REPORT

OF THE

PUBLIC UTILITIES

COMMISSION

OF UTAH

For the Year Ended

November 30, 1920

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

CONTENTS

To His Excellency, Charles R. Mabey, 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 report covering the period January 1, 1920, to November 30, 1920.

RAILROADS SUBJECT TO THE JURISDICTION OF THE COMMISSION

The following railroads which do not appear in the lists of railroads under the jurisdiction of the Commission in 1917 and 1918, were, during the year 1920, found to be common carriers and subject to the jurisdiction of the Commission:

Goshen Valley Railroad Company
Eureka Hill Railway Company.

FEDERAL CONTROL AND OPERATION OF RAILROADS

The control and operation of steam railroads, mentioned in former reports, was terminated by Act of Congress on March 20, 1920, when the carriers were returned to their owners, with the provisions in the Act, that no increase might be made in any rate, fare or charge, without first securing authority from the proper State and National regulatory body, and that no rates might be reduced prior to September 1, 1920, without special authority from the Interstate Commerce Commission. This in effect legalized all rates, fares and charges existing March 20, 1920, until September 1, 1920.

COURT PROCEEDINGS

During the year 1920, decisions affecting the Commission were rendered by the Supreme Court of Utah in the following cases:

Union Portland Cement Company,
vs.
Public Utilities Commission of Utah.

Ogden Portland Cement Company,
vs.
Public Utilities Commission of Utah.

Murray City,
vs.
The Utah Light & Traction Company, and

the Utah Power & Light Co.

Copies of these decisions will be found under Appendix III.

PERSONNEL

During the year 1920, the Commission received the resignation of Mr. F. M. Abbott, Special Investigator, and Mr. L. P. Hockett, Accountant.

STATISTICS

The following is a summary of matters before the Commission during the period covered by this report:

	Filed	Closed	Pending
Formal Cases	121	85	36

At the beginning of the period, there were twenty-five formal cases pending, one from the year 1918 and twenty-four from the year 1919. Six cases were reopened in 1920. The pending case in 1918 has been clased, and sixteen of the 1919 cases were closed, leaving eight still pending. All formal cases reported pending in 1917 and 1918 have now been closed.

	Filed	Closed	Pending
Informal Cases	101	89	12

In addition to the above, there were eleven informal cases pending at the beginning of the period covered by this report, five from 1918 and six from 1919. Two of the 1918 pending cases were closed in 1920 and four of the 1919 pend-

ing cases were closed, leaving five cases pending November 30, 1920, three from the 1918 report and two from the 1919 report.

	Issued
Ex-Parte Orders	98
Special Dockets—Reparation	8
Certificates of Convenience and Necessity	29
Grade Crossing Permits	11
Clearance Permits	1
Investigation and Suspension Dockets	8
A classification of these cases shows the following:	
Steam Railroads	116
Electric Railroads	33
Steam and Electric Railroads	21
Street Railroads	12
Electric Companies	44
Water Companies	2
Telephone Companies	32
Telegraph Companies	4
Automobile Companies	94
Pullman	1
Express Companies	5
Gas Companies	12
Total	376

FINANCIAL

The following statement will show the condition of the finances of the Commission as of November 30, 1920:

Receipts:

Balance on Hand January 1, 1920	$30,961.98	
Receipts from Sale of Transcripts of Evidence, copies of Orders, etc.	2,140.70	
		$33,102.68

Disbursements:

Salaries	$22,759.17	
Traveling Expenses	827.76	
Office Furniture and Fixtures	216.59	
Books and Publications	204.01	
Stationery and Printing	486.01	
Postage	106.28	
Miscellaneous	512.24	
Apparatus	.90	
Total Disbursements	$25,112.96	
Unexpended Balance, Nov. 30, 1920	7,989.72	
		$33,102.68

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

CASE No. 30

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

Decided January 23, 1920.

REPORT OF THE COMMISSION

By the Commission:

In a complaint filed with the Public Utilities Commission of Utah, April 4, 1918, the Layton Sugar Company and lime rock from Flux, Utah, located on the Western Pacific Railroad, to Utah points located on the Denver & Rio Grande, Los Angeles & Salt Lake, and Oregon Short Line Railroads, are unjust, unreasonable and unduly prejudicial, and in violation of the Public Utilities Act of Utah.

