expenditure on waterworks account totaled $2,205.38, leaving $156.38 deficit for the year.

There were no protests from citizens or business concerns, either in writing or otherwise, against the granting of the petition. Mayor McClure testified that there was general acquiescence on the part of the citizens to the plan for increasing the revenues of the waterworks department to make it, as nearly as possible, self-sustaining.

Under the showing made, I am of the opinion and, therefore, find:

1. That applicant should be permitted to increase its rates for the use of water as set out in its petition and in the revised schedule of rates filed with said petition.

2. That applicant should begin at as early a date as possible to set up a depreciation reserve, not to exceed three per cent on its depreciable property, used and useful, in the giving of water service to the public.

3. That applicant should, as soon as possible, so adjust its system of accounts that the true condition of the water-works fund shall be readily ascertainable.

4. That the proposed new schedule of rates, bearing P. U. C. U. No. 2, which was filed with the Commission on the date of the filing of this application, should be permitted to become effective September 1, 1919.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We 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 26th day of August, A. D. 1919.

In the Matter of the Application of the CITY OF TREMONTON, for permission to increase its rates for water. } **CASE No. 209**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the City of Tremonton, be and hereby is, authorized to increase the rates charged for water to the basis shown in the schedule submitted with its application.

ORDERED FURTHER, That applicant shall annually set aside from its earnings as a depreciation fund, an amount equal to three per cent of the value of the property used and useful in giving water service to the public.

IT IS FURTHER ORDERED, That applicant shall keep its accounts in the manner prescribed in the classification of accounts for water utilities, which the Public Utilities Commission of Utah shall hereafter adopt.

IT IS FURTHER ORDERED, That the increased rates authorized herein may be made effective September 1, 1919, by filing with the Commission and posting at its office in Tremonton a schedule naming such increased rates, said schedule to be filed, as required in Tariff Circular No. 3.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. J. STEWART and C. H. STEWART, for permission to operate an automobile stage line between Ogden and Coalville, Utah.	**CASE No. 210**

ORDER

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

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

By the Commission.

Dated at Salt Lake City, Utah, this 4th day of September, 1919.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE MIDLAND TELEPHONE COMPANY, for permission to increase its rates for telephone service. } **CASE No. 211**

Submitted September 3, 1919. Decided September 24, 1919.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Hearing on the above application was held at Moab, Utah, September 3, 1919.

The Midland Telephone Company, a Colorado corporation, owns a telephone line from Mack, Colorado, to Green River, Utah, a distance of approximately 100 miles, the line paralleling through most of the route, the Midland highway.

The Company operates, under lease, the properties owned by the LaSal Telephone Company, which leased lines extend from Thompson to Monticello, via Moab, and from Cisco to Castleton. The Midland Company added to its holdings in 1918, by the acquisition of the property of the Independent Telephone Company of Monticello, Utah, which owned a line connecting Monticello and Verdure, serving a farming district outside of Monticello. It also operates certain other lines out of Monticello, which serve the surrounding territory.

The Midland Telephone Company is capitalized for $25,000, of which $9,888 is stock outstanding, and $3,564 has been authorized to be issued as stock dividend, to be paid for out of corporate surplus, but has not yet been issued to the stockholders.

The book value of its property, which includes the main line from Mack to Green River, an exchange building at Monticello, the line acquired from the Independent Telephone Company, and also some extensions in and around Moab and Monticello, totals $15,457.33. The property leased from the LaSal Telephone Company is valued at $19,000.

An income statement, supplied by the manager of the applicant, J. N. Corbin, which covered the period December 1, 1917, to December 1, 1918, showed:

Total operating revenue		$6,963.15
Operating Expenses	$4,693.83	
Taxes	379.15	
Income Tax	70.67	
Interest	86.40	
Lease Rentals	1,335.64	
Total Expenditures		6,565.99
Net income from operations		$ 397.16

The Company charged off as depreciation for the period, $719, and, therefore, its books show for the year a net deficit of $321.84. It is upon this showing that the applicant asks for an advance of rates.

The petition asks for permission to increase rates and charges for exchange service approximately 25 per cent, and also asks that an adjustment of its long distance toll charges be made, to increase its revenue from that department of its business about 25 per cent. The exchange rates now in effect and those proposed to be charged per month, are as follows:

	Present	Proposed
Party line—residence	$1.00	$1.25
Party line—business	1.50	2.00
Private line—residence	1.50	2.00
Private line—business	2.50	3.00
Party line ranch within two miles of town limits	1.25	1.50
Party line ranch outside two mile limit and not more than eight miles	1.50	2.00

J. N. Corbin, who gave testimony for the applicant, stated that with the new exchange rates in effect, the revenues of the Company would be increased approximately $474 a year, and even if this increase were granted it will be seen that there would be but a small amount left out of gross earnings to apply as return on investment.

The only other source of revenue available to the Company is its toll charges for long distance service. Owing to the application of the new scale of toll charges instituted and made operative by the Government during the period of Federal control of telephone lines, the air line basis of com-

puting mileage is substituted for the actual line distance rates formerly in effect. Mr. Corbin testified, in detail, of how seriously this new method of computations affected the rates of his Company. In some instances the returns on long distance messages had been reduced to a mere fraction of what the actual mileage rate would give, this being due to a circuitous route necessarily followed by the telephone line through the sparsely settled districts of southeastern Utah, in order to reach the somewhat remote settlements. However, Mr. Corbin was inclined to think that until this whole matter of toll rates of lines connecting with his lines had been adjusted, little, if anything, could be done to grant relief, for the reason that messages originating on connecting lines having the Government rates in effect, must be governed by those rates. For the present, therefore, it was conceded by Mr. Corbin that interline messages must continue under the present rates, which will leave the Commission, under this application, to pass merely upon the exchange rates.

Some testimony was offered to show that under the high costs of material and labor now in effect, the results during the present year will probably not be so favorable to the Company as they were during the past year. There would seem to be no reason, therefore, why the petition should not be granted, insofar as the exchange rates are concerned, the toll rates being left for further and future consideration.

I am of the opinion, and, therefore, find:

1. That the applicant should be permitted to file with the Commission, a schedule of exchange rates that shall not exceed the new rates proposed in the application herein, said new rates to become effective October 1, 1919.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 24th day of September, A. D. 1919.

In the Matter of the Application of THE MIDLAND TELEPHONE COMPANY, for permission to increase its rates for telephone service. } **CASE No. 211**

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, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That applicant be, and it is hereby, permitted to file a schedule of exchange rates which shall not exceed the following:

	Per Month
Party line—residence	$1.25
Party line—business	2.00
Private line—residence	2.00
Private line—business	3.00
Party line ranch within two miles of town limits	1.50
Party line ranch outside two mile limit and not more than eight miles	2.00

IT IS FURTHER ORDERED, That said new rates may be made effective October 1, 1919.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CENTRAL HEATING COMPANY, for permission to increase its rates and charges. } **CASE No. 212**

Submitted September 9, 1919. Decided September 24, 1919.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The Central Heating Company is a Utah corporation, organized for the purpose of furnishing heating to certain buildings in the business district of Provo, Utah.

In an application filed with the Commission, August 15, 1919, permission is asked to increase the rates to an amount that will give returns sufficient to pay the operating expenses, to provide for depreciation of the property, and to pay eight per cent interest on the invested capital.

The case was heard at Provo, September 9, 1919. The applicant was represented by R. E. Allen, its manager. Mr. Lafayette Holbrook, of Salt Lake City, appeared at the hearing as a protestant. Utah County was represented by Hyrum Thomas, County Commissioner, and Provo City was represented by Mayor LeRoy Dixon and City Commissioner T. C. Thompson. No written protests were filed.

Mr. Allen, testifying for the applicant, said that the capital stock of the corporation was $15,000, fully paid up. The book cost of the plant to date was $14,462.87. He further testified that there have been set up as a depreciation reserve, the following amounts, for the several years:

1915	$ 486.56
1916	692.80
1917	700.00
1918	700.00
Total	$2,579.36

The plant was originally designed to take care of the

Knight Trust & Savings Bank Building, a theatre building, and the Knight Block, all of which were owned or controlled by Mr. Allen and his associate in the heating enterprise, Mr. Jesse Knight. The service from the Central plant was extended to a number of other buildings in the vicinity, including the County Court House, the City Jail and the Public Library, standing on the block south of the one in which the heating plant is located.

County Commissioner Thomas said that so far as the County was concerned it would not protest the increase of rates. The representatives of Provo City took the same attitude, but said that if the advanced rates were permitted to be charged, it might necessitate the putting into service again of the private heating plant at the public library building, the operation of which was discontinued when service was taken from the applicant. It was stated that the plant formerly used for the library building had remained intact, and could be readily put into service.

The only protest was that presented by Lafayette Holbrook. From his statements it appeared that when the Central Heating Company constructed its plant, he was solicited to take service from the applicant, and agreed to do so with the belief that the cost would not be greater than had been experienced while he operated a private heating plant for his building and the adjoining building, ownend by L. L. Nunn. These buildings had been heated by a hot water system, but when the new service was taken, he disposed of his heating equipment, except the piping system and radiation. His testimony was that during the seven years preceding the change, the average cost per annum had been $319.21. The average cost under the present system had been higher than this, but he had felt fairly well satisfied until he received notice, under date of August 14, 1919, of the intention to change the basis of charges in such a way as to more than quadruple the cost to him. Specifically, he alleged that under the proposed new rates the cost of heating his building and the Nunn building adjoining, would be $1,758, which would be positively prohibitive. The excessive rate, it appeared, would result from the method of computing charges under the proposed schedule which is based upon the number of square feet of radiation installed. Inasmuch as Mr. Holbrook's buildings were equipped for hot water heating, and, therefore, were provided with a large amount of radiation in excess of that which would be required for a steam heated building, the charges would, of course, be proportionately higher.

Mr. Allen testified that it was not practicable to measure the service and charge therefor on any other basis than that proposed. He stated that the method of charging on the basis of steam condensation could not be applied in this case, because of peculiar defects in the plant which made such method impracticable.

The issue as between the applicant and the protestant, Mr. Holbrook, seemed to narrow to the point as to whether the protestant would reduce the amount of radiation in his buildings, or whether he would reinstall his private heating plant. It was stipulated that in the event he chose the latter alternative, he would not be deprived of heat for his buildings until sufficient time had been granted him for making a new installation, and that during that period his charges for heating service would remain on the flat basis heretofore in effect.

An exhibit was filed by the applicant showing that for the heating year from September 1, 1918, to May 31, 1919, total receipts were $5,159.70. Total operating expenses, including depreciation reserve of $700.00, were $6,936.61, leaving a net loss for the year of $1,776.91. There was no provision for return on investment.

Another exhibit submitted gave an estimate of the total expected cost of operation for the year commencing September 1, 1919, and ending May 31, 1920, and was as follows:

1028 Tons Coal	$ 4,317.60
Labor—three men, nine months @ $100 each per month	2,700.00
Repairs	250.00
Taxes	200.00
Depreciation, 10 per cent	1,400.00
Interest on Capital, $15,000 @ 8 per cent	1,200.00
Management	300.00
Total	$10,367.60

In order to provide a sum equal to these estimated operating and capital charges, Mr. Allen testified that it would be necessary to charge a rate of 60c per square foot of radiation for all buildings using short hour service, i. e., for buildings that require only part time heat. This would embrace most of the buildings supplied by the applicant, including the business blocks, Court House, etc., but would not include the Knight Trust & Savings Bank Building,

which included a hotel requiring service over a longer period daily. The owners of the latter building had expressed their willingness to be assessed a higher rate than the business blocks, and hence a rate of 80c was proposed for that building.

An exhibit was filed showing the amount of radiation in each of the buildings furnished with heat, and showing also the revenue from each building, if the rates asked for are granted, the total expected revenue being $10,322.20, as against the total expected costs of operation, including capital charges, for the ensuing year, of $10,367.60.

A careful study has been made of the schedule showing the estimated cost of operation for the year just now commencing, and several items are believed to be in excess of what will probably be the actual experience of the Company. One of these items is that of labor for operating the plant. During the year ending May 31, 1919, the salaries paid amounted to $1,332.10. The estimate for the coming year is $2,700. This is based upon an expectation that three men will be employed the entire nine months at $100 each per month. It would appear reasonable to expect that there will be saved on this item approximately $500.

Another item that should be reduced is that of depreciation, which in the estimate is computed at 10 per cent on a valuation of $14,000. There are three classes of property to be considered. The first consists of boilers, smoke stacks, Burke furnaces, etc., comprising the generating equipment. These are estimated to have cost $7,400. There is justification for granting higher depreciation on these items than on other classes of property. Two of the three boilers were purchased second-hand, and the actual amount paid for them was made a capital charge. The deterioration on this class of property will be more rapid than on new equipment. Depreciation at the rate of 8 per cent per annum on this property should be allowed.

The second class of property is buildings and real estate, which, together, cost $3,500. An allowance of $70.00 per year on this item would appear to be reasonable, this amount to be applied on the building only, the real estate being not depreciable.

The third class of property consists of pipe lines, etc., forming the distributing system, which cost approximately $3,500. Five per cent depreciation on this property would appear to be reasonable.

Taking the property into consideration as a whole, a depreciation reserve of not to exceed 6 per cent per annum

on the $14,462.87, shown to have been actually invested, is found to be not unreasonable.

The item of depreciation, therefore, will total $867.77, which will be a reduction of $532.23 from the estimate made by the applicant.

It appears from this analysis that the total estimated cost of operation for the coming year may be reasonably reduced approximately 10 per cent, and it follows that a similar reduction can be, and should be, made in the rate proposed to be charged users of the applicant's service.

On the showing made I am of the opinion and, therefore, find:

1. That the book value of the property used by the applicant is $14,462.87.

2. That the applicant should set up annually, as an allowance for depreciation, an amount equal to 6 per cent of the value of the property in use.

3. That the applicant should be permitted to file a schedule of rates with the Commission, effective on five days' notice, which shall not exceed 72c per square foot of radiation for buildings requiring night as well as day service, and not to exceed 54c per square foot of radiation for other classes of buildings; provided, that for buildings requiring only part time service, the rate shall be fixed at a price that will reflect an equitable charge, based upon the rates herein specified, the hours of service being taken into consideration.

4. That the applicant should be required to file with the Commission a statement showing the pressure under which it is proposed to deliver steam to consumers, and also showing the approximate hours service is rendered daily to each and every building or consumer.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 24th day of September, A. D. 1919.

In the Matter of the Application of the CENTRAL HEATING COMPANY, for permission to increase its rates and charges. } **CASE No. 212**

This case being at issue upon petition and protest 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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant be, and it is hereby, permitted to publish and put in effect, rates which shall not exceed the following schedule:

For buildings requiring night as well as day service, 72c per square foot of radiation. For other buildings, 54c per square foot of radiation.

IT IS FURTHER ORDERED, That for buildings requiring only part time service, a rate shall be published which will reflect an equitable charge, based upon the above rates.

ORDERED FURTHER, That the above rates may be made effective upon five days' notice to the public and to the Commission.

IT IS FURTHER ORDERED, That applicant shall file with the Commission a statement showing the pressure under which steam will be delivered to consumers, and also a statement showing the approximate hours service is rendered daily to each and every building or consumer.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LITTLE COTTONWOOD TRANSPORTATION COMPANY, for an order authorizing an increase of freight rates. } **CASE No. 213**

Submitted September 5, 1919. Decided September 9, 1919.

N. A. Robertson for petitioner.
Geo. H. Watson for protestant.

REPORT OF THE COMMISSION

By the Commission:

A hearing upon the above petition was held September 5, 1919, in the office of the Commission. George H. Watson, manager, and Herman Bamberger, vice-president, of the South Hecla Mining Company, appeared and objected, in part, to the application of the petitioner.

It appeared from the showing made that the applicant is a corporation, organized under the laws of the State of Maine, doing business as a common carrier in the State of Utah, and, in the conduct of its business, operates a line of railway between Wasatch and Alta, in Little Cottonwood Canyon, Salt Lake County, Utah; that the purpose for which the business as a common carrier was installed, was to haul ore from the various mines in Little Cottonwood Canyon to Wasatch, making a distance of about eight miles construction of railway.

The principal shippers or patrons of the railroad corporation are as follows: Michigan-Utah Consolidated Mines Company, Columbus Rexall Consolidated Mines Company, Sells Mining Company, South Hecla Mining Company, and, as prospective shipper and patron, the Alta Consolidated Mining Company.

Exhibits introduced at the hearing show 7,297.88 tons of ore shipped during 1919, divided among the above named shippers as follows:

Name	Tons
South Hecla Mining Company	6,537.29
Columbus Rexall Consolidated Mines Company	583.06
Wasatch Mines	16.17
Sells Mining Company	133.04
Louise Mining Company	28.32
Total	7,297.88

The South Hecla Mining Company shipped 89.58 per cent of the total ore offered applicant for transportation while the Michigan Utah Consolidated Mines Company does not appear as a shipper during 1919.

All of the above named shippers of ore, with the exception of the South Hecla Mining Company, have filed with the Commission voluntary statements in which it is admitted that the increase in rates asked for in the petition is just and reasonable under the circumstances, and consent to the order as prayed for.

The objection interposed by the said South Hecla Mining Company is directed at the rates asked for by the petitioner for the transporting of low grade ore.

The petitioner asks authority to increase its ore hauling rates $1.00 per ton between the various stations on the line of the railroad, as well as to increase other freight rates, as follows:

From Wasatch to Tanners	from 12c	per cwt. to 18c
From Tanners to Wasatch	from 6c	per cwt. to 10c
From Drain Tunnel to Sells Mine	from 15c	per cwt. to 25c
From Sells Mine to Drain Tunnel	from 7½c	per cwt. to 12c
From Wasatch to Alta	from 20c	per cwt. to 25c
From Alta to Wasatch	from 10c	per cwt. to 15c

In case applicant loads or transfers freight (not ore) at Wasatch, a charge of 5c per cwt. will be made, and 5c for unloading at terminal.

The evidence produced by the applicant was to the effect that the railroad operated by the petitioner under the present rates is a losing proposition; that the operation of said road on account of the snows during the winter, limits the shipping season to a period beginning about the

first of May, and continuing until about the first or fifteenth of December.

Exhibits introduced as evidence in the case showed the operating results of the road during 1918 and 1919 to be as follows:

August, 1918, profit	$ 429.09
September, 1918, deficit	2,280.65
October, 1918, deficit	1,334,32
November, 1918, deficit	1,585.76
April, 1919, deficit	3,702.75
May, 1919, deficit	1,077.15
June, 1919, profit	1,398.61
July, 1919, deficit	401.79
August, 1919, profit	202.21

showing a deficit of $3,580.87 from April, 1919, to August, 1919.

The testimony further showed that the railroad in question is built with an average grade of seven per cent, the greatest being eleven per cent, covering a distance of about eight miles, making in all a difficult and hazardous operation.

The objection raised by the South Hecla Mining Company was based upon the fact that they can not afford to pay a higher rate upon what is called low grade ore, for the reason that with the present rate the Company is realizing but $3.00 net per ton.

It appeared from the investigation that an increase of tonnage would greatly relieve the situation complained of by the petitioner. The Transportation Company contends that it is losing money in handling the low grade ore at the present rates.

The officers of the South Hecla Mining Company joined with the other mining companies in their attitude towards the advance in rates, with the exception of the low grade ore, making the exception referred to upon the ground that they could not, and would not attempt to, furnish any of the low grade ore for shipment at the rate asked for in the petition.

After a careful consideration of the conditions shown by the testimony it appears, and we therefore find:

1. That the Company is giving a service for which sufficient revenue is not being realized in order to meet the reasonable demands of operation.

2. That the rates asked for in the petition are not excessive or unreasonable.

3. That the Company should be authorized to collect the rates asked for, with the exception of the advance on low grade ore, which, under the conditions appearing, should be modified to collect an advance of 30 cents per ton instead of $1.00 per ton, as prayed for.

4. That the new rates should be permitted to become effective September 15, 1919.

An appropriate order will be issued.

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

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 9th day of September, A. D. 1919.

In the Matter of the Application of the LITTLE COTTONWOOD TRANSPORTATION COMPANY, for an order authorizing an increase of freight rates. } **CASE No. 213**

This case being at issue upon petition and protest 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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, Little Cottonwood Transportation Company, be, and hereby is, authorized to publish and put in effect rates which shall not exceed the following:

Ore Hauling Rates

Tanners Flat to Wasatch:

Value of Ore	Rate
$15.00 or less	$1.40 per ton
15.00 to $35.00	2.20 per ton
35.00 to 55.00	2.30 per ton
Over 55.00	2.40 per ton

Sells Mine and Wasatch Drain Tunnel to Wasatch:

$15.00 or less	$1.70 per ton
15.00 to $35.00	2.50 per ton
35.00 to 55.00	2.60 per ton
Over 55.00	2.70 per ton

Alta to Wasatch:

$15.00 or less	$2.00 per ton
15.00 to $35.00	2.80 per ton
35.00 to 55.00	2.90 per ton
Over 55.00	3.00 per ton

NOTE: No cars will be loaded by Company, but cars will be spotted on sidings free of charge.

Tonnage hauled, and date of shipments, will be furnished all shippers.

Other Freight Rates

From Wasatch to Tanners.....18c per cwt.
From Tanners to Wasatch.....10c per cwt.
From Drain Tunnel to Sells Mine.....25c per cwt.
From Sells Mine to Drain Tunnel.....12c per cwt.
From Wasatch to Alta.....25c per cwt.
From Alta to Wasatch.....15c per cwt.

NOTE: In case Company loads or transfers freight (not ore) at Wasatch, a charge of 5c per 100 lbs. will be made, and 5c per 100 lbs. for unloading at terminal.

IT IS FURTHER ORDERED, That the increased rates authorized herein may be made effective September 15, 1919, by filing with the Commission and posting at each station on its line, schedule naming such rates.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of DAY FARMS, Wilford Day, Proprietor, for permission to operate an automobile truck line between Parowan and Lund, Utah, via Cedar City. } **CASE No. 214**

Submitted December 18, 1919. Decided December 29, 1919.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing at Lund, Utah, September 11, 1919. At that time further hearing was discontiued and action withheld until the parties had an opportunity to agree upon some kind of joint service. Thereafter, on December 18, 1919, the parties appeared before the Commission, at Lund, Utah, and said they were unable to arrive at any satisfactory agreement whereby service could be given jointly.

Mr. Edward Davis advised that he had taken over the interests of the Day Farms in this matter, and was positive that no arrangements could be entered into with Leigh & Green, the present operators of the line.

Mr. Davis later informed the Commission that he was willing to discontinue giving service as a common carrier, inasmuch as the application herein was protested.

In the former proceedings it appeared that the applicant in this case was willing and intended to move to dismiss his application unless satisfactory arrangements could be entered into by the parties.

It appearing that satisfactory arrangements can not be entered into by the parties, and in order to make the record in this case complete, the application should be dismissed.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(SEAL) (Signed) WARREN STOUTNOUR,
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 December, A. D. 1919.

In the Matter of the Application of DAY FARMS, Wilford Day, Proprietor, for permission to operate an automobile truck line between Parowan and Lund, Utah, via Cedar City. } **CASE No. 214**

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 herein be, and the same hereby is, dismissed.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the DIXIE POWER COMPANY, for order authorizing construction of transmission line. } **CASE No. 215**

Decided August 28, 1919

REPORT OF THE COMMISSION

By the Commission:

Comes now the Dixie Power Company and represents it is a corporation existing under and by virtue of the laws of the State of Utah, engaged in generation, distribution and sale of electric energy in Washington and Iron Counties, State of Utah; that in the conduct of its business it is necessary, in order to serve public convenience and necessity, to construct a transmission line from its power plants in Washington County to Cedar City, Iron County, Utah, a distance of approximately forty-two miles; that the line in question is to be constructed according to an agreement made and entered into by and between the Dixie Power Company and the State Road Commission and the franchises obtained from Juab and Washington Counties, copies of said agreement and franchises being attached to and made a part of the application;

And the Commission, having caused investigation to be made and being fully advised in the premises, finds:

1. That public convenience and necessity require the construction of a transmission line between the power plant of the Dixie Power Company and Cedar City, Utah.

2. That in the construction of such line, the Dixie Power Company should conform to the standard construction as set forth in the Commission's General Order governing wire line construction, dated February 4, 1918.

An appropriate order will be issued.

By the Commission.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 59

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. 1919.

In the Matter of the Application of the DIXIE POWER COMPANY, for order authorizing construction of transmission line. } **CASE No. 215**

This case being at issue upon petition on file, and having been duly heard and considered, 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, DIXIE POWER COMPANY, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain a transmission line for electric energy from its power plant in Washington County to Cedar City, Utah, a distance of approximately forty-two (42) miles.

ORDERED FURTHER, That in the construction of said line the Dixie Power Company shall conform to the standard construction prescribed by the Commission in its General Order dated February 4, 1918.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. L. INGLESBY, for permission to carry express and baggage, over his automobile stage line between Bingham Canyon and Salt Lake City, Utah.	CASE No. 216

Submitted September 19, 1919. Decided September 25, 1919.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Hearing on this application was held September 19, 1919. No protests in writing had been received, and no one appeared in person to protest.

The petitioner testified that he had made application for and on behalf of the Bingham Stage Line, a corporation recently organized, and that he desired, if his application is granted, that the certificate of convenience and necessity be issued in the name of said Bingham Stage Line, of which the applicant is principal owner.

Testimony offered by the applicant was that there is not now adequate and convenient service by rail between Salt Lake City and Bingham, to take care of the express business, and that he had found, during the three months that he had been operating a stage line between these two points, that the public at Salt Lake and at Bingham required additional facilities for the transportation of express matter, particularly of newspapers, motion picture films, and miscellaneous articles of small size and compact form. His stage line had been giving some service to the public in an experimental way, and it would be in the interest of the public to have a regular service established.

It was stated to be the intention of the applicant, if the petition is granted, to file a schedule of rates and charges for the transportation of express matter on any and all of the cars operating for passenger service between Salt Lake City and Bingham.

On the showing made I am of the opinion and, therefore, find:

1. That there is a necessity for the establishing of an

express service between Salt Lake City and Bingham, and that the petition of the applicant should be granted.

2. That applicant should be permitted to file a schedule of rates and charges for the service, to be made effective on not less than five days' notice to the public and to the Commission, subject, however, to protest by interested parties.

3. That applicant should be required to issue receipts, on forms to be approved by the Commission, for all articles of express received for transportation.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 61

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 25th day of September, A. D. 1919.

In the Matter of the Application of A. L. INGLESBY, for permission to carry express and baggage, over his automobile stage line between Bingham Canyon and Salt Lake City, Utah. } **CASE No. 216**

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, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That applicant, A. L. Inglesby, for and on behalf of the Bingham Stage Line, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to transport express and baggage between Salt Lake City and Bingham.

ORDERED FURTHER, That applicant be, and hereby is, permitted to file a schedule of rates to be made effective on not less than five days' notice to the public and to the Commission.

ORDERED FURTHER, That applicant shall issue receipts for all articles received for transportation, such receipts to be on forms approved by the Commission.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BEAR RIVER VALLEY TELEPHONE COMPANY, for permission to increase its rates for business telephones. } **CASE No. 217**

Submitted September 22, 1919. Decided September 26, 1919.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Hearing on the application of the Bear River Valley Telephone Company for permission to increase its rates for business telephones, was held September 22, 1919, at Tremonton, Utah, at which place is located the general office of the applicant.

The applicant was represented at the hearing by P. M. Hansen, its vice-president, and by Paul Heitz, its general manager. There were no appearances on behalf of patrons of the Company. No written protests against the granting of the petition had been filed.

The Bear River Valley Telephone Company had a former case before the Commission, which was heard March 8, 1918. In that case (No. 18), the Company was granted permission to increase its rates for individual business telephones from $3.00 per month to $3.25 per month, and for rural or party telephones, from $1.75 per month to $2.00 per month. The present petition asks for permission to increase the rate for individual business telephones from $3.25 per month to $4.50 per month. Permission is also sought for the privilege of instituting a two-party business service at $4.00 per month.

Petitioner alleges that continued increases in the cost of labor and in the prices of materials have so reduced its net income that additional increases in the rates are necessary in order that the Company may continue to properly serve the public and maintain its lines and equipment in first-class condition.

In case No. 18, the Commission found that the book value of the Company's plant and equipment at the close of the year 1917, was $44,764.03. The Company's books

showed that $2,517 had been added to the capital investment during the year 1918, and that, therefore, the book value of the plant and equipment at the end of 1918 was $47,281.03. Part of the additional investment had been made, according to the testimony, for new construction, some seven miles of new line having been put into operation, and some cable having been installed in the town of Tremonton.

The Company is a corporation with a capital stock of $25,000, fully paid up. It has outstanding six per cent bonds to an amount of $20,000, which were sold at par. The total investment, therefore, made through the sale of capital stock and bonds, is $45,000. The additional $2,281.03, it was testified, has been put into the business out of the earnings of the Company, which earnings, but for their having been invested in the plant and equipment, would have been available for dividends to the stockholders. The manager testified that the plant in its present condition would be worth very much in excess of the book value of $47,281.03.

A statement of the Company's receipts and disbursements for the year 1918 was submitted by the applicant, as follows:

Receipts:

From Rents	$13,122.08
From Tolls	5,881.95
Total Receipts	$19,004.03

Disbursements:

Which include operating expenses, interest paid, dividends to stockholders, repairs and maintenance expenditures, salaries, payments of interline charges to Mtn. States Tel. & Tel. Co., and miscellaneous items	$17,804.72
Leaving a balance of	$ 1,199.31

Out of this there was set aside at the end of the year, $1,000 as allowance for depreciation, leaving a balance of net earnings to be transferred to a surplus fund of $199.31.

In addition to the $1,000 placed in the depreciation reserve fund, there was expended, during 1918, for repairs and replacement, approximately $2,000, according to testimony of Mr. Heitz, these items being of such a character

that they would have been properly chargeable against depreciation reserve if there had been any such fund in existence. The $2,000 thus expended, and the $1,000 placed in the depreciation reserve fund, total approximately the amount that the Commission indicated in Case No. 18 as the proper allowance for depreciation, e. g., 6½ per cent on the then book value of its property used and useful in the giving of the service.

The total paid out of the earnings of 1918 as dividends to stockholders, was shown to be $2,198.80, which is in excess of the 8 per cent on outstanding capital stock, which in Case No. 18 was suggested as a sufficient rate of return on investment.

It would be proper to here take occasion to say that a company situated as is this one, with an extensive plant consisting largely of property that is subject to heavy depreciation, and which in the past has neglected to provide an adequate depreciation reserve, should not be permitted to exceed eight per cent as dividends to stockholders. It should, rather, build up a reserve for depreciation sufficient to insure to its patrons that the plant and equipment will be kept in condition to give proper service.

Witnesses for the applicant testified that items used in the operating of its telephone plant had increased in value greatly since the last hearing, and that while its purchases of such items were not large in the aggregate, the actual increase in the cost to the Company for material thus used, would approximate $400 per year. It was not upon this additional expenditure, however, that the petitioner relied to support its application for an increase, but rather upon the new wage scale that has gone into effect during the present year.

At the time the hearing was held in Case No. 18, the two linemen employed were receiving $90 and $100 per month, respectively, the chief operator was receiving $35 a month, and the four or five other operators were each receiving $25 a month. The present wage scale, as testified by Mr. Heitz, was as follows:

Principal Lineman	$130.00 per month
Second Lineman	120.00 per month
Chief Operator	50.00 per month
Four or five Operators, each	37.50 per month

The increases shown by the revised wage schedule amount to $131.25 a month, or $1575 a year.

There are but three methods of increasing its revenue

open to the applicant. One is by extending its service and taking on new customers. Another is by increasing its income from toll service, and the third is by an increase of rates on part or all of its patrons.

As to new customers, it was shown that the number of stations taking service had increased from 525 to 570. It would be reasonable to assume that 25 new customers have been secured during the year 1919, and that the revenue from these customers, amounting to at least $50 a month, could fairly be expected to show in the gross receipts for 1919 in excess of those shown in 1918. This would give a total increase of gross revenue for year, of $600.

It is not definitely known what future returns from toll business will be, but it would be only fair to assume that it would not be less for this year than during the year 1918.

The increase expected from the application of the rates asked for in this petition would be $40.50 a month, the testimony having been that thirty individual business telephones and four two-party business telephones would be affected, the former paying an additional $1.25 per month each, and the latter an additional 75 cents per month each. Thus, the granting of the petition will provide for an additional $486 per year, and this, together with the $600 per year, estimated as additional income from telephones now in use that were not in use in 1918, will provide $1086 additional revenue for 1919 over 1918 to meet an increased wage expenditure of $1575. The limiting of dividends to eight per cent, as hereinbefore suggested, will tend to reduce the deficit.

Witnesses testified that a meeting attended by a number of the business men who would be affected by the new rates, had been held September 19, 1919, at which the telephone officials were present and full explanation of the reasons actuating the Company in requesting the advance was made, whereupon the patrons present expressed, by resolution, their decision to make no objection to the granting of the petition.

The petitioner, in presenting its case, made a point of the fact that no charge is made for toll service over any of its lines. Subscribers have the free use of telephone service between the various towns, cities and villages of the Bear River Valley and surrounding country served by the petitioner. Free exchange of messages is granted between the petitioner and the Mountain States Telephone & Telegraph Company at Garland, which extends the use of petitioner's lines to all stations on the Mountain States system

in villages adjacent to the town of Garland, and served through the Garland exchange. In all about 800 stations are covered with no toll charge by the petitioner's lines and by connecting lines.

There seemed to be little objection to the quality of service being given the patrons of the Company.

After full investigation I find the facts to be:

1. That the book value of the Company's plant and equipment at the close of the year 1918, was $47,281.03.

2. That the present revenue is not sufficient to provide adequate depreciation reserve, to pay operating expenses, interest on bonded indebtedness, and to give a normal rate of return on investment.

3. That the applicant should be permitted to change its schedule of rates for business telephones to provide a rate of not to exceed $4.50 per month for individual telephones, and not to exceed $4.00 per month for two-party telephones.

4. That the applicant should be required to set up, annually, before the payment of any dividends to stockholders, a depreciation reserve of 6½ per cent on the value of its property in use, and to so adjust its system of bookkeeping as to accurately show the proper distribution of charges as between depreciation reserve account and operating expense accounts.

An appropriate order will be issued.

(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 26th day of September, A. D. 1919.

In the Matter of the Application of the BEAR RIVER VALLEY TELEPHONE COMPANY, for permission to increase its rates for business telephones. } **CASE No. 217**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant be, and it is hereby, permitted to file a schedule of rates for business telephones which shall not exceed the following:

Individual telephones	$4.50 per month
Two-party telephones	$4.00 per month

IT IS FURTHER ORDERED, That applicant shall set up annually a depreciation reserve of 6½ per cent on the book value of its property in use.

ORDERED FURTHER, That applicant shall so adjust its system of bookkeeping as to accurately show the proper distribution of charges.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the CONSOLIDATED STAGE LINE failing to render proper passenger service between Salt Lake City and Bingham, Utah.	CASE No. 218

Decided September 23, 1919.

REPORT AND ORDER

By the Commission:

Hearing on the above matter was set for Thursday, the 18th day of September, 1919, at ten o'clock a. m., at the office of the Public Utilities Commission of Utah, Room 303 State Capitol, Salt Lake City, Utah. Notice was served on M. P. Culver, Manager of the Consolidated Auto Company. Said Company, by its Manager, agents, or otherwise, failed to appear or make answer in compliance with the notice and order issued September 2, 1919.

The records of the Commission indicate that prior to the enactment of the Public Utilities Law, M. P. Culver was engaged in operating a stage line for the transportation of passengers between Salt Lake City and Bingham, Utah; that Mike Panas also operated a stage line for the transportation of passengers between the above named points, under the name of the Star Line.

On April 29, 1918, the above named lines, by permission of the Commission, united their interests under the name of the Consolidated Stage Line.

From the information obtainable, and upon investigation, the Commission finds:

That the said Consolidated Stage Line has failed and refused to give the traveling public the service required, and has failed to meet the requirements under the rules of the Public Utilities Commission.

That said Consolidated Stage Line, at various times, and without notice or permission of the Commission, failed to give service, and finally closed its office at No. 62 East Second South Street, Salt Lake City, without notice to the Commission, and to the public, in violation of the rules and regulations governing automobile stage lines as laid down by this Commission.

That no showing or appearance was made to the Commission as to why rights and privileges heretofore recognized by the Commission, should not be revoked, as required by the order and notice of the Commission, dated September 2, 1919, and served upon said Stage Line.

IT IS THEREFORE ORDERED, That the right of the Consolidated Stage Line, and permission to operate an automobile stage line between Salt Lake City, Utah, and Bingham, Utah, be, and is hereby, revoked and set aside.

By the Commission.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STAR LINE (Panas Brothers), for permission to operate an automobile stage line between Salt Lake City and Bingham, Utah, for the transportation of passengers.	**CASE No. 219**

Decided December 29, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed September 2, 1919, the Star Line asked permission to operate an automobile stage line between Salt Lake City and Bingham, Utah.

The case was docketed for hearing September 18, 1919, and on that date petitioner asked that the hearing be postponed without date. No further action having been taken by the petitioner, the proceedings in this case should be dismissed without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 29th day of December, A. D. 1919.

In the Matter of the Application of the STAR LINE (Panas Brothers), for permission to operate an automobile stage line between Salt Lake City and Bingham, Utah, for the transportation of passengers. } **CASE No. 219**

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 without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the MOUNTAIN STATES FEEDING COMPANY, for relief from the Commission's Tentative General Order Governing Clearances. } CASE No. 220

CLEARANCE PERMIT No. 4

REPORT AND ORDER

By the Commission:

The applicant, Mountain States Feeding Company, in an application dated August 14, 1919, asks relief from the provisions of the Commission's Tentative General Order requiring a side clearance of eight (8) feet, six (6) inches from center of track to the face of the obstruction, where the obstruction is over four (4) feet in height, and seven (7) feet, six (6) inches from center of track to face of obstruction, when not over four (4) feet in height.

The Commission, having caused investigation to be made, finds:

That applicant desires to have a spur track constructed by the Bamberger Electric Railroad Company into its building located at North Salt Lake; that the building in question was constructed before standard clearances were prescribed within this State; that the portion of the building into which the track is desired provides standard overhead clearance; that the wall upon the east side rests upon a concrete base, under four feet high, which extends five inches inside the face of the wall; that there is no wall on the west side, but a number of posts support the super-structure, said posts resting upon a concrete base extending five inches inside the face of the posts; that the distance between the face of the wall on the east and the posts on the west is approximately fifteen (15) feet, and between the face of the concrete base on the east and on the west is approximately fourteen (14) feet, two (2) inches; that the proposed track will provide space for not to exceed two (2) cars, and that it will be unnecessary for anyone to ride the cars inside the building; that it is intended to switch specially constructed cars into this building to unload garbage from the

cars into bins located within the building and alongside the proposed track; that no hazard will be created by reason of the clearance provided, and applicant should not be required, at this time, to change the wall on the east side or the posts on the west side to provide additional clearance; that applicant should be relieved of the provisions of Tentative General Order dated September 1, 1917, insofar as they conflict with these findings.

IT IS THEREFORE ORDERED, Adjudged and Decreed, That applicant, the Mountain States Feeding Company, be, and is hereby, granted relief from the Tentative General Order dated September 1, 1917, regarding clearances, insofar as the same applies to side clearances, and is authorized to construct a single track, standard gauge spur into its building at North Salt Lake, upon the following conditions:

1. Said track shall be constructed so as to provide a uniform clearance of eight (8) feet, six (6) inches from the center thereof to the face of the east wall of building.

2. The first post at the west side of the entrance of the building shall be removed before construction of said track, to insure proper clearance where the track enters the building.

3. Said track shall extend into the building sufficient distance to permit the placing of two (2) cars only within the building, and properly blocked, in order to prevent cars running off end of rails.

4. A sign, warning trainmen of the insufficient clearance on the west side of track, shall be placed upon the building, and, in addition to this sign, a "tell-tale," consisting of small ropes or strong cords, shall be hung in such a manner and at such position outside of said building, that it will strike any person attempting to ride the cars into the building and call his attention to the insufficient clearance.

The Commission expressly reserves the right to order standard clearance provided on the west side of the spur, should future conditions warant such action.

By the Commission.

Dated at Salt Lake City, Utah, this 21st day of August, A. D. 1919.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of T. L. PARKER, for permission to operate an automobile stage line between Saltair and Salt Lake City.	CASE No. 221

Decided September 18, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, June 24, 1919, T. L. Parker asks permission to operate an automobile stage line between Salt Lake City and Saltair, making regular trips after the last train of the Salt Lake, Garfield & Western Railway Company had run, and to charge not to exceed $3.00 per trip per passenger.

Investigation was made as to the necessity of this service, and applicant interviewed on the subject. Letters were also addressed applicant, asking if he still desired consideration of his application. No reply was received to the Commission's letters, and, the season at Saltair resort being over for 1919, the application should be dismissed.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 18th day of September, A. D. 1919.

In the Matter of the Application of T. L. PARKER, for permission to operate an automobile stage line between Saltair and Salt Lake City. } **CASE No. 221**

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 application in this proceeding be, and it is hereby, dismissed.

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 VALLEY GAS & COKE COMPANY, for permission to increase its rates for gas. } CASE No. 222

Submitted October 15, 1919 Decided December 15, 1919.

Walter Adams and Mr. Vick for petitioner.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

The petitioner in this case is a corporation, having its principal place of business in Provo, Utah, and is engaged in the manufacture and delivery of gas to the public in Provo, Springville, Spanish Fork and other points in Utah County.

The application of petitioner alleges that during the first two years of existence, and prior to May, 1917, petitioner manufactured and delivered gas to the public at the following rates:

	Gross	Discount	Net
First 2,000 Cu. Ft.	$1.60	$ .10	$1.50
Next 3,000 Cu. Ft.	1.40	.10	1.30
Next 3,000 Cu. Ft.	1.20	.10	1.10
All Over 8,000 Cu. Ft.	1.10	.10	1.00

Subsequent to May, 1917, petitioner filed with the Commission, uninfluenced by any popular demand and wholly voluntarily, a revised schedule of rates, making a special reduction in its charges for all gas consumed over and above the first 2,000 feet. These rates are still in effect; but on account of the high prices of material, increase in wages of its employees, and increase in taxes, its revenues have been decreased and have reached a point where it is necessary to have additional revenues to meet

its financial requirements, to secure the capital necessary to make improvements and repairs, and to enable it to give adequate service to its customers.

There were no protests to the proposed increases. There was, however, some objection made to the adequacy of the service and the heat content of the gas.

Testimony was introduced at the hearing to show what the increased costs had been to this utility as regards materials, labor, taxes and fuel. The cost of coal had advanced from $3.10 per ton to $4.70, an increase of about 51½ per cent; though revenues for sale of gas increased, June, 1919, over April, 1917, 83 per cent, wages increased, June, 1919, over April, 1917, more than 112 per cent; taxes increased 1918 over 1917, 77 per cent. Aside from these specific amounts, testimony was offered to show the cost of materials other than coal that entered into the manufacture and distribution of gas, and also the general expense of operating the business, had been greatly increased during the period since the present rates were in effect.

HISTORICAL

The Gas Company was constructed in the year 1914. The original promoters were unable to finance the Company after it had been partially constructed, and it was taken over by the construction engineer. Later the property passed, through purchase, to the present owners. The purchase price of the physical property was made after an appraisal, and, according to affidavit, the original purchase price to the present owners was $238,118.38, which was paid in cash. That figure was carried to the books of the present Company as the actual money cost of the property at that time.

PROPERTY

This property is a coal gas plant, consisting, in addition to mains and services, of three benches of sixes, together with the usual condensers and scrubbers, exhausters, tar extractor and compressors; also a 15,000-foot holder, and six compression tanks of approximately 10,000 cubic feet each. At the present time the Company is utilizing all of its bench and holder capacity, the daily sendout being about 50,000 cubic feet. It is the plan of the Company to secure a 100,000 cubic foot holder, and use the small holder for a relief holder.

The property serves the town of Provo and also the

towns of Springville and Spanish Fork. At the present time the Company serves 1,100 customers in Provo, 140 in Springville, and 160 in Spanish Fork.

Petitioner's exhibit shows the plant property account as of June 30, 1919, to be as follows:

Purchase Price	$238,118.78
Real Estate	71,785.72
Additions and Improvements:	
Buildings and Fixtures	
Equipment and Holders	
Utility Equipment	
Shop Equipment and Tools	
Furniture and Fixtures	
Distribution System:	
Mains	19.937.77
Services	26,868.94
Meters and Regulators	22,604.52
Springville-Spanish Fork Extension	57,347.41
Engineering and Business Development	21,823.78
Total Cost Plant and Property to Date	$458.486.52
Allowance for Working Capital	30,000.00
	$488,486.52
Less Depreciation (as per ledger, including Bench Repair Reserve)	5,686.59
Value for Rate-Making Purposes	$482,799.93

The Commission will not at this time pass upon the value of the property for rate-making purposes, for the reason that it deems the evidence before it insufficient, especially relative to the purchase price; but has requested of the petitioner that a physical inventory of petitioner's property be made at as early a date as is consistent. Pending such valuation, a study has been made of petitioner's earnings and revenues. The petitioner submitted earnings and revenues for the year 1917, 1918 and six months of 1919. Revenues and expenses for these years are set forth as follows:

STATEMENT OF EARNINGS

	1917	1918	1919 6 Months
Gas Sales	$22,902.41	$29,352.77	$13,869.06
Earnings from Residuals:			
Coke	6,377.36	8,439.78	4,580.52
Tar	715.39	994.32	886.40
Total Operating Revenue	$29,995.16	$38,786.87	$19,335.98
Non-Operating Revenue (From Appliance Sales)		1,000.00	
Total Gross Earnings	$29,995.16	$39,786.87	$19,335.98

INCOME STATEMENT

	1917	1918	1919 6 Months
Operating Revenues	$29,995.16	$38,786.87	$19,335.98
Operating Expenses	14,568.29	21,521.29	12,499.47
Operating Profit	$15,426.87	$17,265.58	$ 6,836.51
Non-Operating Revenue		1,000.00	
Total Gross Income	$15,426.87	$18,265.58	$ 6,836.51
Less Deductions from Gross Income:			
Interest on Bonds	9,740.00	11,100.00	5,550.00
Net Income	$ 5,686.87	$ 7,165.58	$ 1,286.51
Less Preferred Stock Dividend, Accrued	2,870.00	2,870.00	1,435.00
	$ 2,816.87	$ 4,295.58	$ 148.49

A study of the actual results of operation during these years makes it apparent to the Commission that there is not sufficient revenue to give adequate service and properly maintain the plant, take care of depreciation and provide for necessary interest requirements; that unless revenues be increased, an impairment of service will result.