The case was docketed for hearing, June 4, 1918, and later postponed without date, the Federal Government having assumed control of all railroads involved.

Conditions governing all classes of transportation have materially changed since the complaint was filed, and it appears that the same should be dismissed without prejudice. Complainants have consented to such action. 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 23rd day of January, A. D. 1920.

CASE No. 30

LAYTON SUGAR COMPANY, et al.,
Complainants,

vs.

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

This case being at issue upon complaint and answers 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 complaint herein be, and it is hereby, dismissed without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 44

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

Submitted July 1, 1919. **Decided January 15, 1920.**

John F. MacLane for Utah Light & Traction Co.
W. H. Folland for Salt Lake City.
Walton & Walton for E. A. Walton.

REPORT OF THE COMMISSION

By the Commission:

The Commission having heretofore, on August 9, 1918, filed a report of the above entitled action, and having, on the same date, issued an order requiring the petitioner to make a physical valuation of its properties, and to file a report thereon, and the petitioner having complied with the said order by the filing of its report of physical valuation of all its properties, used and useful in the giving of traction service, under date of March 18, 1919, and hearings on said report having been thereafter conducted and concluded on May 24, 1919, and said cause having been taken under advisement, the Commission now makes the following report and findings:

The Utah Light & Traction Company, a corporation organized and existing under the laws of the State of Utah, with its principal place of business in Salt Lake City, Utah, has been before the Commission with petitions for rate increases on two occasions, and decisions have been rendered in which certain increases in rates were granted, Case No. 6 having been decided December 29, 1917, and the instant case (No. 44) having been decided, as to rates, August 9, 1918.

The Commission felt, during its consideration of these cases, the necessity of having accurate information as to the fair value for rate making purposes of the property used and useful in the giving of traction service to the public. No attempt, however, was made during either of the rate

hearings to secure a complete valuation, although certain data was submitted in Case No. 6, which purported to be a statement of the physical cost of the property of the Company.

At the time of rendering the decision as to rates, in the instant case, the Commission ordered a physical valuation of the properties of the Company, and granted four months from the effective date of the order, (August 15, 1918) during which time the Company should prepare and submit its report on said valuation. Various orders extending the time within which the valuation report should be filed were entered, and finally, on March 18, 1919, a report in the form of four volumes, prepared by the Company's valuation engineer, Mr. V. Y. Davoud, was filed with the Commission.

On April 11, 1919, an order was entered by the Commission fixing the hearing on the valuation on May 13, 1919. The hearing was held and the inventory was examined in detail. Cross examination was had by both the Commission and protestants. Further evidence was introduced in support of the valuation, briefs were filed, and the case was submitted.

HISTORICAL

The following brief history of the street railway system in Salt Lake City, appears in Petitioner's Exhibit No. 1, Case No. 6:

> "On January 29, 1872, the Salt Lake City Railroad Company was organized for the purpose of constructing, maintaining and operating a horse car street railway system upon the streets of Salt Lake City, under a twenty-one year franchise granted by Salt Lake City, April 26, 1872, actual operation being started June 25, 1872. This company continued the operation of the horse car system until the year 1889, when it had completed and in operation a total of 14 miles of single track, operating a total of 21 regular cars.
>
> "On November 30, 1889, the company was reorganized for the purpose of rebuilding and electrifying the system, a new twenty-five year franchise being granted by Salt Lake City.
>
> "During the year 1890 the Salt Lake Rapid Transit Company entered the field under a twenty year franchise granted by Salt Lake City, in competition with the operating company.

"The two companies continued to operate until August 1, 1901, when their interests were consolidated with those of the Utah Power Company, forming the Consolidated Railway and Power Company. At this time the Salt Lake City Railroad Company had completed and in operation a total of 47.50 miles of single track, and the Salt Lake Rapid Transit Company a total of 21.91 miles of single track.

"The Consolidated Railway and Power Company continued the operation of the Railroad System until December 31, 1903, when the interests of that company were consolidated with those of the Utah Light and Power Company, which owned, controlled and operated the electric light, power and gas systems in Salt Lake City and Ogden, forming the Utah Light & Railway Company.