Petitioner submitted a proposed schedule as follows:

	Gross	Discount	Net
First 2,000 Cu. Ft.	$1.75	$ .10	$1.65
Next 4,000 Cu. Ft.	1.35	.10	1.25
Next 9,000 Cu. Ft.	1.25	.10	1.15
All Over 15,000 Cu. Ft. ..	1.15	.10	1.05

A careful study of this schedule has been made by the Commission and carefully compared with the actual cost per thousand feet in the holder and at the burner. It is apparent that service to customers under this schedule and using large quantities of gas would be rendered very near, if not below, the actual cost. The Commission, therefore, finds that the sliding scale submitted would result in an unjust discrimination between the small and larger consumers, and has, therefore, modified same so as to remove the discrimination.

Some testimony was offered at the hearing relative to the quality of gas being furnished consumers. The Commission has caused an investigation to be made to determine the quality of gas being furnished, and will shortly issue a finding in this regard. The Commission expects to carefully watch this matter and make frequent tests and reports of the heat content.

FINDINGS

We find the fact to be that the petitioner is confronted at this time with greatly increased costs of material and labor and increased general expenses, in particular, very considerable advances in the cost of coal, which forms a large item in the operating cost to the gas plant and presents a condition that makes relief necessary, the present rates being inadequate to cover the additional costs. The question is how such relief should be provided. As stated above, the proposed schedule submitted by applicant is found to be unjustly discriminatory as between consumers of large

and small quantities of gas, and, therefore, the proposed schedule should be modified as follows:

	Gross	Discount	Net
First 2,000 Cu. Ft.	$1.75	$ .10	$1.65
Next 4,000 Cu. Ft.	1.50	.10	1.40
Next 9,000 Cu. Ft.	1.35	.10	1.25
All Over 15,000 Cu. Ft. ..	1.30	.10	1.20

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

I concur:

(Signed) JOSHUA GREENWOOD,
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 15th day of December, A. D. 1919.

In the Matter of the Application of the UTAH VALLEY GAS & COKE COMPANY, for permission to increase its rates for gas. } **CASE No. 222**

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 shall make, and file with the Commission, as soon as consistent, a valuation of all property used and useful in the giving of service to the public.

FURTHER ORDERED, That the revised schedule of rates named in the Commission's report, may be published and made effective on and after December 20, 1919, by filing with the Public Utilities Commission of Utah, at least one day before the effective date thereof, a schedule naming such increased rates and charges, together with all rules and regulations governing said service.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN RASMUSSEN, for permission to operate an automobile stage line between Magna, Utah, and the Magna and Arthur Mills. } **CASE No. 223**

Submitted October 2, 1919. Decided December 30, 1919.

Wm. J. Cowan for petitioner.
W. S. Dalton for Jas. Distefano.

REPORT OF THE COMMISSION

By the Commission:

This application was filed July 10, 1919. The applicant asks that a certificate of convenience and necessity be granted to him to operate an automobile stage line between Magna and the Magna and Arthur Mills, located in the western part of Salt Lake County, State of Utah.

The Town of Magna is located about two miles from the Arthur Mills, and some fifty to one hundred men, residing at Magna, are employed in the mills. Mr. Rasmussen testified that he had been hauling passengers between these points for about eighteen months, prior to which time he had had experience in the stage business, operating between Sandy and Draper. He has been carrying about forty men each way per day between Magna and the mills. The equipment he has provided for this service consists of two Studebaker trucks, and one additional car. He proposes to leave Magna at 7:10 a. m., 7:30 a. m., 3:15 p. m., and 11:20 p. m., and to charge for the service, $4.50 per month per passenger. He said he was able to handle the business, and was prepared to give all the service required.

The Commission heretofore (Case No. 191) granted permission to J. W. Jones to give service over this line, but Mr. Jones was apparently unable successfully to conduct the service and is reported to have voluntarily discontinued and disposed of his equipment. Mr. Rasmussen had been giving some service prior to the granting of the permission to Mr. Jones, and apparently the traveling public had been more or

less reliant upon the Rasmussen line for its transportation between the points.

The number of men employed at the Arthur and Magna Mills varies, and it appears that many of the employees own cars and carry their friends to and from work .

It is not clear to the Commission that the interests of the public will be subserved by the establishing of a regulated stage line over this route, which would of necessity mean the discontinuance of some of the service now being given. Indeed, after carefully considering the question we have reached the conclusion that those who make regular trips between the points will be as well cared for by allowing the private cars, and also cars of the applicant herein, to operate without restriction. We are confirmed in this opinion by the experience of J. W. Jones, who, as stated, seemed unable to satisfactorily and profitably handle the traffic after being granted permission, and who discontinued giving service.

The Commission therefore finds that no necessity for an established stage line between Magna and the Magna and Arthur Mills exists at this time, the service now being given being all that is required.

Further, the heavy traffic appears to be during the early morning hours, and at that time applicant would be unable to provide all the service required.

The application should, therefore, be denied. An appropriate order will be issued.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at is office in Salt Lake City, Utah, on the 30th day of December, A. D. 1919.

In the Matter of the Application of JOHN RASMUSSEN, for permission to operate an automobile stage line between Magna, Utah, and the Magna and Arthur Mills. } **CASE No. 223**

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 application herein be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES DISTEFANO, for permission to operate an automobile stage line between Magna and Arthur, Utah. } **CASE No. 224**

Submitted October 2, 1919. Decided December 30, 1919.

W. S. Dalton for applicant.
W. J. COWAN for John Rasmussen.

REPORT OF THE COMMISSION

By the Commission:

The applicant herein asks permission to operate a stage line making five daily trips between Magna and Arthur, both points being in Salt Lake County, Utah, and to charge 10 cents per passenger for each single trip, or 15 cents per passenger for the round trip, issuing commutation tickets based on the above rate.

Hearing was had October 2, 1919, and testimony was taken from the applicant, from which it appeared that he and an associate, Samuel Beckstead, were prepared to give service with a seven-passenger Studebaker car, and with a Ford truck.

The number of men employed at the Arthur and Magna Mills varies, and it appears that many of the employees own cars and carry their friends to and from work.

It is not clear to the Commission that the interests of the public will be subserved by the establishing of a regulated stage line over this route, which would of necessity mean the discontinuance of some of the service now being given. Indeed, after carefully considering the question we have reached the conclusion that those who make regular trips between the points will be as well cared for by allowing the private cars, and also the cars of the applicant herein, to operate without restriction. We are confirmed in this opinion by the experience of J. W. Jones, who seemed unable to satisfactorily and profitably handle the traffic after being

granted permission, and who discontinued giving service.

Further, the heavy traffic appears to be during the early morning hours, and at that time applicant would be unable to provide all the service required.

The Commission therefore finds that no necessity for an established stage line between Magna and the Magna and Arthur Mills exists at this time, the service now being given being all that is required.

The application should, therefore, be denied. An order will be issued accordingly.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 December, A. D. 1919.

In the Matter of the Application of JAMES DISTEFANO, for permission to operate an automobile stage line between Magna and Arthur, Utah. } **CASE No. 224**

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 application herein be, and the same hereby is ,denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the B. & O. TRANSPORTATION COMPANY, for permission to operate an automobile freight line between Salt Lake City, Utah, and Bingham, Utah. } CASE No. 225

Submitted October 14, 1919. Decided November 21, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed September 11, 1919, the B. & O. Transportation Company, not incorporated, seeks authority to operate a freight truck line between Salt Lake City, Utah, and Bingham, Utah.

The case came on for hearing November 14, 1919, Mr. A. Oberg appearing for applicant.

Notice of hearing did not reach the railroad companies operating between Salt Lake City and Bingham, and after the hearing was held, communications were addressed to all such railroads and an opportunity offered them to protest if it was desired. No protests, either verbal or written, were filed with the Commission.

Testimony wis given by Mr. Oberg to the effect that the B. & O. Transportation Company is now operating a freight truck line between Salt Lake City, Murray, Midvale and Sandy; that there is and will be a heavy movement of freight between Salt Lake City and Bingham, and that applicant is financially able and willing to provide efficient transportation service between these points, and also to provide store-door delivery; that trips will be made daily, except Sunday, thereby reducing the time in transit, as well as affording greater convenience to shippers.

The Commission, after consideration of the matters presented, is of the opinion that in view of the evidence submitted there is a reasonable need for such service as applicant proposes, and as the applicant appears to be financially responsible and able to conduct a transportation service in a satisfactory manner, the application should be granted. Applicant should be required to post at each sta-

tion on his route, a schedule showing all rates to be charged and the time his trucks will leave each respective station, and also file such schedule with the Commission.

An appropriate order will be issued.

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

I concur:

(Signed) JOSHUA GREENWOOD,
Commissioner.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 63

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of November, A. D. 1919.

In the Matter of the Application of the B. & O. TRANSPORTATION COMPANY, for permission to operate an automobile freight line between Salt Lake City, Utah, and Bingham, Utah. } **CASE No. 225**

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 applicant, B. & O. TRANSPORTATION COMPANY, be, and hereby is, granted a certificate of convenience and necessity, and is authorized to operate an automobile freight line between Salt Lake City, Utah, and Bingham, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the DIXIE POWER COMPANY, for an order authorizing the construction of an electric power generating plant. } CASE No. 226

Decided September 18, 1919.

REPORT OF THE COMMISSION

By the Commission:

Comes now the Dixie Power Company and represents it is a corporation existing under and by virtue of the laws of the State of Utah, engaged in producing and distributing electrical energy in Washington and Iron Counties, Utah, and petitions the Public Utilities Commission of Utah for authority to construct a 600 H. P. capacity, electric generating plant on the Santa Clara River, approximately twenty-one miles from St. George, Utah; and represents that it owns and operates a 1000 H. P. capacity, electric generating plant on the Santa Clara River, about eighteen miles northwest of St. George, Utah; that the State of Utah has commenced the construction of a highway from St. George, Utah, to Cedar City, Utah, and that the Dixie Power Company has undertaken to furnish the necessary electric energy to complete the construction work now under way; that there is reason to expect a marked increase in the demand for electrical energy for irrigation purposes in the vicinity of Cedar City; that the present generating plant will not produce sufficient energy to supply the needs of the country which is served by the Dixie Power Company.

The Commission having caused investigation to be made, and being fully advised in the premises, finds:

1. That present and future public convenience and necessity require the construction of an additional electric generating plant by the Dixie Power Company, in order to supply the increased demand for electrical energy in the territory served by petitioner.

2. That the application shall be granted.

3. That petitioner should begin work within a reasonable time and pursue construction without unnecessary delay.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 60

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of September, 1919.

In the Matter of the Application of the DIXIE POWER COMPANY, for an order authorizing the construction of an electric power generating plant. } **CASE No. 226**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, the DIXIE POWER COMPANY, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to construct an electric generating plant on the Santa Clara River, approximately twenty-one miles from St. George, Utah.

IT IS FURTHER ORDERED, That applicant shall begin work within a reasonable time and pursue construction without unnecessary delay.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JIM GEORGESEN, for permission to operate an automobile stage line between Kenilworth and Price, via Helper, Utah.	CASE No. 227

Decided September 19, 1919.

REPORT OF THE COMMISSION

By the Commission:

In an application filed July 26, 1919, Jim Georgesen petitioned the Public Utilities Commission of Utah for authority to operate an automobile stage line for the transportation of passengers between Kenilworth, Utah, and Price, Utah, via Helper.

It appearing from the records of the Commission that there is at this time service being given between Kenilworth and Price, and between Price and Helper, applicant was asked to furnish further information and showing as to the necessity for additional service. No reply has been received to the Commission's letter requesting such information, and the application should, therefore, be dismissed without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
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 September, A. D. 1919.

In the Matter of the Application of JIM GEORGESEN, for permission to operate an automobile stage line between Kenilworth and Price, via Helper, Utah. } **CASE No. 227**

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 application in this proceeding be, and it is hereby, dismissed, without prejudice.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of E. S. QUINN, Manager, Tooele Stage Line, for permission to operate a parcel and express service by automobile, between Salt Lake City and Tooele City, Utah. } **CASE No. 228**

Submitted October 4, 1919. **Decided October 20, 1919.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

E. S. Quinn, who operates an automobile stage line between Salt Lake City and Tooele, Utah, filed an application September 13, 1919, asking permission to carry express between the above named points, in addition to the passenger service now being given.

At the hearing testimony was offered by the applicant tending to show that a necessity existed for such service. Applicant represented that in the proposed operation he desired to transport articles such as are usually handled by express, viz: ice cream packers, flowers, newspapers and small perishable articles.

Applicant testified that in no case would passengers be inconvenienced by the handling of express; that an extra car would be used when the volume of traffic required.

It appears that a necessity exists for the proposed service, and the Commission, therefore, finds:

1. That the application should be granted.

2. That applicant should issue a receipt or bill-of-lading for all shipments received, such bill-of-lading to be approved as to form by the Public Utilities Commission of Utah.

3. That applicant should arrange his express operations in such a manner that passengers will not be inconvenienced thereby.

4. That applicant should file with the Commission and post at each station upon his route a schedule naming all

rates, rules and regulations governing the transportation of express over his route.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
(SEAL) Commissioners.
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 62

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of October, A. D. 1919.

In the Matter of the Application of E. S. QUINN, Manager, Tooele Stage Line, for permission to operate a parcel and express service by automobile, between Salt Lake City and Tooele City, Utah. } **CASE No. 228**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant be, and is hereby, authorized to operate an automobile express service between Salt Lake City and Tooele, Utah.

ORDERED FURTHER, That applicant shall issue a receipt or bill-of-lading for all shipments received for transportation, form of such bill-of-lading to be approved by the Public Utilities Commission of Utah.

IT IS FURTHER ORDERED, That express upon passenger automobiles shall be handled in such manner as to not inconvenience passengers.

IT IS FURTHER ORDERED, That applicant shall file with the Public Utilities Commission of Utah and post at each station upon his route a schedule naming all rates, rules and regulations governing the transportation of express over his route.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the RIVERTON PIPE LINE COMPANY, for permission to increase its water rates. } **CASE No. 229**

Submitted October 16, 1919. Decided December 10, 1919.

For Petitioner:
David Bills,
A. T. Butterfield,
I. E. Freeman,
W. A. Turner,
Z. Butterfield,
Seth Pixton.

For Protestants:
John A. Rindlisbasch,
Moses Densley,
N. J. Neilson,
R. S. Hamilton,
Thomas Nicholls,
Jas. D. Bandlasell,
Mrs. C. L. Millard,
M. Madsen.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

This application is made on behalf of the Riverton Pipe Line Company for permission to increase its water rates, as set forth in its schedule filed with and made a part of its petition.

Hearing was held October 16, 1919, at Riverton, Utah. Various protestants appeared and gave testimony relative to the inadequacy of the service and the unreasonableness of the rates proposed.

The present schedule of water rates, together with the proposed schedule, follow:

Present Schedule

Non-modern House (including water for 5 horses or cattle)	$6.00	per quarter
Additional Charges:		
Toilet	.75	per quarter
Bath Tub	.50	per quarter
Horses or Cattle, per head (for all over 5 head)	.06	per quarter

Vehicles	.75	per quarter
Sheep, per head	.015	per quarter
Lawn (50 sq. yds., or less)	1.50	per quarter
Lawn, additional (per sq. yd.)	.02¼	per quarter

Proposed Schedule

Non-Modern House (minimum)	$6.00 per quarter
Additional Charges:	
Toilet	.75 per quarter
Bath Tub	.50 per quarter
Horses or Cattle, per head (for 1 to 5 head)	.30 per quarter
Horses or Cattle, per head (for all over 5 head)	.20 per quarter
Vehicles or Auto	.50 per quarter
Store with Fountain	6.00 per quarter
Drug Store	6.00 per quarter
Garage	6.00 per quarter
Public Hall	4.00 per quarter
Physician Office	4.00 per quarter
Dental Parlor	4.00 per quarter
Barber Shop	3.00 per quarter
Feed Stable	3.00 to $12 per quarter
Sheep (per hundred)	3.00 per quarter
Lawn (per hundred square yards)	4.50 per quarter

The applicant is a corporation, organized and existing under the laws of the State of Utah, engaged in supplying water to the residents of Riverton, an unincorporated village.

The Riverton Pipe Line Company was incorporated in 1907, with a capital stock of $25,000, divided into 250 shares, par value $100 each. Testimony was to the effect that all stock has been disposed of, and there is at the present time no funded debt on the property and no surplus or reserves.

WATER SUPPLY

This Company purchased 60,000 gallons of water from the Bear Canyon Pipe Line Company, and in 1911 an additional 60,000 gallons of water was purchased; so that the total holdings of the Company is 120,000 gallons. The first 60,000 gallons is a primary right. The second 60,000 is a secondary right and depends upon climatic conditions as to whether any or all of it is available to the Company at a given time. There was expended for these water rights, $10,750.00.

The source of supply is in Bear Canyon, a small canyon lying on the east side of the valley, about four and one-half miles from the intersection of the Redwood Road and 136th South Street, in Riverton. An intake tank, holding about 35,000 gallons, was constructed, and a four-inch, wire-bound, wood stave pipe was laid to the Town, and the water distributed to the various customers. The Company now operates twelve miles of main line and extensions, and serves 157 families with water for culinary and domestic purposes.

The Company has expended $17,250 in the construction of the plant, in addition to money expended for water rights, making the total book value of the property $28,000. Of this sum, $4,950, as testified to by Mr. Pixton, has been expended from earnings of the Company.

OPERATING RESULTS

Revenues of the Company for the years 1909 to 1918, both inclusive, were submitted in evidence. The past revenues of the Company were such that during this period dividends were paid during five years. A sixth dividend, that of 1916, was paid in stock. At the end of the year 1918, the net result of the operation of the property during this term of years was an undivided surplus of $2,134.47. The dividends paid were not in excess of 6 per cent, except that the undivided profits mentioned above were in 1919 paid out in part as a 7 per cent dividend and the balance expended in improvements to the property.

DEPRECIATION

No depreciation fund has been set aside, and the Company now finds itself in a position where it has seen approximately half of its property waste away without having set aside any fund for replacement. One of the questions to be decided by the Commission is whether or not the present consumers should be asked to contribute to the creation of such fund for service rendered in years gone by. This question was discussed by the Commission in Case No. 137, the Brigham City case, wherein a like situation developed. In that case the Commission said:

> "It appears to the Commission that if mistakes have been made in the past by such utility through a failure to set up proper depreciation reserves, public policy demands that such mistakes should be quickly rectified and the utility placed upon a sound basis. We

do not feel that a utility should be permitted to earn a sum sufficient in one year to correct evils where depreciation was ignored; that would place too heavy a burden upon the present consumers. It will, therefore, be necessary in order to insure the continued operation of the property that a substantial sum be set up each year to cover past depreciation and also depreciation which will accrue in the future. We have to determine in the first place how large a depreciation reserve the public should properly create and maintain, taking into account the age and physical condition of the property, and for this purpose the valuation of the property as submitted by the city manager is accepted."

A study of the receipts and disbursements of this Company shows that the revenues have not been such as to permit the paying of dividends and at the same time make possible the proper upkeep of the property. It is evident that a special sum must be set aside to take care of replacements of the property, and it is the opinion of the Commission that the additional revenues accruing through the approved increased schedule of water rates will be sufficient to take care of replacements.

INADEQUACY OF SERVICE

Testimony was offered by protestants as to the inadequacy of the service. Undisputed testimony was to the effect that a serious shortage of water is experienced at frequent intervals. This is due to several conditions. It appears that as many as 2,000 head of stock are watered by this system, and that the practice of leaving the taps open is a very common one during the periods of water shortage. It developed that a further shortage is due to the taking of water by people who are not connected to the lines of the Company and who simply help themselves, to the detriment of the paying customers of the Company. There was also testimony to the effect that some leakage occurs in the system, due to the general state of repair of the property.

The applicant submitted evidence to the effect that some effort was being made to increase the supply through the purchase of more water, or by means of drilling wells, but nothing definite has been accomplished. It is evident that there is not sufficient water to supply the necessary household needs of the consumers, and at the same time furnish a supply of water for the large number of horses

and cattle now being watered from the system. Until the Company is able to secure a sufficient supply of water for all purposes, it would seem to be the duty of the applicant to first supply the necessary household needs of the community and then, if there be a surplus of water, it would be proper to use it for such other purposes as are reasonable and consistent with the conditions.

The practice of the taking of water by an unauthorized person is covered by the rules and regulations of this Company, adopted by the Board of Directors in March, 1908. It appears that this rule has not been enforced, and the Company should strictly and impartially enforce this rule. Also, Article 8 of the rules and regulations relative to the unnecessary waste of water should be enforced. An impartial enforcement of these rules will largely tend to conserve the water supply.

There are on file with the Company approximately twenty-five applications for the use of water for culinary and household purposes. After the waste of water has been stopped and other methods have been found to water cattle, it will probably be possible to furnish applicants with water, pending the purchase of a further supply, without working any particular hardship upon the present consumers.

The present schedule names for a non-modern house, $6.00 per quarter. Included under this item is water for five horses or cattle. The proposed schedule names $6.00 per quarter, minimum, without this privilege. Horses or cattle, per head, are named under another item in the schedule. The charge is 30 cents each for one to five head, per quarter. The Commission, after consideration of all relevant facts, believes the charge for a non-modern house ($6.00 per quarter) to be excessive, and, pending the results of operation during a test period, the base charge for a non-modern house should not be greater than the charge named in the present schedule, less the charge for watering five head of stock, under the proposed new schedule. The Commission, therefore, finds that this sum should be subtracted from the base charge of $6.00 named in the proposed schedule.

The revised schedule found reasonable by the Commission follows:

Non-Modern House (minimum)	$4.50 per quarter
Additional Charges:	
Toilet	.75 per quarter
Bath Tub	.50 per quarter
Horses or Cattle, per head (for 1	

to 5 head)	.30 per quarter
Horses or Cattle, per head (for all over 5 head)	.20 per quarter
Vehicles or Auto	.50 per quarter
Store with Fountain	6.00 per quarter
Drug Store	6.00 per quarter
Garage	6.00 per quarter
Public Hall	4.00 per quarter
Physician Office	4.00 per quarter
Dental Parlor	4.00 per quarter
Barber Shop	3.00 per quarter
Feed Stable	3.00 to $12 per quarter
Sheep (per hundred)	3.00 per quarter
Lawn (per hundred square yards)	4.50 per quarter

The fact that there has been a waste of water, together with the fact that a large portion of the remainder has been used to water stock, makes it impossible for the Commission to forecast what the revenues will be under a strict enforcement of the rules and the introduction of the new schedule. The Commission will, therefore, permit the revised schedule to remain in effect for a test period of six months, and thus ascertain whether or not the revenues are sufficient to properly maintain the property, give adequate service, and permit a fair return on the investment. The Commission will, from time to time, make investigations to satisfy itself that reasonable rules are being enforced for the proper distribution and conservation of the water.