"The owners of the new Company continued the operation of the Railway System in connection with the light, power and gas systems until August 31, 1914. In 1907 a complete reconstruction of the properties was commenced and upwards of $4,643,447 was expended in improvements, additions and extensions to the Railway System alone, up to December 31, 1914.

"On August 31, 1914, the interests of the Utah Light and Railway Company were taken over by the Utah Light and Traction Company, and the Railway System was segregated from the Power System and operated independently after December 31, 1914."

At present there are in the system 146.11 miles of single track, exclusive of tracks in carbarns and shops, but including layouts, curves, crossings, cross-overs and turnouts. It consists of urban, suburban and interurban lines. Suburban and interurban lines run southeast to Holliday, a distance of 4.1 miles from Salt Lake City limits, south to Murray, Midvale and Sandy, a total distance of 9.3 miles from Salt Lake City limits, and north to Bountiful and Centerville, a distance of 9 miles from the Salt Lake City limits.

VALUE FOR RATE-MAKING

The question to be determined by this Commission is: What is the fair valuation for rate-making purposes of the traction property of the Company, used and useful in the rendering of transportation service to the public?

The Pennsylvania Supreme Court in the case of Ben Anon vs. Ohio Water Company, (P. U. R. 1918-D, at page 63) says:

"The ascertainment of the fair value of the property for rate-making purposes is not a matter of formulas, but it is a matter which calls for the exercise of a sound and reasonable judment upon a proper consideration of all relevant facts. The Commission is not bound to adopt any one method to the exclusion of all others. It may take into consideration various methods, and use its judgment as to the extent to which either shall be employed."

The Supreme Court of the United States, in Smyth vs. Ames, reported in 169 U. S., 466, (42 L Ed 819), says as to arriving at a fair value for rate-making purposes:

"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 employes 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. 1916-A, 18.

"In San Diego Land & Town Co. v. National City 174 U. S. 757, 43 L. ed. 1161, 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.' "

METHOD OF VALUATION

When a property has been constructed by successive corporations, at intervals extending over a considerable

period of time, it is difficult to ascertain from the corporation records the actual cost, for the reason that construction accounts were not usually kept according to standard classifications. Furthermore, at this late date, if actual costs were available, it would be impossible, without a check of the physical property, to say that the money represented in the accounts had been wisely spent, and that no extravagance or waste had entered into the construction. The Commission has, therefore, approved "reproduction cost new" as a method of valuation to be given consideration. This is in line with the general practice of other commissions, and of the Interstate Commerce Commission in valuation proceedings.

Reproduction cost, as used in this case, means the amount of cash or its equivalent that would be necessarily expended to acquire the right of way and the real estate used and useful, (not, however, exceeding the fair value of similar near-by real estate) and of reproducing the other physical property of the utility, used and useful, in the condition in which it existed when first put into the service of the public.

Actual costs, where available, and shown to be reasonable, are used in reproduction cost computations. To these structural costs are added certain overhead sums, not inhering in the said costs, for engineering, actual cost of acquiring franchises, administration and legal expenses, interest during construction, and other items which are necessarily incurred in the construction of a property of this character.

In line with this method, the physical inventory of the Company has been prepared and submitted. This inventory and all the records submitted and pertaining thereto, both financial and otherwise, have been examined and checked by the engineering staff of the Commission, while the statisticians of the Commission have thoroughly investigated the records of the Company. Both matters have required a large amount of time and labor.

The inventory of physical property submitted by the Company purports to set forth the cost of reproduction new, including engineering, costs, under conditions prevailing during the construction period and prior to April 6, 1917, and herein called "Normal Cost New." To the total "Normal Cost New" are added further amounts which, it is claimed, should accrue to the property value as above determined, as working capital, development cost, cost of acquiring money, cost of promotion, and other costs making up over-

heads, which, it is claimed, would be incurred in the reproduction of this property.

The Company also presented an inventory showing the purported cost new of reproducing the property at prices prevailing June 30, 1918. The Commission is of the opinion that only the "Normal Cost New" of the property as set forth by the Company should be given consideration in this proceeding. Whether or or not the property of the Company has permanently enhanced in value on account of conditions brought about by the Great World War can only be determined after a lapse of time, and, therefore, cannot be intelligently passed upon now by this Commission.