An Appropriate order will be entered.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
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 December, A. D. 1919.

In the Matter of the Application of the RIVERTON PIPE LINE COMPANY, for permission to increase its water rates. } **CASE No. 229**

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 be, and is hereby, authorized to publish and put into effect the revised schedule of rates and charges set forth in the report of the Commission.

ORDERED FURTHER, That such revised rates may be made effective January 1, 1920, and continue in effect for a period of six months.

ORDERED FURTHER, That applicant shall publish and file with the Commission a schedule naming said revised rates, which schedule shall be prepared in the manner prescribed by the Commission in Tariff Circular No. 3 and Supplement No. 1 thereto.

IT IS FURTHER ORDERED, That applicant shall strictly and impartially enforce its rules and regulations relative to the distribution of water and relative to the taking of water by unauthorized persons.

By the Commission.

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

230. In the Matter of the Investigation of Special Contracts of the UTAH POWER & LIGHT COMPANY, for electric service.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

JOHN R. KIRKENDALL,
Complainant,
vs.
B. M. CORNISH,
Defendant.

CASE No. 231

Submitted October 17, 1919. Decided November 18, 1919.

REPORT OF THE COMMISSION

BLOOD, Commisioner.

This complaint was filed September 16, 1919, and was heard October 17, 1919.

Both parties to this proceeding have been recognized by the Commission as being entitled to operate automobile stage lines between Mammoth, Utah, and Eureka, Utah. The distance between these two towns is about four miles. Under schedules filed with the Commission, Mr. Kirkendall operated out of Mammoth daily on even hours, beginning at 10 o'clock a. m., and out of Eureka on odd hours, beginning at 11 o'clock a. m.; while Mr. Cornish operated on odd hours out of Mammoth, beginning at 9 o'clock a. m., and out of Eureka on even hours, beginning at 10 o'clock a. m.

At the hearing Mr. Kirkendall gave testimony in support of the allegation made in his complaint that Mr. Cornish had been neglecting to give regular stage service in accordance with his published schedule, and that he had trespassed upon the schedule of the plaintiff in that he had solicited patronage on several occasions when but for such solicitation the parties solicited would have taken passage with the plaintiff.

Mr. Cornish was in attendance at the hearing and frankly admitted that he had not operated his stage line, since about August 1, on regular schedule time. He requested, in open session, that he be permitted to withdraw from the stage line business, and that his permission to operate be withdrawn from him, and waived all rights to legal notice of the Commission's intention to call in question his right to operate. He expressly stated that it had not been in the past, and was not now, his intention to interfere unfairly

with the stage line operation of Mr. Kirkendall. He expected in the future to operate a taxicab service only.

In view of the request of Mr. Cornish, which apparently was entirely satisfactory to the plantiff, Mr. Kirkendall, there seems to be nothing for the Commission to do but to withdraw from Mr. Cornish the right to operate over the route between Mammoth, Utah, and Eureka, Utah, and this will accordingly be done.

An appropriate order will be issued.

(Signed) HENRY H. BLOOD,
Commissioner.

We concur:

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

(Signed) T. E. BANNING,
Secretary.

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 the 18th day of November, A. D. 1919.

JOHN R. KIRKENDALL,
Complainant,
vs.
B. M. CORNISH,
Defendant.

CASE No. 231

This case being at issue upon complaint 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 permission of B. M. Cornish to operate a stage line between Mammoth, Utah, and Eureka, Utah, be, and is hereby, revoked and set aside.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

ORDER

In the Matter of the Application of the TELLURIDE POWER COMPANY, for authority to make settlement with Hermansen's Mill, at Gunnison, Utah, for power.	CASE No. 232

Decided November 7, 1919.

REPORT AND ORDER

By the Commission:

It appears from the statement of the Telluride Power Company that the Hermansen Mill had been receiving power since 1914; that in measuring the quantity of power consumed the Company had been using a meter requiring the application of a constant of ten in order to show the actual amount of current consumed; and that in reading the meter and billing for the power used, the power company had failed and neglected to take into account the said constant of ten, and had, therefore, billed the consumer uniformly for but one-tenth of the amount of energy actually used. The matter was brought to the attention of Mr. Hermansen, and, after some negotiation, it was decided he would be willing to pay $302.48 in settlement, which, of course, would be very much less than the true amount due. The fault was, no doubt, that of the power company.

It appeared that during the time the flour mill was subject to orders from the Government and was allowed only a certain profit above expenses, the amount charged and paid for power was taken into the expense account as the proper charge for the amount of power being consumed; and, therefore, if the mill were now required to pay the full amount for the energy consumed, it would result in the loss of a considerable sum on its long-past operations.

Technically, the milling company might be held responsible for full payment, but it is fair to assume that the consumer had no knowledge of the amount of energy that was being used. It was not the consumer's duty or privilege to interpret meter readings; in fact, it is doubtful if

he would have been able to correctly determine the quantity of power being consumed. He could only rely upon the bills as rendered.

After considering all the circumstances and conditions connected with the matter, it appears the only proper thing to do would be to allow a settlement such as is proposed by the Telluride Power Company.

It must be understood, however, that in issuing an authorization for such settlement in this particular case, the Commission does not intend to, in any degree, establish a precedent for settlement of other cases, or to condone careless practices on the part of utilities or consumers.

IT IS ORDERED, That a settlement be made by the Hermansen Mill paying the Telluride Power Company the amount of $302.48.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

233. In the Matter of the Application of the UTAH GAS & COKE COMPANY, for a revision of gas rates effective in the City of Salt Lake.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE GARFIELD COUNTY TELEPHONE & TELEGRAPH COMPANY, for permission to increase its rates for telephone service. } CASE No. 234

Submitted October 31, 1919. Decided November 24, 1919.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In a petition filed October 11, 1919, the Garfield County Telephone & Telegraph Company asks permission to publish and put into effect certain increased rates for local and long distance telephone service, and to increase its rental charges. A schedule showing the distance between offices, present rate and proposed rate, follows:

	Mileage	Present Rate	Proposed Rate
From Marysvale to Junction, Utah	18 miles	20c	25c
From Marysvale to Kingston, Utah	23 miles	20c	25c
From Marysvale to Circleville, Utah	25 miles	20c	25c
From Marysvale to Spry, Utah	43 miles	30c	50c
From Marysvale to Panguitch, Utah	55 miles	35c	50c
From Marysvale to Hatch, Utah	71 miles	40c	60c
From Marysvale to Glendale, Utah	100 miles	45c	75c
From Marysvale to Alton, Utah	90 miles	45c	75c
From Marysvale to Orderville, Utah	105 miles	45c	75c
From Marysvale to Mt. Carmel, Utah	108 miles	45c	75c
From Marysvale to Kanab, Utah	125 miles	60c	$1.00
From Marysvale to Moccasin, Arizona	145 miles	65c	1.15
From Marysvale to Fredonia, Arizona	133 miles	65c	1.10
LOCAL RATES:			
From Junction to Kingston, Utah	5 miles	10c	15c
From Kingston to Circleville, Utah	12 miles	10c	15c
From Junction to Circleville, Utah	7 miles	10c	15c
From Circleville to Spry, Utah	54 miles	20c	35c
From Spry to Panguitch, Utah	10 miles	10c	15c
From Junction to Panguitch, Utah	37 miles	25c	35c
From Junction to Hatch, Utah	53 miles	40c	50c
From Junction to Alton, Utah	68 miles	50c	65c
From Junction to Glendale, Utah	82 miles	50c	70c
From Junction to Orderville, Utah	88 miles	50c	70c

	Mileage	Present Rate	Proposed Rate
From Junction to Mt. Carmel, Utah	90 miles	50c	70c
From Junction to Kanab, Utah	108 miles	60c	75c
From Junction to Moccasin, Arizona	128 miles	60c	80c
From Junction to Fredonia, Arizona	116 miles	60c	75c
From Panguitch to Spry, Utah	15 miles	10c	15c
From Panguitch to Hatch, Utah	18 miles	20c	25c
From Panguitch to Alton, Utah	60 miles	25c	50c
From Panguitch to Glendale, Utah	45 miles	35c	50c
From Panguitch to Orderville, Utah	50 miles	35c	50c
From Panguitch to Mt. Carmel, Utah	53 miles	35c	50c
From Panguitch to Kanab, Utah	70 miles	45c	65c
From Panguitch to Fredonia, Arizona	78 miles	50c	75c
From Panguitch to Moccasin, Arizona	95 miles	50c	80c
From Glendale to Alton, Utah	15 miles	10c	20c
From Glendale to Orderville, Utah	5 miles	10c	15c
From Glendale to Mt. Carmel, Utah	8 miles	10c	15c
From Glendale to Kanab, Utah	25 miles	20c	30c
From Glendale to Fredonia, Arizona	33 miles	25c	35c
From Glendale to Moccasin, Arizona	45 miles	35c	45c
From Kanab to Fredonia, Arizona	8 miles	10c	15c
From Kanab to Moccasin, Arizona	20 miles	25c	25c

It is proposed to increase the monthly rental charges to the following:

	Present	Proposed
Residence	$1.50	$2.00
Business	2.25	3.00

The matter came on for hearing at Panguitch, Utah, October 31, 1919, after due notice.

There appeared at the hearing, Mr. Benjamin Cameron, Manager; Mr. Thos. C. Sevy, Secretary, of the Telephone Company; Mr. W. H. Tibbs and Mr. W. G. Cameron, representing the Telephone Company. Mr. E. M. Miner, representing the Telluride Power Company, appeared as protestant to any increase without an improvement in service.

Mr. Cameron, Manager of the Company, testified that the telephone line covered 145 miles of territory, with exchanges at Junction, Panguitch, Glendale and Kanab, Utah. Connections are made with the Mountain States Telephone & Telegraph Company at Marysvale, and with the Forest Service line at Kanab, and at Panguitch, to other interior points.

The line was constructed in 1906, and is a grounded line, except between Panguitch and Marysvale, which is a metallic circuit. The Company is capitalized at $17,000, and

has paid three dividends of 8 per cent each since it began operation. Depreciation amounting to approximately $850 has been set aside since the Company began operations, but this amount has been reduced through replacement charges to $250.00.

A statement showing expenses and revenues for the period, May 1, 1919, to October 1, 1919, shows a deficit of $570.80, as follows:

REVENUES:		EXPENDITURES:	
Rental	$1,158.75	Salaries	$1,850.00
Tolls	1,644.83	War Tax	221.10
Deficit	570.80	Current Expenses	1,063.40
		Taxes	128.05
		Other Line Charges	111.83
	$3,374.38		$3,374.38

Testimony of petitioner was to the effect that a new switchboard had just been installed at Panguitch, and that the cost of same had been charged to current expenses. As the cost of the switchboard is shown as $545.00, this amount should be deducted, as it is not a proper charge to current expense, which will reduce the actual deficit for the five month period from $570.80 to $25.80.

Petitioner testified that, based on the statement submitted, the increased rates sought would result in an increased revenue of $150 per month.

Representatives of the Company differed in opinion as to the amount necessary to make needed repairs, the estimates ranging from $2,000 to $5,000.

Mr. E. M. Miner, of the Telluride Power Company, appeared at the hearing and advised that he had no protest to offer to the increases proposed, but felt that an improvement should be made in the service. His complaint was that owing to the condition of the telephone line he could not transmit or receive messages clearly, and that serious delays are encountered in securing connections on long distance calls. This complainant contends, should be overcome. He admitted that the principal difficulty was due to the Telluride Power Company constructing its power line over part of the Telephone Company's lines, and that the latter named company could remedy this only by changing its line from a grounded to metallic circuit where the lines conflict.

The trouble which complainant experienced with long distance calls appears to be due to the fact that business

telephones have, in the past, been on party lines. Petitioner stated that this condition was being remedied as rapidly as possible, and all business telephones would be on private lines in the near future.

Upon the showing made, the Commission finds:

1. That petitioner should be permitted to publish and put into effect the proposed rates applying on Utah State traffic, effective December 1, 1919.

2. That all business telephones should be placed upon private lines not later than January 1, 1920.

3. That petitioner should publish a tariff naming all rates and charges, in the form and manner prescribed by the Public Utilities Commission of Utah.

An appropriate order will be issued.

(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 24th day of November, A. D. 1919.

In the Matter of the Application of THE GARFIELD COUNTY TELEPHONE & TELEGRAPH COMPANY, for permission to increase its rates for telephone service. } **CASE No. 234**

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 be, and it is hereby, permitted to publish and put in effect telephone rates and charges hereinbefore set forth, applying on Utah State traffic.

ORDERED FURTHER, That applicant shall, not later than January 1, 1920, place all business phones upon private lines.

IT IS FURTHER ORDERED, That such rates may be made effective upon one day's notice to the public and to the Commission, such notice to be given by publishing and filing a schedule in the manner prescribed by the Public Utilities Commission of Utah.

By the Commission.

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

235. **RESIDENTS OF OASIS AND DELTA, UTAH,**

Complainants,

vs.

PEOPLE'S TELEPHONE CO.,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

TOWN OF REDMOND, UTAH,
Complainant,
vs.
SALINA TELEPHONE COMPANY,
Defendant.

CASE No. 236

Submitted December 20, 1919. Decided December 27, 1919.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

In a complaint filed September 18, 1919, the Town of Redmond, Utah, by its mayor, alleged that the service rendered by the Salina Telephone Company, at Redmond, was inadequate and unsatisfactory, and asked that the Public Utilities Commission of Utah order defendant Telephone Company to improve its service or discontinue operations.

After due notice to all parties concerned, the complaint was heard at Redmond, November 14, 1919.

The allegations of complainant were admitted by the officers representing the Telephone Company, and defendant was granted ten days in which to satisfy the complaint. On December 20, 1919, complainant notified the Commission that the complaint had been satisfied; and the proceedings should, therefore, be dismissed.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) WARREN STOUTNOUR,
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 December, A. D. 1919.

TOWN OF REDMOND, UTAH,
Complainant,
vs.
SALINA TELEPHONE COMPANY,
Defendant.

CASE No. 236

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 in this proceeding be, and it is hereby, dismissed.

By the Commission.

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

237. **SALT LAKE, a Municipal Corporation,**

Complainant,

vs.

UTAH POWER & LIGHT COMPANY,

Defendant.

PENDING.

238. **In the Matter of the Application of ROBERT HENDERSON and JAMES HENDERSON, doing business under the style of "Kenilworth Auto Stage Line," for permission to operate an automobile stage line for the transportation of passengers between Helper, Utah, and Kenilworth, Utah, via Spring Glen, Utah.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of C. G. PARRY, for permission to operate an automobile stage line between Salt Lake City and Ogden, Utah.	**CASE No. 239**

ORDER

Upon motion of petitioner and by the consent of the Commission;

IT IS ORDERED, That the proceedings in the above entitled case be, and the same hereby is, dismissed without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 17th day of December, 1919.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

SOUTH HECLA MINING COMPANY, a corporation,
Complainant,
vs.
LITTLE COTTONWOOD TRANSPORTATION CO.,
Defendant.

CASE No. 240

Submitted November 17, 1919. Decided November 21, 1919.

REPORT OF THE COMMISSION

By the Commission:

The complainant in the above entitled case asks that the Public Utilities Commission of Utah issue an order compelling the defendant to immediately furnish and continue to furnish to the complainant all necessary ore cars required for the shipment of its ore from its mines at Alta, Utah, over the railroad of the said defendant to Wasatch, Utah, and to transport and continue to transport over its railroad from Alta to Wasatch, when needed by said complainant, any and all ore presented for shipment.

Complainant predicates its cause for complaint and reasons for asking for such order upon the grounds that the Little Cottonwood Transportation Company is a corporation organized and existing under and by virtue of the laws of the State of Utah, and engaged in the business of a common carrier of the State in operating a line of railroad between Wasatch and Alta, in what is known as Little Cottonwood Canyon, Salt Lake County, Utah, and has been operating as such common carrier for some time past. That the complainant is a mining company, engaged in the business of mining, developing and shipping ores from its property situated in Little Cottonwood Canyon at Alta, and on the line of the said Railroad Company. That for some time past it has been a shipper over the railroad of said defendant, and has required railroad cars which have been furnished by said defendant for the shipment of ores from its mine to Wasatch; that said defendant has furnished cars which have been used to transport said ores to its terminal, Wa-

satch. That on or about the 27th day of October, 1919, complainant made a demand upon the defendant to furnish, at its mine in Alta, empty cars for the purpose of shipping its ores, but, notwithstanding such fact, said defendant has failed, neglected and refused to furnish said ore cars, and still refuses and fails to furnish said cars.

The complainant further alleges that the defendant Railroad Company has discontinued the operation of said railroad from Wasatch to Alta until the spring of 1920, and will continue to refuse to deliver ore cars to the complainant to haul over said railroad any of its ores until such time.

The defendant, in answering the complaint and protesting against the issuing of an order as prayed for by the complainant, admits that it is a corporation and has been transporting ores over its railroad for some time past for the complainant, and likewise admits that on or about October 28, 1919, complainant demanded the defendant to furnish cars, as alleged by the complainant, but further contends that the defendant endeavored to comply with the demand and order so made. Owing, however, to the inclemency of the weather and the large amount of snow covering defendant's tracks, it was impossible to furnish said cars, and that it has been and still is impossible, owing to the weather conditions, together with the lack of sufficient men to operate the road. That it is the experience of the defendant corporation, that on account of the heavy grade of its railroad in said canyon, and the danger attending the operation of the railroad during heavy snows and storms, it is impossible to successfully operate after the first storm of the winter. That about October 24, 1919, there was a heavy snow storm, and snow becoming hardened and packed, making it impossible to operate said railroad at all; that for a time prior to November 1, many of the defendant's employees had quit, and the Company found it absolutely impossible to hire men to replace those who had left the work.

Defendant further contends that the complainant is the only shipper in the canyon making any complaint against the defendant, and that the said defendant, owing to the small amount of ore mined in the Alta District offered to the railroad for shipment, has been operating at a loss, and that if compelled to continue its operation under the conditions heretofore described, it would result in a great and irreparable loss to the said Company. That there is not sufficient ore offered for shipment to warrant the continued operation of said railroad for complainant's business alone; and that compelling the railroad to operate under present

conditions would be equal to the confiscation of defendant's property.

Defendant further contends that the Public Utilities Commission of Utah has no power or right to compel defendant to operate the said railroad for the benefit of the complainant.

The matter came on for hearing before the Commission, November 17, 1919. The testimony given at said hearing upon the part of the South Hecla Mining Company was to the effect that it had been for some time operating its mine and thereby producing a certain amount of ore for shipment; that it had made certain demands upon the defendant Railroad Company to furnish cars for its use, but that the Company had refused to so furnish any cars to its mine for shipping purposes.

The defendant, by its witnesses, gave evidence to the effect that atempts had been made to furnish the cars in keeping with the demand of the complainant, but, on account of the snow which had accumulated upon the track some depth, it was impracticable to put the cars to the mine or loading place of complainant. It is claimed by complainant that the snow was not sufficiently deep to prevent the moving of cars as far as the mine of the complainant, if the methods heretofore used under such conditions were adopted by the defendant.

The defendant's witnesses testified that under the conditions existing and the uncertainty of operation, it was difficult to obtain the services of men to operate the road during the winter season, notwithstanding the railroad had been operated in the year 1918 until about December 8; that the winter storms did not come as early in 1918 as in 1919. It further appeared from the testimony that the grade from Wasatch to the complainant's mine is rather steep, and, in forcing snow from the track by such engine as is used necessarily by the defendant, it tends to pack the snow and make it difficult to operate trains; that the operation of the railroad during the stormy part of the winter is attended with great difficulty and with a large amount of additional expense.

At the close of the hearing, representatives of the Little Cottonwood Transportation Company requested that the Commission make an investigation to determine what operating difficulties would be encountered if transportation were resumed at this time. The South Hecla Mining Company joined in this request, and, on November 19, an investigation was had by the Commission.

At Wasatch, the junction of the Little Cottonwood Transportation Company with the Denver & Rio Grande Railroad, an inspection was made of the locomotive which was claimed to be in bad repair. The inspection showed that the gears were considerably worn, but it appears to the Commission that they would probably last for some time, and interchangeable parts might be had from another locomotive of the same type, stored at Wasatch.

In traversing the line upward from Wasatch, a maximum depth of four inches of snow, above the top of the rails, was encountered for about two miles. From this point to White Pine Cut snow was encountered at intervals. In the White Pine Cut the depth of the snow varied from four inches to nine inches above the top of rail. In the Superior Cut the depth of snow varied from four inches to thirteen inches above the top of rail. The greatest depth of snow was encountered on the South Hecla Spur, which is about 2200 feet in length. The depth of snow on this spur varied from one foot ten inches, to three feet eight inches, above the top of the rail.

There are three water tanks along the line. At the tank nearest Wasatch it was found that the supply pipe had been disconnected and the tank drained. It will only be necessary to reconnect the pipe in order to fill the tank.

The supply pipe to the tank at the west end of the Michigan-Utah tram lines was found to be broken off near its juncture with the large main from which water is secured. The necessary repairs could be made by rethreading the pipe and putting in a union.

In the upper tank, water was found to be flowing from the supply pipe near the top of the tank.

On November 19, 1919, no serious obstacle, other than the snow on the South Hecla Spur, existed to prevent operation of the line. The testimony of Mr. George Watson, of the South Hecla Mining Company, complainant, was to the effect that he would agree to clear the snow from the South Hecla Spur and from the White Pine to Superior Cuts, if train operation were resumed.

After investigation and a full consideration of the matters at issue in this case, the Commission finds:

1. That the defendant Railroad Company is a common carrier and under the law is a public utility, subject to the control of the Commission; that it was the duty of the Railroad Company to obtain an order from this Commission

authorizing it to suspend operation, and to give notice of intention to suspend, before it could legally refuse to operate its railroad system and discontinue giving service to the public.

2. That notice of such intention to discontinue operation should be given to the shippers, that they might be informed as to the discontinuing of the operation of the road.

3. That operation should be resumed as soon as possible, and service given to the public until such time as the Commission finds that weather conditions are prohibitive to the further operation of the road.

The above would seem to be a reasonable and fair requirement in the treatment of the public. In this case it is claimed by the defendants that the condition was precipitated by a sudden storm in the mountains, which, of course, tended to relieve the Railroad Company from further operations while such conditions prevailed, if they were the cause of the suspension of service. The shippers had reason to believe that service would continue until such time as notice would be given of discontinuance.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
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 21st day of November, A. D. 1919.

SOUTH HECLA MINING COMPANY, a corporation,
Complainant,
vs.
LITTLE COTTONWOOD TRANSPORTATION CO.,
Defendant.

CASE No. 240

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 defendant, Little Cottonwood Transportation Company, shall immediately resume operation and continue giving service until authorized by the Public Utilities Commission of Utah to discontinue.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

SOUTH HECLA MINING COMPANY, a corporation,
Complainant,
vs.
LITTLE COTTONWOOD TRANSPORTATION CO.,
Defendant.

CASE No. 240

ORDER

It appearing that on November 21, 1919, the Commission issued its order in this case requiring defendant, the Little Cottonwood Transportation Company, to resume the operation of its railway between Wasatch, Utah, and Alta, Utah;

And it further appearing that on December 6, 1919, weather conditions became such that operation of this said railway line can not be continued:

IT IS ORDERED, That the order heretofore issued in this case be, and the same hereby is, revoked and set aside, and defendant, Little Cottonwood Transportation Company, be, and is hereby, permitted to discontinue operations, as of December 6, 1919.

By the Commission.

Dated at Salt Lake City, Utah, this 10th day of December, 1919.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

241. **In the Matter of the Application of ALBERT C. PEHRSON, doing business under the style of "Wattis Auto Stage Line," for permission to operate an automobile stage line for the transportation of passengers, between Wattis, Utah, and Price, Utah.**

PENDING.

242. **In the Matter of the Application of the COLLIER TRANSPORTATION COMPANY, for a certificate of Convenience and necessity authorizing the operation of an automobile express line between Salt City and Bingham Canyon, Utah.**

PENDING.

243. **In the Matter of the Application of G. D. DUNDAS and R. N. DUNDAS, doing business as "Dundas Brothers Cartage Company," for permission to operate an automobile truck line for the transportation of express between Salt Lake City and Payson, Utah, and intermediate points.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HYRUM TURNBEAUGH, for permission to operate an automobile truck line between Washington and Lund, Utah, via Cedar City. } **CASE No. 244**

Submitted December 18, 1919. Decided December 29, 1919.

Hyrum Turnbeaugh for applicant.
W. F. Knox for Jos. J. Milne, protestant.
Geo. R. Lund for Wm. H. Marshall, protestant.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing at Lund, Utah, December 18, 1919, upon the petition of Hyrum Turnbeaugh, and the protests of Jos. J. Milne and Wm. H. Marshall.

The applicant contends that he is entitled to a certificate of convenience and necessity upon the grounds that for a long time he has been engaged in operating a freight outfit by teams between the points named, and further, that there is a necessity for such service for the reason that the shippers are not now, and have not been, satisfied with the service given by the protestants. Some testimony was submitted by the applicant showing that during certain times he was importuned to haul freight for various shippers along the line.

The protestants testified that they were giving the service of transporting freight from Lund to St. George and intermediate points south of Cedar City, under permission of the Public Utilities Commission of Utah; that they had at all times rendered a service which was reasonably adequate and sufficient to take care of all the freight shipped over said route; and that they were supplied with sufficient equipment, and had been for some time, to take care of such business.

Testimony was given by some of the principal shippers at St. George, to the effect that the service had been good;

that there were no complaints concerning the same, but that during the abnormal storms which raged over southern Utah a short time since, it was practically impossible to operate automobiles for at least a few days, but that otherwise, and under normal conditions, the transportation of freight from Lund to St. George was much better than it has ever been heretofore.

The towns named by the petitioner, namely, Silver Reef, Leeds and Washington, are small places, and upon inquiry it was shown that little freight had been hauled to such places, and that the principal part of the traffic was to St. George; that such traffic to and from the places named by the petitioner, was necessary in order to guarantee a reasonable return for the services furnished the public by the protestants.

Some exhibits were introduced, in the form of letters, commending the present operators for their efficient service, and in all it was clearly shown that there was not sufficient traffic over the route named to justify the giving of additional service to the public, and that should the traffic be divided between two service corporations, it would not be sufficient to pay, and would tend to discourage and demoralize the service now being given by the protestants.

Until it is shown that there is a need for additional service, the application herein should be denied.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) 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 29th day of December, A. D. 1919.

In the Matter of the Application of HYRUM TURNBEAUGH, for permission to operate an automobile truck line between Washington and Lund, Utah, via Cedar City. } **CASE No. 244**

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 the same hereby is, denied.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EARL L. VEILE for permission to operate an automobile stage line between Oasis, Utah, and Fillmore, Utah. } **CASE No. 245**

Submitted October 30, 1919. Decided December 1, 1919.

REPORT OF THE COMMISSION

By the Commission:

On August 28, 1919, Earl L. Veile filed an application for authority to operate an automobile stage line between Oasis, Utah, and Fillmore, Utah, on the following schedule:

Leave Oasis daily at 8:00 a. m. Arrive Fillmore between 11:00 a. m. and 12:00 noon.

Leave Fillmore daily at 2:00 p. m. Arrive Oasis between 5:00 and 6:00 p. m.

Applicant requests permission to charge the following passenger fares:

Oasis to Fillmore	$3.75
Fillmore to Oasis	3.75
Oasis to Holden	2.65
Holden to Fillmore	1.10

The distance between Oasis and Fillmore, via Holden, is approximately thirty-seven miles, and between Holden and Fillmore, ten miles. It is proposed to operate the stage between Oasis and Fillmore via Holden, over which route applicant has a contract for carrying United States mail.

In Case No. 143 this applicant was granted authority to operate a stage line between Delta and Fillmore, Utah, and it appears that it is necessary for applicant to include Oasis in his route, in order to properly care for the traveling public.

It does not appear that the fare from Oasis to Holden

and Fillmore should exceed that in effect from Delta to those points.

The Commission, therefore, finds:

1. That the present and future public convenience and necessity require and will continue to require the operation of an automobile stage line between Oasis and Fillmore, and intermediate points.

2. That applicant, Earl L. Veile, should be permitted to operate such stage line and should also be permitted to charge not to exceed the following fares:

From Oasis to Fillmore	$3.50
From Fillmore to Oasis	3.50
From Oasis to Holden	2.50
From Holden to Fillmore	1.00

3. That applicant should file with the Commission and post at each station on his line, a schedule of arriving and leaving time, and a schedule of his rates, fares and charges, and should at all times operate his stage line in accordance with the rules and regulations prescribed by the Public Utilities Commission of Utah governing stage lines.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 64

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 1st day of December, A. D. 1919.

In the Matter of the Application of EARL L. VEILE for permission to operate an automobile stage line between Oasis, Utah, and Fillmore, Utah. } **CASE No. 245**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant, EARL L. VEILE, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Oasis and Fillmore, Utah, and intermediate points.

ORDERED FURTHER, That applicant be, and is hereby, permitted to charge not to exceed the following fares:

From Oasis to Fillmore	$3.50
From Fillmore to Oasis	3.50
From Oasis to Holden	2.50
From Holden to Fillmore	1.00

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and fares, together with schedule showing arriving and leaving time; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

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

246. **In the Matter of the Application of the PEOPLE'S TELEPHONE COMPANY, for permission to increase its toll and exchange rates.**

PENDING.

247. **In the Matter of the Application of the MILLARD COUNTY TELEGRAPH & TELEPHONE COMPANY, for permission to increase its toll and exchange rates.**

PENDING.

248. **In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to increase its power rates.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UKON WATER COMPANY, for a certificate of convenience and necessity, authorizing it to construct, operate and maintain a water system in Box Elder County, Utah.	CASE No. 249

Decided December 22, 1919.

REPORT OF THE COMMISSION

By the Commission:

Comes now the Ukon Water Company and represents it is a corporation organized and existing by virtue of the laws of the State of Utah, and that it has obtained from the Board of County Commissioners of Box Elder County, Utah, a certain franchise entitled, "An ordinance granting a franchise to Ukon Water Company, a corporation, hereinafter called the grantee, and to its successors and assigns for the construction, operation and maintenance of a water works system, the water pipes of which will be laid across, along and under certain county roads and highways within Box Elder County, Utah," and also from the Town of Fielding, Utah, a franchise entitled, "An ordinance granting to Ukon Water Company, its successors and assigns, a water system franchise," said franchises granting the Ukon Water Company permission to construct, operate and maintain a water system for the purpose of distributing water to its stockholders for domestic and culinary uses.

The Ukon Water Company petitions the Public Utilities Commission of Utah, under Section 4818, Compiled Laws of Utah, 1917, for authority to exercise the rights granted in said franchises, copies of which are attached to and made part of the petition.

The Commission, having caused investigation to be made, and being fully advised in the premises, finds:

1. That present and future public convenience and necessity requires and will continue to require the con-

struction, operation and maintenance of a water system to furnish water for domestic and culinary purposes to the residents of Fielding, Utah.

2. That the petition of the Ukon Water Company should be granted.

3. That petitioner, the Ukon Water Company, should comply with the requirements of franchises granted it by the County of Box Elder and the Town of Fielding, Utah, in the construction of its system.

4. That petitioner should, before beginning operations, file with the Public Utilities Commission of Utah, in the manner prescribed by the Commission, a schedule naming all rates, rules and regulations governing its service.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 65

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 22nd day of December, A. D. 1919.

In the Matter of the Application of the UKON WATER COMPANY, for a certificate of convenience and necessity, authorizing it to construct, operate and maintain a water system in Box Elder County, Utah. } **CASE No. 249**

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, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That applicant be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain a water system to furnish water for domestic and culinary purposes to the residents of Fielding, Utah, in accordance with franchises granted by the County of Box Elder and the Town of Fielding.

ORDERED FURTHER, That applicant, before beginning operations, shall file with the Public Utilities Commission of Utah, in the manner prescribed by the Commission, a schedule naming all rates, rules and regulations governing its service.

By the Commission.

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

250. **In the Matter of the Application of UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity, authorizing it to enter the City of Morgan, Utah.**

PENDING.

251. **In the Matter of the Application of THE UINTAH RAILWAY COMPANY, for permission to increase its rates on its wagon line operating in Uintah County, Utah.**

PENDING.

252. **In the Matter of the Application of SALT LAKE CITY, a Municipal Corporation, for authority to increase the charge for making connection with water mains.**

PENDING.

APPENDIX I.

Part 2.—Informal Cases.

AMERICAN RAILWAY EXPRESS COMPANY

RATES: The William M. Roylance Company, of Provo, filed an informal complaint against the rates charged by the Express Company. Reply was received to the complaint, advising that the Express Company was unwilling to make any reduction. The Roylance Company was advised that it would be impossible for the Commission to take further action without a formal hearing.

CLOSED.

DENVER & RIO GRANDE RAILROAD.

SERVICE: Telephone communication was received from the Spring Canyon Coal Company, advising of delay of car of coal. The matter was taken up with the Denver & Rio Grande and Los Angeles & Salt Lake Railroads, and the Commission was advised that prompt service was accorded shipper.

SATISFIED AND CLOSED.

REPARATION: Complaint was received from the Bullion Coalition Mines, asking for reparation on shipment of coal moving from Thompsons to Bauer, Utah. Inasmuch as the Commission had previously authorized the Los Angeles & Salt Lake Railroad to make reparation on this claim, the Denver & Rio Grande Railroad was instructed to pay its portion without further action.

SATISFIED AND CLOSED.

OVERCHARGES: The Traffic Service Bureau of Utah filed a number of claims for overcharge, account

through rate being higher than the aggregate of the intermediate rates. The Commission held that no order was necessary to enforce payment, inasmuch as the law covered such matters. The Denver & Rio Grande was so notified.

CLOSED.

EQUIPMENT: Information was received that the Denver & Rio Grande Railroad required its switchmen to work at Soldier Summit with a road engine not properly equipped with suitable protection. The matter was called to the attention of the Railroad, with instructions to see that all equipment was in proper condition.

SATISFIED AND CLOSED.

LOS ANGELES & SALT LAKE RAILROAD

RATES: The Traffic Service Bureau of Utah requested that the Railroad be required to apply on shipments of second-hand machinery, the Class "D" rates which the carrier publishes as applying on shipments of graders' and contractors' outfits, on the ground that the second-hand machinery consisted of articles listed as taking the graders' and contractors' outfit rate. The Commission refused to authorize this upon informal complaint.

CLOSED.

SERVICE: Telephone communication was received from the Mayor of Nephi, advising that the Los Angeles & Salt Lake Railroad had refused to handle sixty or seventy passengers on the morning train from Nephi to Salt Lake City, account insufficient equipment. Arrangements were made by the Commission to have a special train leave Nephi at 6:30 the next morning to handle the public traveling to Salt Lake City to attend the Latter-day Saints' Conference.

SATISFIED AND CLOSED.

DEMURRAGE CHARGES: The Draper Canning Company filed a complaint against the Los Angeles & Salt Lake Railroad, for demurrage charges amounting to $30.00. It appeared that the shipment of cans in question was damaged in transit, and the agent at destination allowed consignee to use the car for storing the cans before unloading. The Commission was of the opinion that the consignee was not responsible for the condition of this shipment which necessitated holding the car, and refund was authorized.

SATISFIED AND CLOSED.

CAR SERVICE: Telegram was received from R. H. Pitchforth, of Modena, advising that delays were experienced in securing cars for loading cattle at that point. Arrangements were made with the Railroad to have the necessary equipment furnished.

SATISFIED AND CLOSED.

CROSSINGS: The question of a protective device being installed over the track of the Salt Lake Route, where a spur track of the Utah-Idaho Sugar Company crosses the same near Spanish Fork, was considered by the Commission, and the Railroad was instructed to have the necessary crossing protection installed before the next beet season arrived.

PENDING.

OREGON SHORT LINE RAILROAD

CAR SERVICE: It having come to the attention of the Commission that a number of Oregon Short Line cars had been used by the Bamberger Electric Railroad in transporting gravel for State road construction, from Mellen's Pit to Clearfield, and that the Oregon Short Line had advised the Bamberger Electric that cars would not be available for this service in the future, the matter was taken up with the Railroad Company, who made arrangements to allow these cars to continue in the service until the construction work was completed.

SATISFIED AND CLOSED.

UNION PACIFIC RAILROAD

CLEARANCE: The matter of insufficient clearance at the crossing of the Union Pacific Railroad and the State Highway at Devil's Slide was investigated by the Commission. Recommendations were made, and the Railroad made arrangements to comply with the Commission's suggestions.

PENDING.

BLOCKING CROSSING: Mr. Moroni Richins complained that the Union Pacific Railroad was blocking the crossing at Echo, thus holding up traffic. The Commission instructed the Railroad to discontinue this practice.

SATISFIED AND CLOSED.

CAR SERVICE: Complaint was made by the State Road Commission that sufficient cars were not available to load cement at Devil's Slide, road construction work being delayed on this account. The Commission took this matter up with the Railroad officials immediately, and additional equipment was secured.

SATISFIED AND CLOSED.

STATION FACILITIES: Request was received from Stephen R. Boswell, County Agent, Summit County, for station facilities at Wanship. Applicant was asked to furnish the Commission additional information as to the necessity for such facilities. This has not yet been supplied.

PENDING.

WESTERN PACIFIC RAILROAD

SERVICE: Complaint was received from Frank T. Burmester against the service and facilities of the Western

Pacific Railroad at Burmester Station. A report was received from the Railroad as to the conditions existing at that point, and the Commission was of the opinion that fairly adequate and proper facilities were being afforded at the present time.

CLOSED.

RAILROADS

TRANSPORTATION IN EXCHANGE FOR ADVERTISING: The Utah State Press Association requested the Commission to render a ruling in the matter of the railroads issuing transportation in exchange for advertising. Inasmuch as the Commission had previously issued its order in this matter, the Press Association was advised the order would remain in effect under the present showing.

CLOSED.

CLEARANCES: The question of clearances in coal yards in Utah was considered by the Commission and communications were addressed to the various railroad companies, instructing them to maintain the clearance prescribed by the Commission.

CLOSED.

CAR SUPPLY: Mr. William M. Roylance, of Provo, advised the Commission by telephone that difficulty was being experienced in securing cars for loading cherries for express movement. The matter was taken up with various express and railroad officials, and sufficient equipment was secured to handle this movement.

SATISFIED AND CLOSED.

SERVICE: Informal complaint was received from the Mutual Creamery Company against the electric railroads,

in the matter of handling milk and cream shipments. A conference was held with the interested parties, and the railroads agreed to put on special cars for handling this class of business. Complainant advised this would, in all probability, remove the cause of complaint.

SATISFIED AND CLOSED.

CROSSINGS—BILLBOARDS: The attention of the Commission was called to the condition existing at various railroad crossings where billboards obstructed the view of travelers. A conference was held with representatives of billboard companies, and their co-operation was secured in removing the signboards where they were dangerous to traffic.

CLOSED.

DRINKING CUPS: The matter of carriers charging passengers for drinking cups was considered by the Commission, and the railroads operating in Utah were instructed to furnish drinking cups to passengers free of charge.

CLOSED.

BAMBERGER ELECTRIC RAILROAD COMPANY

STUDENTS' TICKETS: Upon complaint of patrons of the Bamberger Electric Railroad Company, the question of honoring students' tickets on the six o'clock train out of Salt Lake City, was considered by the Commission. It developed that there were some students who were unable to take the five o'clock train, because of classes which prevented them from so doing, and the Railroad was instructed to honor students' tickets on the six o'clock train, when said students were detained at school.

SATISFIED AND CLOSED.

STOPPING TRAINS: Information was received by the Commission to the effect that the Railroad had discontinued Glovers and Rosedale as flag stops for train No. 4. The matter was taken up with the Railroad Company, with the result that this stop was continued.

SATISFIED AND CLOSED.

SERVICE: Information was received by the Commission to the effect that the 11:15 p. m. train of the Bamberger Electric Railroad Company, on February 12, 1919, was loaded to excess. The Railroad Company was instructed to furnish additional equipment, should such case arise in the future.

SATISFIED AND CLOSED.

FLAG STOPS: The Commission denied the application of the Railroad for permission to discontinue Glover's Station as a flag stop for train No. 2 or No. 4.

CLOSED.

CROSSINGS: The attention of the Commission was directed to the conditions existing at the crossing north of Hunter's Cut, which crossing does not conform to the rules prescribed by the Commission governing construction of crossings. The attention of the Railroad Company was called to the conditions existing at this point, and it was requested to make the same standard.

PENDING.

SALT LAKE & UTAH RAILROAD COMPANY

RATES: Communication was received from Dey, Hoppaugh & Fabian, requesting the Commission to allow reparation on shipment of contractor's outfit, moving from Payson to Salt Lake City, July 29, 1918, when the Railroad

claimed to be under Federal control. The Railroad Company held that the charges were legally assessed, and the Commission advised that a formal hearing would be necessary if reparation were desired.

CLOSED.

CLEARANCES: Ryberg Brothers, contractors, asked the Commission to relieve them from observing the Tentative General Order Covering Clearances. The Commission made suggestions to assist in changing the construction of their plant so as to conform to the requirements of the order.

SATISFIED AND CLOSED.

BEET LOADING DUMPS: The Springville-Mapleton Sugar Company requested the assistance of the Commission in securing proper facilities for loading sugar beets at Manila Spur. It appeared that the beet dump located on the spur of the Railroad belonged to the Utah-Idaho Sugar Company. At a conference between all interested parties, it was agreed that suitable arrangements would be worked out to permit both Companies to use the beet dump at this point.

SATISFIED AND CLOSED.

UTAH IDAHO CENTRAL RAILROAD COMPANY

PASSENGER SERVICE: Complaint was received against the Railroad Company, alleging poor service on an excursion of the Box Elder Stake Sunday Schools, the Railroad Company failing to furnish sufficient equipment. Representatives of the Railroad Company called upon the Commission, and the matter was taken up in such a manner that it is believed satisfactory service will be given in the future.

SATISFIED AND CLOSED.

BOOTH STAGE LINE

RATES: Swift & Company complained that the Booth Stage Line, operating between Magna and Garfield, had no regular rate for the transportation of passengers between these points, and submitted as evidence receipts for fares paid by their salesman. From investigation, it appeared that the service given was in the nature of a taxicab service and not as a regular automobile stage line, as the car was retained while the salesman made his canvas. Therefore, the matter of charges would not be under the jurisdiction of this Commission.

CLOSED.

CHANDLER STAGE LINE

OVERCHARGES: Complaint was received from Mr. A. E. Robinson, of Bingham, against the charges assessed by the Chandler Stage Line, operating between Bingham and Highland Boy, and also against the service rendered by this line. The matter was called to the attention of Mr. Chandler, and refund of the overcharge was secured for Mr. Robinson.

SATISFIED AND CLOSED.

CONSOLIDATED STAGE LINE

LOSS AND DAMAGE CLAIM: The Regal Cleaning Company asked the Commission to assist them in securing settlement with the Consolidated Stage Line for a package which was lost in transit between Salt Lake City and Bingham. Mr. Sam Barnes, owner of the car driven at the time package was lost, was requested to adjust the matter with the Cleaning Company.

CLOSED.

DUCHESNE STAGE & TRANSPORTATION CO.

BAGGAGE: Mr. N. C. Anderson asked the Commission to assist him to locate two trunks which he claimed were delivered to the Duchesne Stage & Transportation Company, at Helper, for transportation to Duchesne. Investigation developed that these trucks were not delivered to authorized representative of the Stage Line, and the Commission, therefore, had no jurisdiction over the matter.

CLOSED.

DIXIE POWER COMPANY

POLE LINES: The Power Company complained that the various towns through which it passed were misusing its pole lines. The Commission held that this matter did not come under its jurisdiction, and advised the Power Company to take the matter up with the local officers.

CLOSED.

FRANCHISE OBLIGATIONS: An informal complaint was received from the Town of Enterprise, alleging failure on the part of the Power Company to fulfill its franchise obligations, in furnishing electricity for street lights and keeping same in repair. The Commission secured a copy of the franchise from the Power Company, from which it appeared that free current for lighting three 75-watt lamps was to be provided, but that the franchise apparently did not require the furnishing of the lamps to consume this energy.

CLOSED.

TELLURIDE POWER COMPANY

SERVICE: Complaint was received against the service rendered by the Telluride Power Company at Gunnison, Utah. The matter was taken up with the Power Company, who advised that improved service would be provided. Com-

plainants advised that the service had been materially improved.

SATISFIED AND CLOSED.

RATES: Complaint was received from the Jefferson Mercantile Company against the increased rates of the Telluride Power Company, at Milford, Utah. An informal hearing was held, at which time the parties agreed to try out the new schedule before making further complaint. It was the belief of the Power Company that there would be little, if any, increase, when taken over a long period of time. No further complaint was received.

SATISFIED AND CLOSED.

CONTRACT RATES: The contract in effect between the Utah Leasing Company and the Telluride Power Company having expired, and the Leasing Company requesting lower rates before entering into a new contract, the Commission advised the parties to prepare and submit a contract for the approval of the Commission. (See Authority E-4.)

SATISFIED AND CLOSED.

CHARGES: Mr. N. C. Poulson, of Richfield, complained against the charges assessed by the Telluride Power Company, alleging discrimination. The matter was investigated, and it appeared that the Power Company was giving service to all parties of this character of business under the same schedule. Mr. Poulson was advised to file formal complaint if he desired to pursue the matter further.

CLOSED.

UTAH POWER & LIGHT COMPANY

EXTENSIONS: Various applications were received, asking the Commission to assist prospective consumers in

securing service from the Utah Power & Light Company. It appeared that the customers did not understand the provisions of Rule 12 of the Power Company which provided for deposits covering new construction of lines. Each case that was called to the attention of the Commission was taken up with the Power Company, and the estimates gone over by the Commission. In most cases satisfactory explanations and adjustments were made.