LEASED PROPERTY

Certain items of physical property which the Company has included in its physical inventory as being used and useful for traction purposes are included in the terms of a lease dated January 2, 1915, whereby this property is leased by the Company to the Utah Power & Light Company, which latter Company is sole owner of the stock of the Traction Company. By the terms of this lease, the expenses of maintenance, depreciation, taxes and assessments on the leased property are to be borne by the Utah Power & Light Company, and on certain of these leased items which are used in transportation service the Traction Company pays a rental to the Power Company. Objection was made by the protestants to the inclusion of this leased property in this inventory.

In Case No. 6 the Commission held that the person who uses light and power cannot be required to pay any part of the cost of transportation service. Clearly, there is no justice in compelling a light or power consumer to assume burdens which arise solely from street car operation, and for which the car rider alone is responsible. On the other hand, the car rider must not be called upon to assume burdens which arise from light and power operation. In line with this policy, leased property, wherever it is proven to be used and useful for traction purposes, has been included in this inventory. The Traction Company will keep a separate account of the rentals accruing to the Power & Light Company under the terms of this lease, pending further analysis and investigation of these accounts by the Commission.

GRADING, Account No. 504.

The Company submitted figures in the sum of $398,306.53 to cover the reproduction cost of grading, Account

No. 504. An analysis of this account by the Commission discloses that a portion of this sum represents the cost of grading, which was later duplicated, due to civic improvement, such as paving. The Commission finds that in a consideration of reproduction cost, duplicated expenses of this character should be considered under the head of "Developmental Cost." The sum found by the Commission as resulting from this duplication of work is $57,658.80. It is, therefore, deducted from grading, Account No. 504, and has been given consideration under the heading, "Developmental Cost."

MISCELLANEOUS PHYSICAL PROPERTY

The item of "Miscellaneous Physical Property," Account 404, has been omitted in its entirety from the inventory, it having developed at the hearing that the only piece of property used or useful for traction purposes included in this account has been sold subsequent to the taking of the inventory.

TRANSMISSION SYSTEM

The item "Transmission System," Acount 544, has been given special consideration, for the reason that it is property used by the Power Company exclusively to serve the Traction Company. The contract for power between these two companies, dated January 2, 1915, modified March 2, 1916, names the West Temple Substation as the point of delivery of power. This transmission system is, therefore, omitted from the inventory, pending an investigation and analysis of power costs to the Traction Company, as set forth in a certain special contract between the parties.

FIELD OVERHEADS

Both quantities and unit costs covering specific construction items, as presented to the Commission by the valuation engineer of the Company, have been carefully checked by the Commission's engineering staff, and careful studies have been made of certain items which were added by the Company to its unit costs in percentage form and which were deemed applicable to various items. These additions include breakage, loss and waste, supply expense on material, tool expenses, liability insurance, construction superintendence, contingencies and ommissions.

Certain reductions have been made in these percentages where they were deemed excessive by the Commission.

Percentages added for breakage, loss and waste on large items, such as rails and poles, have been materially reduced.

In Volume 2, Page 6, of the inventory, it is stated by the applicant:

> "The item 'Contingencies' covers those things which cannot be foreseen in estimating work and which are not apparent in an inspection of finished work but which are always very real items in any construction job. They appear in disasters; corrections of mistakes; delays due to labor troubles; sometimes entire change of plans; non-delivery of material; over-time on rush jobs; expressage on some shipments, and other causes."

To certain of the known costs applicant has added an item of contingencies, as above defined. Where these known costs are found to be reasonable, no allowance has been made by this Commission for this item, for the reason that whatever delays, disasters, corrections of mistakes, change of plans, over-time, etc., actually did occur are already included. Where manufacturers' costs have been used, it is held by the Commission that contingencies were undoubtedly included in this cost. This applies to such items as known costs of passenger cars, electric equipment of cars, and certain items of sub-station equipment. Reductions have been made in certain other items of the inventory, where it has seemed proper to allow part but not all that was claimed as "Contingencies."

As regards omissions, the Commission realizes that it is impossible to make a perfect count of property; but it is not in sympathy with the theory that in taking inventory the person who counts a series of articles invariably counts short of the number that he sees. The Commission feels that an over-count is equally likely to occur. Therefore, no allowance for omissions on this theory will be made.