CLOSED.

EXTENSIONS: Representatives of Summit County met with the Commission and a representative of the Utah Power & Light Company, with a view of securing an extension of the Power Company's lines in Summit County. It was agreed that various meetings be held between the Power Company and interested parties, in an endeavor to reach a satisfactory adjustment.

PENDING.

UTAH GAS & COKE COMPANY

SERVICE: Complaint was received from Mr. G. L. Stratka to the effect that he had been unable to secure gas service. Arrangements were made with the Gas Company to supply this service.

CLOSED.

CHARGES: The bills rendered by the Gas Company against Mrs. John H. Gray and Mrs. Lucy A. Clark were brought to the attention of the Commission. The Commission authorized an adjustment in this matter, which was satisfactory to all parties.

CLOSED.

QUALITY OF SERVICE: Information was received to the effect that the gas being supplied by the Utah Gas &

Coke Company was of low quality. A test of the gas being supplied was made, and it was found that the heating quality of the gas did not appear unreasonably low.

CLOSED.

UTAH LIGHT & TRACTION COMPANY

SERVICE: Communication was received from Professor Milton Bennion, regarding the street car service for students of the University of Utah and the East High School. The matter was taken up with the Street Car Company and additional service installed.

SATISFIED AND CLOSED.

SKIP STOPS: Application was received from J. S. Wade, et al., to have the cars of the Utah Light & Traction Company stopped at Wall Street. Application was also received from Mrs. Frank Corless, et al., to have cars stopped at Roosevelt Avenue and 7th East Street. It appearing that the matter of the matter of skip stops would shortly come before the Commission for determination, these parties were advised that action would be withheld for the time being.

PENDING.

WESTERN UNION TELEGRAPH COMPANY

SERVICE: The Iron County Telephone Company requested the Commission to assist them in securing arrangements with the Telegraph Company so as to permit messages to be filed at the Telegraph Company's office at Lund, without going through the Telephone Company's exchange at Cedar City. The Telegraph Company refused to comply with this request, and the Iron County Telephone Company was advised that it would be necessary to file a formal complaint.

CLOSED.

RATES: Application was made by the Telegraph Company, for permission to continue in effect, intrastate, the rates prescribed by Postmaster General Burleson. The Commission denied the application, on the ground that before granting it there must be further showing, as provided by the Public Utilities Act.

CLOSED.

BEAR RIVER VALLEY TELEPHONE COMPANY

RATES: Complaint was received against the Bear River Valley Telephone Company's installation charge of $3.50. Investigation developed that this charge was assessed in accordance with the rules prescribed by the Postmaster General, and complainant was so advised, and then asked that his complaint be dismissed. The Telephone Company has made formal application to continue the charge in effect after the termination of Federal control.

SATISFIED AND CLOSED.

GARFIELD COUNTY TELEPHONE COMPANY

SERVICE: Complaint was received from the Superintendent of the Piute Project against the service of the Garfield County Telephone Company. The Commission notified the Telephone Company of the complaint, and received the information that the trouble apparently was in the Junction office, and that the matter had been taken up, with a view of correcting the difficulty and improving the service. No further complaint being received, the case was closed.

SATISFIED AND CLOSED.

SERVICE: J. W. Kelly, of Marysvale, complained that the Garfield County Telephone Company had removed its office from Marysvale, making it necessary to place calls through Richfield, thereby increasing the charges. The Telephone Company advised that its office had not been moved from Marysvale; but that it had been necessary to

change the location for a few days, and that no increase in charges would be made. No further complaint was received.

SATISFIED AND CLOSED.

MILLARD COUNTY TELEPHONE & TELEGRAPH CO.

SERVICE: Informal complaints having reached the Commission regarding service, a letter was addressed to the Telephone Company, requesting an explanation. The Telephone Company furnished a statement as to the time required to complete toll calls, etc., and advised that it was its desire to furnish the best possible service to the public. This was later brought before the Commission in a formal case.

CLOSED.

MOUNTAIN STATES TELEPHONE & TELEGRAPH CO.

CHARGES: Complaint was received from Mr. Orman W. Ewing against the Telephone Company, alleging overcharges, etc. A conference was held with representatives of the Telephone Company and complainant, at the conclusion of which Mr. Ewing advised that he felt satisfied with the results obtained.

SATISFIED AND CLOSED.

The folloiwng cases reported as pending in 1918, have been closed.

BINGHAM & GARFIELD RAILWAY CO.

SERVICE: The complaint of representatives of Magna and Arthur Plants of the Utah Copper Company, that the trains of the Bingham & Garfield Railway Company were not operated on time, has been satisfied.

CLOSED.

DENVER & RIO GRANDE RAILROAD

RATES: During 1919, lower rates were published on bees, between points in Utah. Wilford Belliston, complainant, was advised of the new rates. The shipment in question moving while the Railroad was under Federal control, the Commission was unable to grant reparation.

CLOSED.

SWITCHING CHARGES: The Commission being unable to satisfy the complaint of the Utah Fuel Company vs. the Denver & Rio Grande Railroad, regarding switching charges at Sunnyside, complainant was advised that formal action would be necessary.

CLOSED.

OREGON SHORT LINE RAILROAD

DEMURRAGE CHARGES: Investigation of the Commission having developed that the demurrage charges on a shipment of oil from the Utah Lumber Company, Salt Lake City, to Portage, were assessed in accordance with published tariffs, complainant was so advised.

CLOSED.

BAMBERGER ELECTRIC RAILROAD CO.

SWITCHING CHARGES: The request of the Bamberger Electric Railroad Company, for an interpretation of the switching clause carried in its tariff, was assigned formal Case No. 128.

CLOSED.

STOPS: A check of the number of passengers boarding and leaving the trains at 21st Street, Ogden, Utah, was made and submitted to the officials of Ogden, for their information. No further request was received.

CLOSED.

UTAH IDAHO CENTRAL RAILROAD CO.

SPUR TRACK OPERATION: Copies of right-of-way agreements, etc., pertaining to the operation of the Lewiston Spur, were furnished complainants. No further information was received.

CLOSED.

BOUNTIFUL LIGHT & POWER CO.

SERVICE: A. E. Winward, et al., were advised that that the Commission was unable to proceed further in the matter of securing service from the Bountiful Light & Power Company, without formal complaint being filed.

CLOSED.

SERVICE: A check of the estimated expense required to furnish Esther Ashdown with electric service, was made by the Commission, and applicant was advised that the rules and regulations of the Company on file with the Commission must be observed.

CLOSED.

SERVICE AND RATES: No further complaint was received from the Bountiful Milling & Feed Company, as to the rates charged by the Bountiful Light & Power Company.

CLOSED.

UTAH POWER & LIGHT COMPANY

RATES: A comparison of the rates charged by the Utah Power & Light Company in Ogden, with those set out in the franchise granted by the City, showed that the present rates on file with the Commission were not in excess of the rates named in the franchise. No further complaint was received.

CLOSED.

UNITED STATES RECLAMATION SERVICE

RATES: No further information was received from the representatives of Spanish Fork, as to the rates being charged by the United States Reclamation Service for electric energy, satisfactory arrangements apparently having been made by the parties.

CLOSED.

UTAH GAS & COKE COMPANY

CHARGES: The complaint of J. H. McKenna was assigned Special Docket No. 10, the Commision authorizing the Gas Company to waive collection of $10.27 on complainant's bill.

SATISFIED AND CLOSED.

SALINA TELEPHONE COMPANY

SERVICE: The complaint of the residents of Redmond vs. the Salina Telephone Company, was assigned formal Case No. 236.

CLOSED.

APPENDIX I.

Part 3.—Ex Parte Orders Issued.

RAILROADS

During the period covered by this report, the Commission acted upon forty-three 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:	Number
Bamberger Electric Railroad Co.	4
Bingham & Garfield Railway Co.	1
Denver & Rio Grande Railroad	1
J. E. Fairbanks	2
F. W. Gomph	5
C. H. Griffin	4
J. E. Hannegan	2
Salt Lake, Garfield & Western Railway Co.	3
Salt Lake & Utah Railroad Co.	4
Tooele Valley Railway Company	1
Utah Railway Company	2
Uintah Railway Company	1
Utah Idaho Central Railroad Co.	7
Western Pacific Railroad	6

AUTOMOBILE STAGE LINES

The Commission issued twenty-two ex parte automobile orders. These orders may be classified as follows:

Permission to change schedule, discontinue operation, etc. 17
Permission to make reduction in rates 5

Included in the above, one application for permission to increase rates, was denied.

ELECTRIC

The Commission issued five ex parte electric orders. These orders may be classified as follows:

Dixie Power Company 1
Telluride Power Company 2
Utah Power & Light Company 2

GAS

The Commission issued one ex parte gas order, authorizing the Utah Gas & Coke Company to amend its rule covering the rendering of bills, the Company being permitted to render an estimated bill based on previous readings, when a reading is not obtained at the regular period.

APPENDIX I.

Part 4.—Special Dockets—Reparation.

No.	Title	Amount	
10	J. H. McKenna vs. Utah Gas & Coke Co.	$ 10.27	Granted
11	Utah-Idaho Sugar Co. vs. Western Pacific Railroad Co. and Salt Lake & Utah R. R. Co.	131.01	"
12	E. S. Goshen vs. Utah Gas & Coke Co.	10.00	"
13	G. Boskovich vs. Utah Gas & Coke Co.	9.57	"
14	B. Bradley vs. Utah Gas & Coke Co.	5.00	"
15	Utah-Apex Mining Co. vs. Bingham & Garfield Railway Company	26.78	"
16	C. Drake vs. Utah Gas & Coke Co.	4.28	"
17	F. H. Rolapp vs. Utah Gas & Coke Co.	6.00	"
18	Miss E. Wells vs. Utah Gas & Coke Co.	12.00	"

APPENDIX II.

Part 1.—General Orders.

APPENDIX II.

Part 1.—General Orders.

AMENDMENT No. 1

TO GENERAL ORDER No. 2.

The Public Utilities Commission of Utah having adopted the Interstate Commerce Commission Rules Governing Monthly Reports of Railroad Accidents, 1918 Revision, carriers reporting accidents will in the future use this classification of accidents in lieu of the 1915 Revision.

Dated at Salt Lake City, Utah, this 30th day of January, A. D. 1919.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

GENERAL ORDER No. 4

ORDER OF SUSPENSION OF TELEPHONE RATES, TOLLS, RENTALS, CHARGES, CLASSIFICATIONS, RULES AND REGULATIONS, INSTITUTED OR SOUGHT TO BE INSTITUTED WITHOUT COMPLYING WITH THE PROVISIONS OF SECTION 4785 AND SECTION 4830, COMPILED LAWS OF UTAH, 1917.

IT APPEARING that on January 20, 1919, there was offered for filing with the Public Utilities Commission of Utah, a certain document designated as "United States Telegraph and Telephone Administration—Telegraph & Telephone Service Bulletin No. 22," containing Order No. 2495, issued by Postmaster General A. S. Burleson, under date of December 13, 1918, by which said order it was attempted to make certain changes in the existing telephone rates, tolls, rentals, charges, classifications, rules and regulations applying to certain classes of telephone service within the State of Utah, said changes to become effective January 21, 1919; and

IT FURTHER APPEARING that telephone companies operating in the State of Utah have attempted to institute changes in rates, charges, rules and regulations, as specified in said Postmaster General A. S. Burleson's Order No. 2495, wholly at variance with, and contrary to, the laws of the State of Utah, governing and controlling such matters; and particularly in violation of Section 4785 and of Section 4830, Compiled Laws of Utah, 1917;

AND IT FURTHER APPEARING to the Commission that the said Postmaster General has no authority in law to institute such rates and charges on intrastate telephone business; that such authority is claimed by virtue of an act of Congress, the constitutionality of which has not been passed upon or determined by a court of competent jurisdiction; and that, therefore, the putting into effect of said

schedules by telephone companies operating in the State of Utah should not be allowed;

IT IS ORDERED, That all changes made or attempted to be made, under purported authority of Order No. 2495, relating to, or affecting any rate, toll, rental, charge classification or service, the result of which has been to alter the charge or charges paid for telephone service, in and between points in the State of Utah, be, and they are hereby, suspended;

ORDERED FURTHER, That all telephone corporations operating in the State of Utah, shall immediately cease and desist from charging, collecting, demanding or receiving any intrastate rate, toll, rental or charge based upon said Order No. 2495.

ORDERED FURTHER, That the legal rates and charges for telephone service within the State of Utah, be, and the same are hereby, declared to be the rates and charges as legally filed with the Public Utilities Commission of Utah, in compliance with the laws of the State and the orders of this Commission.

IT IS FURTHER ORDERED, That a copy of this order be forthwith served upon Postmaster General A. S. Burleson, and upon all telephone corporations operating in the State of Utah.

Dated at Salt Lake City, Utah, this 20th day of February, A. D. 1919.

By the Commission.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

GENERAL ORDER No. 5

The Public Utilities Act of Utah, Paragraph (f) Section 5, Article 3, provides as follows:

> "Every common carrier shall, on the first Monday in July of each year, and at such other time as may be required by the Commission, file with the Commission a verified list of all tickets, passes, mileage books, franks or reduced-rate transportation issued for other than actual bona fide money consideration at full established rates during the preceding year, together with the names of the recipients thereof, the amount received therefor, and the reason for issuing the same. This shall not apply to the sale of tickets at reduced rates open to the public."

Now, Therefore, IT IS ORDERED, That every common carrier subject to the Public Utilities Act shall render such report upon the form heretofore prescribed by the Public Utilities Commission of Utah, and by it designated "R-3," and shall hereafter secure and provide such forms without expense to the Public Utilities Commission of Utah.

ORDERED FURTHER, The above report shall be rendered on the first Monday in July of each year and shall cover all free or reduced rate transportation issued during the preceding calendar year.

Dated at Salt Lake City, Utah, this 14th day of March, 1919.

By the Commission.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

GENERAL ORDER No. 6

ORDER OF SUSPENSION OF TELEPHONE RATES, TOLLS, RENTALS, CHARGES, CLASSIFICATIONS, RULES AND REGULATIONS, INSTITUTED OR SOUGHT TO BE INSTITUTED WITHOUT COMPLYING WITH THE PROVISIONS OF SECTION 4785 AND SECTION 4830, COMPILED LAWS OF UTAH, 1917.

This Commission being reliably informed that the Mountain States Telephone & Telegraph Company has, in pursuance of an order of A. S. Burleson, Postmaster General of the United States, the number and official designation of which order is unknown to this Commission, published, promulgated and placed into effect, on or about the 1st day of May, 1919, to take effect at midnight of April 30th, 1919, a schedule of rates, charges and rentals for the rental of telephones and telephone facilities within the State of Utah, and for service over the lines of the said Mountain States Telephone and Telegraph Company, rendered and to be rendered to subscribers of said Company entirely within the State of Utah, and that said Company, in pursuance of said order of the said A. S. Burleson, has published, promulgated and put into effect, certain classifications and regulations by which it is intended to work, and which will work, unless suspended or restrained, a limitation and restriction upon the two, three and four party line service heretofore in effect, in that an extra charge per call will be exacted and collected for each and all calls made by subscribers and participants in party line service, when said calls exceed a certain allowed and fixed maximum number of calls, and that said new schedule of rates and charges for telephone rentals and service, as aforesaid and said new classification and regulations published, promulgated and put into effect, constitute an increase in the rates, charges, tolls and rentals heretofore existing.

IT FURTHER APPEARING to this Commission that the said Mountain States Telephone and Telegraph Company

has failed to file with this Commission the schedule of rates, charges, tolls or rentals and the new classification and regulations so published, promulgated and put into effect, and that no filing of any proposed new schedule in rates, charges, nor of proposed classification or regulations, different from that in effect before May 1st, 1919, has ever been filed with this Commission, and that no proposed alterations or changes in any rate, toll, rental or charge or in any classification, contract, practice, rule or regulation, resulting in an increase in any rate, toll, rental or charge over those in effect before May 1st, 1919, or of any alteration whatsoever in any rates, charges, rentals, tolls, classifications or regulations different from those existing before May 1st, 1919, and authorized by this Commission, have been filed; nor does it appear that any showing has been made before this Commission that the said new rates, charges, tolls, rentals or proposed rates, charges, tolls or rentals, nor that the said increase in the rates, charges, tolls and rentals existing prior to May 1, 1919, and authorized by this Commission, are justified; nor has the Commission ever found that the new rates, charges, tolls or rentals or the increase in said rates, charges, tolls or rentals, as aforesaid, published, promulgated and put into effect as aforesaid and proposed to be exacted, demanded, charged and collected, are justified.

AND IT FURTHER APPEARING that the Mountain States Telephone & Telegraph Company is about to and will demand, exact, charge and collect the rates, rentals, charges and tolls so published, promulgated and put into effect from its subscribers and future subscribers, without filing the same with this Commission or making a showing that the same are justified or without obtaining the findings and decision of this Commission that the same are justified, and that the publishing, promulgating and putting into effect of the said schedule or rates, charges, tolls and rentals and the classification and regulations so published, promulgated and put into effect, as aforesaid, and the proposed demanding, exacting and collecting of the same is unlawful as against the provisions of Title 91, Compiled Laws of Utah, 1917, and especially against the provisions of Sections 4785 and 4830 of said Compiled Laws.

WHEREFORE, IT IS ORDERED that all schedules published, promulgated and put into effect, and all changes made or attempted to be made in any rates, tolls, charges or rentals, and all classifications and regulations made or

attempted to be made under the purported authority of the order issued by Postmaster General A. S. Burleson, as aforesaid, or published, promulgated or put into effect without the consent and findings of this Commission that the same are justifiable, the result of which has been or will be to affect an increase of rentals for service in and between points in the State of Utah, be and the same are hereby suspended.

ORDERED FURTHER, That the Mountain States Telephone and Telegraph Company shall immediately cease and desist from charging, collecting and demanding or receiving any intrastate rate, toll, rental or charge based upon the said order aforesaid.

ORDERED FURTHER, That the legal rates and charges for telephone rentals and service within the State of Utah be and the same are to be declared to be the rates and charges as legally filed with the Public Utilities Commission of Utah in compliance with the laws of the State, and the orders of this Commission.

IT IS FURTHER ORDERED, That a copy of this Order be forthwith served upon A. S. Burleson, Postmaster General of the United States, and upon the Mountain States Telephone and Telegraph Company, and that the Attorney General of the State of Utah be requested to immediately take such steps as are necessary or requisite to effectuate the provisions of this Order.

Dated at Salt Lake City, Utah, this 1st day of May, 1919.

PUBLIC UTILITIES COMMISSION OF UTAH,
By (Signed) JOSHUA GREENWOOD,
HENRY H. BLOOD,
WARREN STOUTNOUR,
(SEAL) Commissioners.
Attest:
(Signed) T. E. BANNING,
Secretary.

SENT TO ALL TELEPHONE COMPANIES IN UTAH

August 21, 1919.

Gentlemen:

An Act of Congress, approved July 11, 1919, repealed the joint resolution under which the President of the United States took over the supervision of telephone and telegraph lines, and under which these lines have been operated since July 31, 1918. Under the provisions of the Repeal Act, the President turned back to the owners the control and management of telephone and telegraph lines as of midnight of July 31, 1919.

If your Company has been operating under Government control and has been assessing and collecting the increased rates inaugurated by the Government, it will become necessary, if you desire to continue these rates in effect to file a formal application for that permission with this Commission. The rates thus established will automatically cease to be the legal rates four months from the time the companies were turned back to their owners, or on November 30, 1919, at midnight, and thereafter the legal rates under which you will operate, will be the rates in effect prior to the taking over of the telephone lines by the Government, unless other rates are established by the Commission before that time.

If such a petition is filed with the Commission it will be necessary for your Company to make such showing as will clearly inform the Commission of your financial condition, and in order that this may be done, an inventory, appraisal and valuation of all of your property used and useful in the giving of service to the public will be required.

We are advising you of this situation now, so that you may be preparing to make such representation as you may deem proper.

Yours truly,

PUBLIC UTILITIES COMMISSION OF UTAH,

By T. E. BANNING,
Secretary.

APPENDIX III.

Part 1.—Grade Crossing Permits.

Part 2.—Certificates of Convenience and Necessity.

Part 3.—Clearance Permits.

APPENDIX III.

Part 1.—Grade Crossing Permits.

The Commission issued eight 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	Number
Bamberger Electric Railroad Co.	2
Denver & Rio Grande Railroad	1
Hooper Sugar Company	1
Oregon Short Line Railroad	1
Salt Lake Terminal Company	1
Salt Lake & Utah Railroad Co.	1
Springville-Mapleton Sugar Co.	1

APPENDIX III.

Part 2.—Certificates of Convenience and Necessity.

Thirty-six certificates of convenience and necessity were issued, as follows:

Certificate No.	Case No.	Classification
30	121	Automobile
31	127	"
32	122	"
33	129	"
34	139	"
35	140	"
36	130	"
37	146	"
38	143	"
39	141	"
40	147	"
41	168	"
42	170	"
43	174	"
44	132	"
45	153	"
46	186	"
47	184	"
48	148	"
49	176	"
50	195	Telephone
51	197	Automobile
52	191	"
53	204	"
54	196	"
55	175	"
56	177	"
57	190	"
58	198	"
59	215	Electric
60	226	"
61	216	Automobile
62	228	"
63	225	"
64	245	"
65	249	Water

APPENDIX III.

Part 3.—Clearance Permits.

The Commission authorized three companies to maintain clearances which were less than those prescribed by the Commission in its Tentative General Order, as follows:

No. Permit	Name	Case No.
2	Utah Copper Company	180
3	Syndicate Investment Company	202
4	Mountain States Feeding Company	220

APPENDIX IV.

Part 1.—Accidents.

APPENDIX IV.

Part 1.—Accidents.

In the discharge of its duties under the law, the Commission investigated numerous accidents occurring upon the lines of common carriers and public utilities under its jurisdiction, and where such accidents were found to be caused by defective equipment, improper construction or negligence of employees, recommendations were made to overcome the physical defects, or that instructions be issued to employees to prevent such accidents occurring in the future.

These recommendations have been accepted by the utilities, and improper construction, insufficient clearances, and other physical defects have been remedied accordingly.

Utilities have also issued instructions to their employees where the accident occurred by reason of negligence or misunderstanding on their part, which has reduced the number of accidents occurring from those causes.

APPENDIX V.

Part 1.—Court Decisions.

APPENDIX V.

Part 1.—Court Decisions.

IN THE SUPREME COURT OF THE STATE OF UTAH

THE PUBLIC UTILITIES COMMISSION OF UTAH,
Appellant,
vs.
PARLEY JONES,
Respondent.

Corfman, C. J.

The plaintiff, the Public Utilities Commission of Utah, hereinafter referred to as the Commission, commenced this action in the District Court of Salt Lake County to enjoin the defendant from operating an automobile stage line carrying passengers for hire over certain routes or roads between Bingham Canyon and the Highland Boy Mine and between Bingham Canyon and Copperfield, in Salt Lake County.

The complaint, in substance, alleged:

That on the 2nd day of July, 1918, one Eugene Chandler filed with the Commission his petition in writing for leave to operate an automobile stage line between Bingham Canyon and the Highland Boy Mine and between Bingham Canyon and Copperfield, and that on July 30, 1918, after public hearing on said petition an order was made by the Commission granting unto the said Eugene Chandler a certificate of convenience and necessity to establish an automobile stage line route between said points, over certain public streets, roads and highways in Salt Lake County, and authorizing said Eugene Chandler to operate the same for the transportation of passengers between said places; that no other person, company, corporation, or association has been granted a certificate of convenience and necessity or has been authorized to operate a stage line or carry passengers between said points, and that no other person, company, corporation or association has filed with the Commission a schedule of rates, fares, charges or classifications, or caused the same to be published; that the defendant, dis-

regarding the order so made by the Commission, has undertaken to and now does operate an automobile stage line, for the purposes aforesaid, over said routes so established by the Commission without any authorization from the Commission, and that the defendant disregarding the frequent requests and demands to cease such operation refused to desist therefrom.

The answer, in substance, admits the order was made by the Commission permitting Chandler to operate the automobile stage line for hire and denies generally the other allegations of the complaint. The answer also affirmatively alleges that on or about July 2, 1918, Eugene Chandler and the defendant were operating auto stages for hire over said routes, and that said Chandler requested the defendant to permit him, the said Chandler, to get a permit in his own name from the Commission, and agreed that they would thereafter operate the autos owned by said Chandler and the defendant together over said routes; that it was in pursuance of such an understanding on the part of the Commission, as well as on the part of said Chandler and the defendant, that said permit was applied for and issued; that since the issuance of the said permit the said Chandler has refused to enter into any co-partnership arrangement for the operating of said auto stage lines, and the said Chandler has instigated this suit for the purpose of preventing defendant from operating his autos and participating in the profits to be derived from operating such stages over said routes.

Trial was to the court.

At the conclusion of the testimony on behalf of the Commission defendant moved for and was granted a nonsuit upon the ground that it was requisite to prove and the evidence failed to show the existence of a public highway, as defined by the Utah statutes, between the points designated in the complaint; Briefly stated, the Commission contends that the granting of the nonsuit was error for the following reasons:

(1) That the defendant was estopped by his own pleadings from denying that the roads in question are public highways.

(2) That the routes in question were sufficiently proved as public highways for the purposes of this case.

The record shows it to be an admitted fact that on July 2, 1918, an order was made by the Commission grant-

ing to the said Eugene Chandler a certificate of convenience and necessity to operate a stage line between the points mentioned. The testimony in behalf of the Commission further shows beyond any dispute that the routes or roads mentioned in the complaint, between the points designated, then were, and had been for many years, in general use by the public, and that there are no other roads or routes between said points. The testimony for the Commission is also conclusive, and the facts are admitted, that while the roads have been from time to time, at certain places changed, a continual passageway has always been open, maintained and extensively used for public travel between the designated points. The testimony also shows that since the issuance of the permit by the Commission to Chandler the defendant has used these roads in operating autos for hire over them, making as many as ten or twelve trips in a day; that the defendant had made no application for a certificate of necessity and convenience for leave to operate an automobile stage line between the designated points, nor had he ever filed a schedule of rates or fares to be charged by him over said routes.

Defendant contends, and the trial court ruled in nonsuiting the Commission, that there was a failure of proof on the part of the Commission for the reasons that it failed to establish by the evidence that the roads in question have been created or established public highways within the meaning and as required by the statutes of our State.

Highways are defined by Comp. Laws, Utah, 1917, Sec. 2800, as follows:

> "In all counties of this State, all roads, streets, alleys, lanes, courts, places, trails, and bridges laid out or erected as such by the public, or dedicated or abondoned to the public, or made such in actions for the partition of real property, are public highways."

Sec. 2801 provides:

> "A highway shall be deemed to have been dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten years."

Sec. 2808 reads:

> "It shall be the duty of the board of county commissioners of each county * * * to determine all

> public highways existing in its county and to prepare plats and specify descriptions of the same * * * which shall be kept on file in the office of the county clerk."

The Commission in the case at bar failed in its effort to prove a dedication as provided for in Sec. 2801, supra, and also failed to produce a plat designating the roads in question as public highways in accordance with the provisions of Sec. 2808 supra.

Let it be conceded that the Commission failed in its proof to meet the requirements of the sections of our statutes above cited, the question then arises, is not the Commission entitled under the showing made to the relief prayed for in its complaint?

The Attorney General contends that for the purpose of exercising the powers of the Commission the statutory definition of public highways, and the statutes providing as to how highways may be dedicated or created, do not apply, but rather the rule of law relative to public highways in general should be invoked, citing 13 R. C. L. p. 17, Sec. 5, where the general rule is stated thus:

> "The term 'public highway', in the broad ordinary sense, covers every common way for travel by persons on foot or with vehicles rightfully used on highways, which the public have the right to use either conditionally or unconditionally, and thus may include turnpike and toll roads, lanes, pent roads, cross roads, and even railroads and platform approaches thereto, and street railways. When appearing in a general law it will ordinarily be regarded as having been used by the legislature in its general sense. In a limited sense, however, the term means a way for general travel which is wholly public, and it may be restricted to this sense by the subject matter of the statute in which it is employed. A railroad is not a public highway in the strict or limited sense of the term."

The rule is similarly stated by Elliott in his work on "Road and Streets," Vol. 1, p. 4, Sec. 3, as follows:

> "If a way is one over which the public have a general right of passage, it is, in legal contemplation, a highway, whether it be one owned by a private corporation or one owned by the government, or a govern-

> ment corporation, and whether it be situated in a town or in the country. No matter whether it be established by prescription or by dedication, or under the right of eminent domain, it is a highway if there is a general right to use it for travel. The mode of its creation does not of itself invariably determine its character for this, in general, is determined by the rights which the public have in it."

See also Weirich v. State, 140 Wis. 98; Riley v. Buchanan, 116 Ky. 625; Northwestern Tel. Co. v Minneapolis, 81 Minn. 140; Walter v. St. L. I. M. & S. Ry. Co., 67 Mp. 56; Nef et al, v. Reed, 98 Ind. 341; N. C. Ry. Co. v. Commonwealth, 90 Pa. 300; Pittsburg M. & Y. Ry. Co. v. Com., 104 Pa. 583; Co. Com. v. Chandler, 96 U. S. 205; Craig v. People, 47 Ill. 487; Patterson v. Munyan, 93 Ga. 128; Mead v. Topeka, 75 Kan. 61.

Bearing in mind that among the very objects and purposes of our Legislature in creating a public utilities commission, as declared by legislative enactment, was to provide for the safety, comfort and convenience of the public travel at reasonable rates, we have no hesitancy in saying the position taken by the Attorney General in the case at bar is the correct one, and that the statutory definition of "public highway" relating to the roads over which the Commission may exercise jurisdiction, should be applied in its broadest sense.

Comp. Laws, Utah, 1917, Sec. 5848, prescribing rules for construction of statutes, provides:

> "In the construction of statutes, the following rules shall be observed, **unless** such construction would be inconsistent with the manifest intent of the legislature or repugnant to the context of the statute, * * *."

It is then provided by Subdv. 15 of this statute that the words "highway" and "road" include public bridges, and may be held equivalent to the words " county way," "county road," "common road" and "state road."

It is quite apparent from Sec. 5848, supra, that the definitions expressly given in our statutes with reference to roads, highways, etc., were for the purpose of so defining in order to fix the duties and responsibilities of local officers and authorities, with respect to their right to supervise and control the roads, rather than that the terms should always be employed and used in the restricted sense contended for in this case by the defendant. We think the con-

struction contended for by defendant is wholly inconsistent with the manifest intent of the legislative act creating a public utilities commission and prescribing its powers and jurisdiction.

Sec. 4782 of the Act, Subdv. 13, defines:

> "The term 'automobile corporation,' when used in this title, includes every corporation or person, * * * engaged in or transacting the business of, transporting passengers or freight * * * for compensation, by means of automobiles or motor stages on public streets, roads or highways along established routes within this State."

Subdv. 14, provides:

> "The term 'common carrier,' when used in this title, includes every * * * automobile corporation * * * operating for public service within this State; and every corporation or person * * * whatsoever, engaged in the transportation of persons or property for public service, over regular routes between points within this State."

Subdv. 28, provides:

> "The term 'public utility' when used in this title, includes every common carrier, * * * automobile corporation * * * where the service is performed for or the commodity delivered to the public or any portion thereof. The term 'public or any portion thereof,' as herein used means the public generally, or any limited portion of the public including a person * * * to which the service is performed or to which the commodity is delivered, and whenever any common carrier, * * * automobile corporation, * * * performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatever is received, such common carrier, * * * automobile corporation * * * is hereby declared to be a public utility subject to the jurisdiction and regulation of the Commission and the provisions of this title."

Sec. 4798 of the Act provides:

> "The Commission is hereby vested with power and

jurisdiction to supervise and regulate every public utility in this State, as defined in this title, and to supervise all 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."

In view of the express purport and meaning of the foregoing provision of the statute, we do not think it incumbent upon the Commission, in order to make out a prima facie case, to introduce testimony to show dedication of the roads in question, nor the filing by the County Commissioners of Salt Lake County of a plat with the County Clerk, designating the roads as the public highways of Salt Lake County; nor to do more than to show their general use by the public for travel between the points designated in the pleadings.

Moreover, we think there is much merit in the contention of the Attorney General that the defendant, by his answer, while denying the right of the public to use the roads in question, claimed the right to use them by virtue of the issuance to Chandler by the Commission of a certificate of convenience and necessity, and that the law of equitable estoppel, as to him, applies; that the defendant, by his affirmative defense pleaded in the answer, and in effect, admitted that the roads in question were public highways, and that having asserted them to be such for his own purposes he should be and is estopped from claiming them to be otherwise, more especially as against the Commission seeking to subserve the interests of the general public by exercising jurisdiction over them. As is said in 10 R. C. R. C. L. par. 19, p. 688: "A person is held to a representation made or a position assumed, where otherwise inequitable consequences would result to another, who having the right to do so under all the circumstances of the case has, in good faith, relied thereon."

If the constantly changing conditions and routes of the roads of this State, from point to point, oftentimes through narrow canyons, over mountain passes and across deserts, over which the general public travel were not intended, within the meaning of the legislative act, to be subjected to the jurisdiction and control of the Commission, and held to be public roads and highways within the meaning of the Act we have under consideration, the Legislature would have expressly said so. The Legislature certainly intended that the roads of the State over which the general public concededly

have the right to and do travel should be within the jurisdiction and under the regulation and control of the Commission whether formally dedicated, accepted and designated by recorded plats as public streets, roads and highways in accordance with the general provisions of the statute or not, so long as they may be used by the general public for travel.

We are of the opinion the trial court erred in ordering a nonsuit in favor of the defendant, and therefore it is ordered that the same be vacated and the case be remanded to the District Court for further prceedings. Appellant to recover costs.

We concur:

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Frick, J.

I concur. In order to constitute a particular road or highway a public road and the traffic and travel thereon subject to regulation and control by the Commission the question is not whether the County or the State has acquired an indefeasible title, easement or right of way; but the question is whether the particular road or highway is being used by the public as a public road or highway and as such is being used for the purpose of hauling and transporting freight or passengers over it for hire or private gain by those owning and using the ordinary and usual vehicles used on public highways for such purposes. Any road or highway which is thus being used by the public generally is, in my judgment, a public road or highway within the purview of the law, over which the travel and traffic is subject to regulation by the Commission. It might just as well be contended that the Commission may not regulate the traffic over the railroads of a public service corporation because it has not acquired an indefeasible easement, right, or title to every portion of its right of way as to contend that the Commission may not regulate the traffic and travel over a public highway unless and until the Commission establishes an indefeasible title, easement, or right of way over the entire length of the highway or road on which the public travel and traffic is sought to be regulated. To so hold would, in most instances, defeat the very purpose of the Utilities Act.

In view of the foregoing, I cannot concur in the conclusion that an estoppel has been established. The principle upon which estoppels rest, in my judgment, has no application here.

Gideon, J.

I concur in the order reversing the judgment of the District Court granting a nonsuit. I do so, however, for the reason that in my judgment the defendant, by his acts, is estopped to deny or question the jurisdiction of the Commission over the route or roadway in question.

IN THE SUPREME COURT OF THE STATE OF UTAH

THE PUBLIC UTILITIES COMMISSION OF UTAH,
Plaintiff,
vs.
MIKE GARVILOCH,
Defendant.

Frick, J.

The Public Utilities Commission of Utah, hereinafter called Commission, commenced this action in the District Court of Salt Lake County to enjoin the defendant from operating a certain "automobile stage line." The Commission, in its complaint, in substance alleged that on April 2, 1918, one Eugene Chandler made application to the Commission for a "certificate of convenience and necessity" as required by the Utilities Act of this State to operate "a stage line between Bingham Canyon and Highland Boy Mine and between Bingham Canyon and Copperfield, in Salt Lake County"; that thereafter a public hearing was duly had on said application and that said Commission duly granted the said Chandler a certificate of convenience and necessity to "operate an automobile stage line for the transportation of passengers" between the places before stated and that no other person or persons have been granted a certificate of convenience and necessity to operate a stage line or to carry passengers between said places; that "this defendant, Mike Garviloch, disregarding the order made by the Utilities Commission, has undertaken to operate and is now engaged in the operation of an automobile stage line and to carry passengers for hire over said routes as established by the said order of the Utilities Commission, to wit, between Bingham Canyon and Highland Boy Mine and between Bingham Canyon and Copperfield, without having received from the said Commission a certificate of convenience and necessity, or without authorization from such Commission so to do, and in violation of the terms of Chapter 47, Laws of Utah, 1917, commonly known as the Utilities Act"; that defendant, after being repeatedly requested to refrain from operating said stage line, refuses to do so and continues to operate the same; that the Commission has no speedy or adequate remedy at law and therefore prays that the defendant be enjoined from operating said stage line, etc.

The defendant appeared and filed a general demurrer to the complaint. The demurrer was overruled and the defendant filed his answer to the complaint, in which he admitted the capacity of the Commission, etc., and in effect denied all other allegations of the complaint. As an affirmative defense he averred: "And further answering said complaint as a defense thereto, this defendant says, that he is the owner of a certain automobile, which car has been duly licensed by the State of Utah as a commercial car; that the Town of Bingham Canyon is a duly incorporated municipality of the State of Utah, and on the 12th day of July, A. D. 1918, said Town of Bingham Canyon, through its proper officers, duly issued to this defendant a certain license, which license was then and there required by said Town of Bingham Canyon for all persons operating an automobile for hire in and around said town, and the said license was duly issued to this defendant by virtue of the ordinance aforesaid and duly authorized this defendant to operate an automobile for hire from the said first day of July, A. D. 1918, to the thirty-first day of December, A. D. 1918; and that at the expiration of said license there was duly issued to this defendant another license from the first day of January, A. D. 1919, to the thirty-first day of March, A. D. 1919, authorizing and permitting this defendant to operate a certain automobile for hire"; that he has operated and continues to operate said automobile for hire by virtue of the licenses aforesaid; "that in and around said Town of Bingham Canyon are numerous mines and also a number of towns, and that occasionally he has been employed for hire by diverse and sundry persons to make trips to cities and towns, including trips to Salt Lake City, Garfield, Lark, Midvale, Riverton, Revere Switch, Phoenix, Highland Boy Mine, Frisco Mine, Copperfield, United States Mine, The Boston Con. Mine, and various and sundry trips around the Town of Bingham Canyon and to other places as might be desired by persons desiring to employ defendant to carry them as passengers in said automobile aforesaid"; that he has made no trips between the points mentioned in the complaint "upon any schedule, or attempted to run between said points, except an occasional run not in competition with any person or corporation operating between said points * * * but has made a few occasional trips between said points when hired to do so by persons who requested the services of this defendant."

A hearing before the District Court upon an agreed statement of facts resulted in a judgment dismissing the

action from which the Commission appeals and insists that the District Court erred in refusing to enjoin defendant and in dismissing the action.

The defendant contended in the District Court, and now contends, that the provisions of the Utilities Act do not cover the acts complained of and do not affect him in the conduct of the business which he is carrying on as described in his answer and in the stipulation of facts upon which the judgment is based.

The facts stipulated are very voluminous, and, in view of the issues presented by the pleadings, they are, in many respects, redundant and wholly immaterial. After finding that the Commission had duly issued to Eugene Chandler a certificate of convenience and necessity to operate an automobile stage line over the route in question and that he is operating the same in accordance with and pursuant to the direction of the Commission, the only material facts under the issues are contained in six out of the thirty-four paragraphs contained in the stipulation. While the facts stated in the six paragraphs, in our judgment, could still be further condensed, yet, in view of the contentions of the parties, we have deemed it but fair to state the facts stipulated in the language of the parties. They are as follows:

> "22. That he (defendant) has since the 1st day of October aforesaid, and up and until he was restrained by order of this Court, to wit, the 11th day of January, A. D. 1919, carried passengers as follows, that he has carried passengers for hire in said automobile from Phoenix and also from Highland Boy Mine over said highways to the said Denver & Rio Grande depot in Bingham, that he has likewise carried passengers in said automobile from the said depot to different points in the said Town of Bingham, and likewise to the said Town of Copperfield and to the said Town of Phoenix and to the said Highland Boy Mine.
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> "23. That he has also carried passengers for hire in said automobile during the said time hereinbefore referred to, over the said highways from the said Towns of Phoenix, Bingham, Copperfield and from the said Highland Boy Mine to Salt Lake City, Midvale, Murray, Garfield and Lark, and to such other places as he might be hired to carry passengers by those wishing to be carried by the defendant, and as he, defendant, might elect to accept said persons as passengers; and that he has likewise carried passengers to and from various

points in and around Bingham, such as the United States Mine, which is on said highway in the main canyon, and is beyond the Town of Copperfield; and to and from the Boston Consolidated Mine and other places in said Carr Fork Canyon, which are beyond said Highland Boy Mine.

"24. That he has at times during the period set forth herein, to wit, from October, A. D. 1918, until January 11, 1919, by permission of the officers of Bingham, and by virtue of said license issued by said town, maintained a place in Bingham near where said Carr Fork branches off from the said main canyon aforesaid, and near the place where the said Eugene Chandler has his stand or place where he maintains his automobiles as aforesaid, and at the said point this defendant during said time received persons whom he carried for hire in said automobile over said highway to the Town of Phoenix and to said Highland Boy Mine, and also at said place in Bingham he has received persons that he has carried for hire in said automobile over said highway to the Town of Copperfield; and that he has likewise, during the said period received persons as passengers in the said Town of Phoenix, and at Highland Boy Mine and in the said Town of Copperfield, which he has carried as passengers for hire in said automobile over said highway aforesaid, and discharged the said persons as such passengers at the place in Bingham where he maintains said stand as aforesaid.

"25. That he has, during said period, and up to the time when he was restrained by order of said court, made from five to fifteen trips per week between the said place or stand in Bingham where he maintained his car as aforesaid, and the said Town of Copperfield, Phoenix and the said Highland Boy Mine aforesaid.

"26. That all of said persons so carried as set forth in paragraphs numbered 24 and 25, were carried at the request of the passengers, and upon no regular schedules, nor upon any regular rate of fare; that is to say, that whenever persons desiring to become passengers between said points as aforesaid, requested this defendant to transport them in said automobile and this defendant agreed to accept said persons as passengers then this defendant charged such sum from

such persons as he, defendant, thought the trips might be worth under varying conditions.

"27. That if said trips were made in stormy or inclement weather the charges would be more than if made in fair weather. That if one person desired to be conveyed in said automobile as aforesaid, that this defendant would charge the said person at least one dollar and possibly as much as two dollars to transport him to any of the said places, to wit, from the said place in Bingham to Copperfield, Phoenix, or Highland Boy Mine; and that if a number of persons applied at the same time, that he, this defendant, might make said persons a rate less than a dollar, according to the number desiring to be hauled as passengers as aforesaid."

Defendant relies upon Comp. Laws Utah, 1917, Sec. 4818, which, so far as material here, provides:

"No * * * automobile corporation * * * shall hence forth establish or begin the construction or operation of a * * * line, route, plant, or system, without having first obtained from the Commission a certificate that the present or future public convenience and necessity require or will require such construction; * * *."

Defendant insists that the provisions of the foregoing section apply only to those who intend to construct "a line, route, plant, or system," etc. The District Court held against the defendant's contention.

In passing on the question the District Court filed a written opinion of which we adopt the following and make it a part of this opinion, namely:

"It is contended by defendant that the omission to say 'operation of construction' at the close of the clause above, indicates, if taken in connection with the balance of the section, which relates to terms largely to 'construction,' that the section applies only to the 'construction' of automobile lines, and not to their 'operation,' and that the word 'operation' where used is superfluous to the substantial meaning of the section as a whole. It is, of course, elementary in statutory construction that a word may be disregarded or eliminated if its presence makes the clause in which it occurs un-

intelligible. Lewis' Sutherland on Statutory Construction (2nd. ed.) Vol. 2, Sec. 384. It is also true, however, that words may be supplied if necessary to give effect to the intention of the Legislature, if that intention be ascertained with reasonable certainty. Sec. 382 of the author just quoted. Reading the statute as a whole, and particularly reading Section 4818 with Section 4782, Subdivision 13, defining 'automobile corporation,' and bearing in mind that as a matter of common knowledge automobile carriers 'operate' without 'construction,' the Court concludes that the insertion of 'or operation' at the end of the clause above quoted from Section 4818, would more correctly give effect to the legislative intent, than the elimination of the words 'or operation' after the first word 'construction' in the same section. It seems to be the plain purpose of the statute as a whole to regulate all public utilities, including 'Automobile Corporations' (as therein defined) both as to 'construction' and 'operation.' To strike the phrase 'or operation' just referred to, would markedly restrict the power of the Commission respecting utilities in general. (And it is not to be inferred that all other utilities are to be controlled by the Commission, both with respect to 'operation' and 'construction' but that 'automobile corporations' are to be controlled merely with respect to 'construction'—an activity in which 'Automobile Corporations' almost never indulge. Such an interpretation of the statute would be unreasonable.)"

There are, however, other provisions of the Utilities Act which make it clearer still that the defendant's automobile is within the jurisdiction of the Commission. Comp. Laws Utah, 1917, Sec. 4782, subdvs. 6, 13, 14 and 28, which are a part of the original Utilities Act, read as follows:

"6. The term 'transportation of persons,' when used in this title, includes every service in connection with or incidental to the safety, comfort, or convenience of the person transported and the receipt, carriage, and delivery of such person and his baggage.

"13. The term 'automobile corporation,' when used in this title, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in, or transacting the business of transporting passengers or freight, merchandise or other property for compensation, by means

of automobiles or motor stages on public streets, roads or highways along established routes within this State.

"14. The term 'common carrier,' when used in this title, includes * * * automobile corporation; * * * and every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever engaged in the transportation of persons or property for public service, over regular routes between points within this State.