An allowance has been made to cover hidden and concealed work, for the reason that changes and extensions are very often made during the actual construction of the work, which by their nature are inaccessible and for which no corrected records are available.

Study and analysis of unit costs applied to concreted poles and track bonding have warranted certain reductions, which have been made.

With the various corrections hereinbefore mentioned, the items of specific construction cost of the traction property, as found by this Commission, are as follows:

Account Way and Structures	Applicant's Valuation	Valuation as Found by Commission
Right of Way	$ 1,783.20	$ 1,783.20
Other Land, Used in Traction Operations	201,351.00	201,351.00
Grading	398,306.53	340,647.73
Ballast	41,556.84	40,711.70
Ties	312,553.85	312,553.85
Rails, Rail Fastenings and Joints	878,430.26	867,071.82
Special Work	258,506.48	258,506.48
Track and Roadway Labor	518,030.18	518,030.18
Paving	1,690,401.33	1,690,401.33
Roadway Machinery and Tools	11,103.73	11,103.73
Bridges, Trestles and Culverts	58,558.48	58,558.48
Crossings, Fences and Signs	4,177.48	4,177.48
Signals and Interlocking Apparatus	3,161.02	3,161.02
Poles and Fixtures	151,927.69	142,628.41
Underground Conduits	56,929.65	22,575.01
Distribution System	371,599.09	363,338.00
General Office Buildings	17,745.77	17,745.77
Shops and Car Barns	421,674.60	421,674.60
Miscellaneous Buildings and Structures	9,780.14	9,774.78
Miscellaneous Physical Property—Land and Buildings	148,230.00	.....
	$5,555,807.32	$5,285,794.57
Engineering	277,790.35	257,862.59
Total	$5,833,597.67	$5,543,657.16

Account Way of Structures	Applicant's Valuation	Valuation as Found by Commission
Equipment:		
Passenger Cars	$ 649,820.24	$ 649,006.43
Service Equipment	51,950.11	51,950.11
Electric Equipment of Cars	370,998.64	360,805.42
Locomotives	21,216.65	21,216.65
Shop Equipment	71,183.72	71,183.72
Furniture	9,682.91	9,587.04
Miscellaneous Equipment	3,836.06	3,836.06
	$1,178,688.33	$1,167,585.43
Engineering	35,031.80	34,701.59
Total	$1,213,720.13	$1,202,287.02
Power:		
Substation Buildings	$ 36,785.87	$ 36,785.87
Substation Equipment	188,820.91	187,572.60
Transmission System	48,979.49	.....
Total	$ 274,586.27	$ 224,358.47
Engineering	13,729.31	11,217.92
Total	$ 288,315.58	$ 235,576.39
	$7,335,633.38	$6,981,520.57

OTHER ELEMENTS OF COST

It is recognized by all familiar with the construction of properties of this character that an organization would have been necessary to administer, direct and finance the work as it progressed. This would have required the expenditure of money for administration, legal and engineering expenses, interest during construction and other items of like character.

The Company has arrived at the sum of these expenses by the addition of certain percentages to cost items, but has submitted no evidence of direct cost. The Commission has made an investigation and an analysis of the several accounts and has made reductions in certain of them where they have appeared to be excessive.

ADMINISTRATION AND LEGAL

Evidence was submitted to show expenses that would be incurred for administration and legal service. The valuation engineer testified as to salaries paid for this line of work. It is the opinion of the Commission, after investigation, that the cost of an organization to carry forward the construction program within the allotted construction period would closely approximate the total asked.

INTEREST DURING CONSTRUCTION

It must be granted that interest accrued on the money used in the construction of the various elements of this property during the time of construction and before the operation of the property. This assumption is based on the known and necessary facts and conditions surrounding the construction of a property of this character. It is assumed that the money must be on hand before it is required to be spent and that interest accrued at the going rate for money in this community at the time of construction.

All things considered, the Commission finds a construction period of a year and a half is reasonable. It assumes the property was put in operation at the end of the construction period. It appears reasonable to the Commission that passenger cars would not arrive until near the end of the construction period, and that substation equipment would not be brought upon the ground until the buildings in which it was to be housed, were completed. In line with this, interest has been allowed on real estate and right-of-way for the full construction period, on the balance of way and structures for one-half of the constructionn period, while six months' interest allowance is apportioned on passenger cars, electric equipment of passenger cars and furniture, and nine months' interest on the balance of equipment and on substation buildings and equipment.

It would appear that a financially sound concern, such as it is fair to assume in this case, could procure money in such volume as would be required to finance the project at not to exceed six per cent, and that rate is, therefore, allowed in place of seven per cent asked by the Company. Provision is made elsewhere for cost of acquiring money.

TAXES DURING CONSTRUCTION

The Company claimed $31,435.15 as taxes accruing during the construction of the property. No direct evidence was produced in support of this item. The Company admits

that the item of $8,452.01, which forms part of the total claimed, was calculated as a tax on paving during the construction period, and should be disallowed. This reduces the amount claimed to $22,983.14.

There can be no question but what taxes would accrue on land during the entire construction period. This would represent a total of $2,031.34.

Theoretically, with an assumed construction period of eighteen months, taxes would accrue on some portions of the property during construction, but under the system of assessment and collection of taxes in Utah it is difficult, if not impossible, to determine accurately what, if any, amount should be allowed as a capital charge. It is, in fact, quite certain that no money would actually be paid out of the treasury of the Company for taxes on any part of its physical property except its real estate, during the assumed construction period.

If we say that the construction began April 1, there would be no assessment made until the January following, and on the property then assessed no taxes would be paid until November or December of that year, while the construction of the property would have been, in the meantime, completed October 1, and at that time would have been put in operation.

The Supreme Court of the United States, in the case of the Des Moines Gas Company, quoted by the Company in its brief, page 35, approves the report of the Master, which says in regard to taxes during construction:

> "The matter is regarded by me as very questionable. It is in a certain sense making taxes an asset instead of a liability, and the amount is so vague and uncertain that it has been given very little consideration and weight in fixing the overhead charges. Either the money or the property should pay taxes."

It would seem proper, therefore, to allow under this head only the amount accruing on real estate, which, as stated, is $2,031.34.

COST OF FORMING CONSTRUCTION ORGANIZATION

The Company has included in its inventory the sum of $60,708.39 as cost of forming construction organization, which purports to cover employment of labor and labor supervising force, on the ground that a large construction job requires maintenance of an employment bureau for the

purpose of adding to or keeping at full strength the construction force.

This cost is arrived at by the use of percentages, and the Company admits the item is not supported by actual cost records. In contract work the contractor's bid would take into account this factor. On work other than that done by contract, the Company claims an allowance of 2 per cent. It should not, of course, apply to right-of-way, land, or to property on which there is little or no labor.

An analysis of labor costs other than contract work discloses there was spent for labor approximately $730,000. To cover cost of recruiting this labor, the Company claims the right to capitalize $60,708.39. This is deemed excessive by the Commission. As an instance of the error into which the percentage method of computation will lead, the item of ties is cited. The Company claims $6,251.08 for the cost of acquiring labor employed in connection with this account. But this sum exceeds the actual labor cost of ties, which is shown to be $4,938.95. Again, $17,570.05 is claimed as an allowance for recruiting labor to cover Account 507, rails, rail fastenings and joints. The labor cost allocated to this account is $17,350.54. Thus the purported cost of recruiting labor, as shown by the Company, exceeds the actual cost of labor performed by some $200.

For years in this intermountain country it had been the practice of employment agencies to charge men a sum of money for furnishing them with employment during periods when men were seeking work. Men were furnished to the contractor or company doing the work free of cost to the employer. This is a fact that should be given weight in this connection.

However, in arriving at an allowance for this item, the geographical location of Salt Lake City has been taken into account, as has also the number of men per gang and number of gangs, as set forth in the exhibits of the valuation engineer as being necessary to carry on the work. The length of the construction period and the sequence of operation in doing the work, have been given consideration, as has also the further fact that the population of the city is such that the market for skilled men would be exhausted, and it would be necessary to bring men of this kind from the outside, incurring traveling expenses and a probable allowance in some cases for time while enroute. A study has also been made of the actual construction conditions obtaining in this part of the country during the assumed construction period and the probable competition of others in the labor market.