"28. The term 'public utility,' when used in this title, includes every * * * automobile corporation * * * where the service is performed for or the commodity delivered to the public or any portion thereof. The term 'public or any person thereof,' as herein used, means the public generally, or any limited portion of the public, including a person, private corporation, municipality, or other political subdivision of the State, to which the service is performed or to which the commodity is delivered, and whenever any * * * automobile corporation, * * * performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such * * * automobile corporation, * * * is hereby declared to be a public utility, subject to the jurisdiction and regulation of the Commission and the provisions of this title. * * *. Any corporation or person not being engaged in business exclusively as a 'public utility' as hereinbefore defined, shall be governed by the provisions of this title in respect only of the 'public utility' or 'public utilities' owned, controlled, operated, or managed by it or by him, and not in any respect of any other business or pursuit."

Section 4798 provides:

"The Commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in this State, as defined in this title, 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."

After considering all of the foregoing provisions together, as we must, there remains little if any room for controversy respecting the jurisdiction of the Commission over all public utilities or what, within the purview of the Act, constitutes a public utility.

Under the stipulated facts, therefore, the defendant and Eugene Chandler are each engaged in operating a public utility.

Defendant contends, however, that the Act applies and the jurisdiction of the Commission extend only to such utilities as are operated "on public streets, roads or highways along established routes as provided in the Act. He insists that the license he obtained from the Secretary of State under the general law and the one issued to him by the Town of Bingham Canyon give him ample authority to operate his automobile for hire over public streets and highways as it is stipulated he is doing. He insists that he is not operating his automobile on or along an established route nor over a regular route as contemplated by the Act. We remark that neither the license issued by the Secretary of State nor the one obtained from the Town of Bingham Canyon gives the defendant the right to operate a public utility nor affords him any protection if he is operating such utility contrary to the provisions of the Utilities Act. See Puget Sound T. L. & P. Co. v. Grassmeyer, 173 Pac. 504. The Commission has the exclusive jurisdiction over and power to regulate all public utilities defined in the Act. Whenever any person or corporation desires to operate a public utility within this State over a public street or highway, and over what is designated as an established route, he or it, before doing so, is required to obtain from the Commission what in the Act is called a certificate of convenience and necessity. Such a certificate is in the nature of a limited franchise and authorizes the grantee in the certificate to operate a utility over the designated routes and likewise protects him against interference by others unless authorized by the Commission. In City of Memphis v. Ryals, P. U. R. 1916A 825, 179 S. W. 631, L. R. A. 1916B 1151, in speaking of the power to regulate public utilities on public roads or highways, the court, in the course of the opinion, said: "It is too clear for extended discussion that it was competent for the legislature, under the police power, to regulate the use of streets and public places by jitney operators, who, as common carriers, have no vested right to use the same without complying with a requirement as to obtaining a permit or license. **The right to make such use**

is a franchise to be withheld or granted as the legislature may see fit." (Boldface letters ours.) As bearing upon the proposition just stated see also State v. Mayo, 106 Me. 62; Commonwealth v. Kingsbury, 199 Mass. 542; Pedition of Gray, P. U. R. 1916A 33. The granting of a certificate of convenience and necessity by the Commission to Chandler, therefore, was in the nature of a limited franchise which authorized him to operate his automobile stage line over the route designated in the certificate for the time and under the conditions therein specified. The certificate, therefore, not only confers authority to operate the stage line but it necessarily also affords him protection against anyone who unlawfully interferes with the right thereby conferred. If such is not the legal effect of the certificate, then the operation of utilities may easily become detrimental rather than beneficial to the public and thus result in a farce. To obviate such a result, is, in our judgment, clearly contemplated by the Act itself. Comp. Laws Utah, 1917, Sec. 4840, provides for actions for damages by all persons who may be injured in any respect by the acts or omissions of any public utility. This necessarily includes damages for the unlawful interference by one public utility with the rights and franchises of another public utility. That proposition is clearly illustrated in Puget Sound, Etc., Co. v. Grassmeyer, supra.

In addition to the foregoing, however, ample power is also conferred on the Commission to bring actions in the courts to enforce its orders and to punish violations of the Utilities Act.

There is, therfore, no doubt concerning the jurisdiction of the Commission over the defendant and over the business he is conducting, nor concerning the question that if he is unlawfully interfering with the rights granted to Eugene Chandler under the certificate of convenience and necessity issued by the Commission, that the court, upon the application of the Commission, if such interference be established, not only has the power to prevent such interference in injunctive relief, but, in such case, it would be its duty to do so. The question, therefore, is whether, under the issues presented by the pleadings, and in view of the stipulated facts, the defendant has unlawfully interfered or is so interfering with Chandler's rights under the certificate of convenience and necessity issued to him.

It will be observed that all that is complained of in the complaint is that the defendant is operating a stage line, that is, a public utility, over an established route without

having obtained permission to do so from the Commission as required by the Utilities Act. The defendant denies the charge and in his answer set forth in detail the nature or character of the business he is conducting which he contends is not interfering with any established route, etc. He, however, also insists that in view that he is not operating his automobile over a route established by himself and is not operating his car according to a fixed schedule and for a fixed charge for the service rendered, therefore his business is not subject to regulation by the Commission. The contention, in our judgment, is not tenable to the full extent claimed by defendant.

The test, where the Commission has jurisdiction over a particular utility, is not whether the party complained of, as here, is operating an automobile or stage line for hire over a route upon a schedule or at a fixed rate of fare for the services rendered, but the test is whether he is in fact operating a public utility over a material portion or the whole of an established route over which another has theretofore obtained from the Commission a certificate of convenience and necessity to operate a public utility. Much was said in the argument about what constitutes an established route within the purview of the Act and how and by whom such a route may be established. To our minds that question is not difficult of solution. In this case the route, within the purview of the Act, was manifestly established over the public highway between the points stated in the complaint and designated in the certificate of convenience and necessity issued to Chandler. No doubt the defendant is not operating his automobile over a route which was established upon his application as was the Chandler route, but that is not controlling. What he is charged with is that he is operating a public utility over a route established by the Commission upon the application or petition of Chandler and over which route Chandler has been granted a certificate of convenience and necessity to operate a public utility for the benefit of himself and the public. If, therefore, the defendant is operating his automobile over Chandler's route, or over a substantial part of it, in opposition to or in competition with Chandler, then, in our judgment, the defendant is doing so in violation of the Utilities Act. If he solicits passengers at or near the Chandler route from among those who but for his solicitations would use the utility operated by Chandler and transports them over the route designated in the certificate issued to Chandler, then he is doing so in violation of Chandler's rights granted to him by the cer-

tificate. If, however, as contended by his counsel, defendant is not soliciting passengers as before stated and is only transporting those who specially apply to him for transportation from points which have no connection with the points on the route operated by Chandler, of if he is hired by one or more persons to carry him or them from a point outside of Chandler's route to a point on Chandler's route for a price agreed upon betwen such persons and the defendant for the services rendered and the persons hiring his automobile may direct when and where it shall go, then he is not violating the provisions of the Utilities Act. In other words, if the defendant is merely carrying on a so-called hack or taxicab business upon request from those who may desire to be carried in a special conveyance which is under their direction and control for the time for which it is hired and at a price agreed upon for the services, then he is not operating on or over an established route within the purview of the Act and is not subject to regulation as though he were operating such a route. The proposition just stated is well illustrated in the case of Terminal Taxicab Co. v. District of Columbia, 241 U. S. 252, in which case, in the course of the opinion, it is said: "It may be assumed that a person taking a taxicab at the station (railroad station) would control the whole vehicle both as to contents, direction, and time of use, although not, so far as indicated, in such a sense as to make the driver of the machine his servant, according to familiar distinctions." It is accordingly held in that case that a vehicle which is hired as just stated does not come within the rule applicable to those vehicles which are operated over regular or established routes. To the same effect see also In re Ryder, P. U. R. 1916B, 1067. If, therefore, the defendant interferes with the established route by soliciting patronage as hereinbefore illustrated he may, nevertheless, be prohibited from so interfering. Such, it seems to us, is manifestly the purpose of the Act. If such is not the case, regulation will accomplish nothing and the public interest will not thereby be subserved. Whenever a route is established, the person or corporation to whom a certificate is granted must operate the vehicle used at the times, in the manner, and for the prices designated in the certificate. The utility must be operated in good and in bad weather, and, if so specified, both day and night. If, therefore, anyone who owns an automobile may compete with the one who has obtained a certificate by soliciting passengers who wish to pass over the established route, then he may do that only in fair weather and at such

hours or times when the travel is greatest and may thus make it impossible for the one having the certificate to successfully carry on the business because of lack of patronage and insufficient remuneration for conducting the business. Public convenience may thus not only be greatly affected, but might be entirely destroyed instead of being subserved. If the public is not properly served by the one having obtained a certificate over an established route, any one in interest may complain and the Commission has full power to compel obedience to any orders it may make with respect to the matter. Moreover, if the person operating the route fails to give adequate service, any person may apply to the Commission for a certificate to operate a utility over the same route upon such terms and conditions as may seem just and proper to the Commission under all the circumstances. While in this case we are not as well satisfied as we might be that the defendant is not, to some extent at least, interfering with Chandler's business, yet, in view of the stipulated facts upon which the District Court based its judgment, we cannot say that the interference is unlawful or is such as to authorize this Court to reverse the judgment or order what judgment should be entered different from the one that has been entered.

We have arrived at the foregoing conclusion with less reluctance for two reasons, (1) because the principal purpose of bringing this action was to obtain a construction of the Utilities Act for the purpose of determining the respective rights of the Commission and the holder of a certificate of convenience and necessity, and (2) for the reason that if Chandler's business is in fact unlawfully interfered with by the defendant, as stated by the Attorney General at the hearing, Chandler may, as before stated, institute an action on his own behalf and recover such damages as he may prove, or he may obtain such other relief as may be just and equitable in the premises. He, not being a part to this action, is not bound by the stipulation of facts in this case and hence may allege and prove the facts regarding defendant's operation of his automobile as they in fact exist if indeed they materially differ from the agreed statement in this case.

For the reasons stated the judgement is affirmed. Costs to the defendant.

We concur:

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IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH, IN AND FOR CARBON COUNTY

THE PUBLIC UTILITIES COMMISSION OF UTAH,
Plaintiff,
vs.
MARKO TRATONOUS,
Defendant.

ORAL DECISION OF THE COURT

August 28th, 1919.

THE COURT: In the case of the Public Utilities Commission of Utah: This matter has been duly heard and evidence for the respective parties introduced, arguments of counsel being made before the Court and the matter taken under advisement until this hour.

The Court now being advised, renders the following decision:

The Court finds that Joshua Greenwood, Warren Stoutnour and Henry H. Blood are the duly appointed, acting and qualified Public Utilities Commission of the State of Utah, and have brought this action on behalf of the State of Utah.

The Court finds that on August 12th, 1918, there was a petition filed by J. T. Johnson, W. A. Ingle, W. J. Bell, and James C. Huey with the Public Utilities Commission of Utah, for leave to consolidate the Arrow Stage Line and the Blackhawk Hiawatha Stage Line, operating between Price and Sunnyside and Price and Hiawatha, in Carbon County, State of Utah, and after a public hearing duly had thereon, and on August 16th, 1918, an order was made by the said Public Utilities Commission of Utah granting a consolidation of the said two stage lines, and granting to them a certificate of necessity and convenience to operate automobile stage lines between Price and Sunnyside and between Price and Hiawatha, in Carbon County, State of Utah.

The Court finds that the defendant, Marko Tratonous, has not been granted a certificate of necessity and convenience by the said Public Utilities Commission to operate an automobile stage line carrying passengers between the points mentioned in the said Order of Convenience and Necessity granted to the two stage lines that were permitted to be consolidated.

The Court finds from the preponderance of the evidence, that the defendant, in disregard of the order so made by the Public Utilities Commission, and in violation of the certificate of necessity and convenience, granted to said two consolidated stage lines, as hereinbefore found, has solicited and carried passengers for hire over the route from Sunnyside to Price in competition with the said two consolidated stage lines.

The Court finds that on August-June 20th, 1919, an order to show cause—this was June 19, instead of June 20th, as stated by counsel, June 19th, an order to show cause on the part of the defendant was issued, why he should not be restrained from operating the automobile stage line for the purpose of carrying passengers over this line between Price and Sunnyside and Price and Hiawatha, and was duly made by this Court and made returnable June 25th.

And the Court further finds that the defendant, since the service of the order, which was made on the 19th day of June, 1919, has solicited passengers in competition with the said two consolidated stage lines, or Arrow Stage Line the Blackhawk Hiawatha Stage Line; and the Court finds from the preponderance of the evidence that the defendant since that date, or by his actions since that date, June 19th, 1919, has violated the order of the Commission, as before stated, and also the Order of this Court and is in contempt of this Court for such action.

The Court finds by the preponderance of the evidence that it is not shown that the defendant has violated the order of the Public Utilities Commission, as hereinbefore referred to, nor the order of this Court with reference to operating upon the route from Price to Hiawatha. There is some evidence to that end, but the Court does not find the preponderance of the evidence establishes that fact.

The Court finds that the act which the Court has found to be a violation of the Order of the Commission, and the Order of this Court, consists in the defendant soliciting passengers at or near the station of the said stage lines, both in Price and in Sunnyside, and in calling out the route, by honking his horn and otherwise calling attention of the general public that he is operating a car between these points and over that route.

The Court finds that there is only one town on the road from Sunnyside, in Carbon County, that can be reached by automobile, to-wit: the town of Wallington, without traversing the entire route between Price and Sunnyside, the result being that in the taking of passengers from Sunnyside to Price or Price to Sunnyside, it is impossible to avoid,

on the part of the defendant, traversing practically the entire route set forth in the Order of the Public Utilities Commission, in granting the certificate of necessity and convenience to the two stage lines.

The judgment of the Court therefore is: That the said defendant be, and he is hereby, perpetually enjoined and restrained from operating an automobile stage line, or from soliciting and carrying passengers for hire in competition with the said two stage lines, consolidated, over the route between Price and Sunnyside and over the route between Price and Hiawatha, in Carbon County, Utah, described in the said order of the Public Utilities Commission, the order being granted on August 16th, 1918, and referred to in the complaint in this case; and also that the defendant is in contempt of this Court.

This being the first offense charged against this defendant, and being the first offense charged and proven against him, I think, any defendant under this class of cases, in Carbon County, the Court feels constrained to exercise a great degree of leniency and particularly as there may be some question as to whether or not a full understanding of the obligations that the Order of the Commission imposed upon all parties concerned, was had on the part of the defendant.

The Judgment of the Court is that the defendant pay a fine in the sum of $50.00. The Court will, in this connection, call particular attention to the fact that this, in the Judgment of the Court, is exercising great leniency towards the defendant, and should, after this thorough discussion and trial of this case, such a violation be proven on the part of this defendant, or any other of the defendants, notice may be now taken that the Court will impose a very much more severe penalty for any such infraction.

Now the record may further show the view of the Court in this matter, and this is aside from the Judgment, but as counsel have particularly asked that the Court's views might be ascertained upon this question, the Court is not averse to stating in this connection what, in his judgment, would be keeping within the law, or within the order of the Commission.

It is perhaps in this particular situation and unusual location, as the Court has called attention to the fact that in order to pass from Sunnyside to any of the other towns in this County, with the exception of one, so far as the evidence appears, and so far as the knowledge of the Court extends,—I think there was some testimony adduced that referred to some small camp that might be reached aside

from Wellington directly from Sunnyside, otherwise the road leads through Price, which makes this a more difficult case than had the operations extended through some other point in the country.

Now under the Statutes, establishing the Public Utilities Commission, and defining their powers, this Court has already had occasion to pass upon the constitutionality, holding that the Statute is constitutional, and that the Utilities Commission has the power to regulate all public utilities of the State, and that such operations, as those proven in this case on the part of the defendant, brings him within that contemplation and makes his car and his operations those of a public utility; and whenever a certificate of convenience and necessity is issued to any applicant by said State Utility Commission, that, in the judgment of the Court, is a prohibition against the operations of any parties as a public utility as as public utilities, in competition with the parties operating under such certificate of necessity and convenience.

In the Judgment of the Court, it would appear that that, however, does not interfere with the operations of a person owning or operating an automobile over roads or lines that are not so designated as roads under a certificate of necessity and convenience; that where there is not such certificate granted, there of course is no restriction upon the operation of other public utilities, so that perhaps that is as far as the Court need to speak upon that phase of it.

Now where it is necessary to operate a public utility over a part or a whole of the routes that have been so designated and certificates granted to other parties, it appears to the Court that all such operation must be conducted in this wise; that is to say, that the operator of the public utility, not so certificated, must not solicit passengers, must carry only passengers as request him to hire his car. I think the operator may safely place upon his car the designation "for hire," and I think he may place his car upon the public highway.

The Court, however, in this connection, will call attention to the fact that it must not be in competition with a line which is or has already obtained a certificate of convenience and necessity.

MR. PRICE: Will Your Honor, in that connection, define what is meant by "competition"?

THE COURT: Yes, I will do it before I close the opin-

ion. The operations must not be upon any schedule of time, or price, or routes, but must be more in the nature of a general "taxi cab" operation; that is, the car "for hire." Whenever there is a special route or schedule of price or time, that would bring it in competition with the stage lines already operated.

And the Court might further say in answer to counsel's request to define what competition is, that the soliciting of passengers or patronage, that the advertising of carrying passengers over a particular route, and as I have already stated, the matter of having schedules of time or rate, would all indicate a competition with an existing line having a certificate of necessity and convenience, and would be in violation of the order of the Commission; in other words, that the operation should be wholly independent, and such operations as would be limited as where there is in this particular case only the one road, should be limited to such cases as, for some reasons unforeseen or otherwise necessitated the trip being made out of the schedule of time. Counsel have already cited a number of examples, and they might occur frequently, and this, the Court does not feel to say that a compliance with the request under those conditions, would be a violation of the law.

MR. PRICE: I didn't get the latter part of that.

THE COURT: The Court doesn't feel to say that a compliance with a request on the part of any person, under those conditions, would be a violation of the law. For instance, a party may be in Sunnyside, and for some reason unable to avail himself of the stage convenience, and may have to hire a car in order to get to his desired location, and the person owning the car may safely let his car be of service to him.

MR. PRICE: I would like to ask this question: Sunnyside is the extreme termini of this road, and a person living there and owning a car, do I understand Your Honor to say and hold that he could not hire his car out under those special conditions stated by Your Honor, and bring passengers down to Price?

THE COURT: You mean except—

MR. PRICE: Under the conditions that you stated, that this was the only road leading to Sunnyside, is Sunnyside or are the people living there in Sunnyside, not per-

mitted to own a car and to hire it out, because it has to go over this entire route?

THE COURT: The Court simply called attention to the fact that this made it a more difficult matter of operation; that is, that the question of competition might more easily arise on this road for that very reason, than were the operations over some other point. The termini on this route are Price and Sunnyside, and therefore, you start from a point within the route.

MR. PRICE: Yes, we have to of necessity.

THE COURT: And I call attention to the fact that the question of competition might more easily arise under such a condition, than over any other point.

MR. PRICE: Now, suppose that a condition arose where the stage had left, and the people wanted to come down to Price, would it be in violation of your Honor's ruling, if they—

THE COURT: I think I just stated that where it was found necessary to go at other times, or where it was found inconvenient or impossible, as very often it might be, to avail himself of the stage schedule, that it would not be a violation, in the judgment of the Court, to hire a car.

MR. PRICE: So that if the defendant lives up there, and conditions, which you stated, might arise, and he should be employed by patrons up there, who would be unable to leave on the schedule time, and he didn't leave on the schedule, and did not solicit the patronage, he might drive them down here, and he would not be in violation of the order of the Court.

THE COURT: In order to make the question clear, as to competition on this particular route, the Court might further say that it might be that that operation so continue and become so frequent as to be competition, I think it should be limited to reasonable cases, where the operations of the stage could not be obtained. Probably this will answer the inquiry, and show the attitude of the Court on this matter; I think the great question is the convenience of the public. It goes without saying, that a well regulated and well conducted stage line is for the convenience of the public. It is also a convenience for the public that

they shall not be absolutely dependent upon the stage line, so that if a person should perchance miss the stage, he would not be compelled to lose a day or a half a day, or be compelled to remain away from home over night, because he would not be permitted to hire a car. The law should not be so rigidly construed and enforced, but what such exceptions might be provided for. These lines should be left without competition, until some one else shall be given a right to operate under similar conditions; if the business is more than they can take care of, an application may be made to the Public Utilities Commission for an additional certificate of necessity and convenience.

This is aside from the judgment, but may be entered upon the records and will, perhaps, be a guide to what the judgment of the Court might be in the future, upon these matters.

MR. DALBY: Will your Honor also indicate what the Court's attitude may be as to the relationship between the one who hires a car and the owner of a car, that is to say: Suppose I hire this defendant to transport me to some point, what is my relation to him after that time as to the control of the car?

THE COURT: I deem that that is a matter of contract between the owner or operator of the car and the person who hires the same. Now it would appear to the Court that the car would be subject to the direction of the person hiring the car, and that the driver, whether the owner or the operator of the car, would be subject to his directions.

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH, IN AND FOR CARBON COUNTY.

PUBLIC UTILITIES COMMISSION OF UTAH,
Plaintiff,
vs.
THOROS BAKAKIS,
Defendant.
August 29, 1919.

ORAL DECISION

THE COURT: The Court has carefully followed the evidence in this case, and also counsel's brief argument at the conclusion of the testimony. There is some difference, in the Court's judgment, between the two cases just tried, particularly in the matter of violating the Order of the Court, the temporary Restraining Order made about June 19th, and served on the defendant June 20th of this year.

Several of the witnesses, of course, testify in a general way that they have heard the witness last on the stand, the defendant, honk his horn, and they have heard him call out in Price "Sunnyside," and in Sunnyside "Price." I think three specific instances were cited where it was contended that he had actually solicited patronage. An explanation is attempted with one of these by the defendant, and I think one of them is explained by the plaintiff.

It appears to the Court by a preponderance of the evidence that the defendant has been guilty of conducting a public utility in competition with the stage line that has been granted a certificate of necessity and convenience by the Public Utilities Commission, and the preponderance of the evidence indicates that has done since the restraining order of this court was issued, but there is also considerable evidence to the effect that there has been a change in the conduct of this man's business with the public utility since that date.

Some of the witnesses say they haven't heard him since that time do any of these things, and others are not sure about it, and they would not say that it has been since June 20th, and three or four specific instances are cited and shown by the evidence where it appears that the defendant did not solicit, but that the witnesses or the persons who

became passengers of the defendant requested it, so that the Court feels there is a considerable difference betweeen the actions of this defendant since June 20th, and the defendant in the former case, the Utilities Commission vs. Marko Tratonous.

The Court, of course, finds that the State Utilities Commission is constitutionally organized, and has the power and authority under the statutes to control public utilities.

Finds that the defendant is operating a public utility.

The judgment of the Court is that the temporary Restraining Order be made permanent against the defendant, and that the defendant has violated the Court's Order and is in contempt of court, but for the reasons mentioned and because it appears to the Court from the evidence that the defendant has made some attempt to comply with the order of the Court, the Court will not impose any penalty at this time. The Court might include the same statement in this judgment as in the former, that he is inclined in the first cases to a degree of leniency, and that he takes that view in the case of this defendant. The Court has already in the former statement expressed his view which I take it, will apply to all of the cases of a similar character at this time.

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