Expert Witness Cheever testified that the average expenditure for recruiting labor, based on a cost of twenty million dollars of structural work, done in various parts of the intermountain country, is 4 per cent, while on work done near Salt Lake City it was 5 per cent. He also said that about one-half of the labor that has been employed under his supervision was recruited in Salt Lake City.

The Commission is of the opinion that for work in Salt Lake City alone, due to this being a labor center, the recruiting cost for work locally should be not more than the average of 4 per cent. After full consideration of all the evidence and facts, the Commission has reached the conclusion that $29,200 would be a proper allowance for this item. This is 4 per cent on the labor costs of $730,000, which excludes contract work.

A summary of the Company's claimed amounts and the allowances made by the Commission on the foregoing items is as follows:

Account:	Traction Company Valuation	Utilities Commission Valuation
Franchises	$ 3,095.96	$ 3,095.96
Administration and Legal Costs During Construction	140,181.61	133,554.77
Interest During Construction	385,079.16	294,663.78
Injuries and Damages During Construction	.....	.....
Taxes During Construction, on Land	31,135.15	2,031.34
Cost of Forming Construction Organization	60,492.94	29,200.00
Fire Insurance during Construction	7,619.45	7,619.45
Total	$627,604.27	$470,165.30

PRELIMINARY COST

Cost preliminary to actual construction is claimed by peititioner in an amount equal to 2 per cent of the total construction cost, this being for preliminary engineering and legal cost accruing before actual construction of the property began. It does not appear to this Commission that Salt Lake City and environs offer such special difficulties to the con-

struction of a property of this kind as would require heavy preliminary engineering and legal cost, although money must necessarily be expended for this purpose, and the Commission will allow such sum as it find reasonable.

COST OF PROMOTION

Men who have the ability to construct legitimate enterprises of this kind are entitled to a reasonable consideration therefor, but they have no right to expect an extravagant one. The transportation facilities created have greatly benefited the territory served, and the public should willingly compensate the promoter. The reward should be large enough to encourage enterprise, and should be treated as return for useful services rendered, and should ordinarily be allowed, except where these services have been compensated by returns over and above a reasonable earning on the property, or have been absorbed through sales.

COST OF ACQUIRING MONEY

This item covers the cost of selling or marketing securities for the permanent financing of the property. This is usually done through regular organizations engaged in the business of selling securities. This cost of marketing must not be confused with bond discount or discount on notes. The cost will vary with every property, according to conditions, the rate of interest which the security carries, the attractiveness of the enterprise itself, standing of the originators of the enterprise, the security of the earnings, etc. It is a reasonable charge entering into the cost of the property, and should be allowed in valuation proceedings, except in cases where this charge has been amortized, or has been recouped from earnings. Testimony before this Commission is to the effect that no amortization fund has been set up to take care of this expense. An allowance has, therefore, been made in the final summary.

GOING VALUE

Courts and commissions have held that when the fair value of a property is to be considered for rate-making purposes, an allowance should be made to the owners for the expense incurred in establishing the business, and giving it value as a going concern. Going value is sometimes sought to be measured by some of the elements incurred in making a going concern of the property such as "Developmental Cost" or cost of establishing business, and it is sought to be measured by various methods.

Applicant asks an allowance of $1,244,210.50 for this item, as set forth on Page 71, Volume 1, of its exhibits. This amount is arrived at by an analysis of the annual deficits incurred upon the property during its entire existence, including horse car days.

In 1914 a sale was consumated whereby the present owners acquired the stock of a predecessor company. In starting business as owner it may be assumed that the applicant expended such sums as were necessary to acquire all asests, tangible and intangible, and it appears to this Commission that the present owner has not the right to go back of its purchase of the property to include in its calculation, early deficits. The Commission, therefore, holds that while going-concern value is a thing to be reckoned with, the question of deficits, supercession, etc., as regards this property, will be considered only during the period of present ownership. This is in keeping with the decision of the New York Public Service Commission, in the case of Lockport Light, Heat & Power Company, (P. U. R., Annotated, 1918-C, Page 722).

In line with this opinion, and assuming, without deciding, that the Wisconsin deficit method is a just measure of developmental cost, we have only to consider the deficits incurred during the three and a half years of the present ownership. These deficits should, of course, be calculated, not upon the value found for the property by the applicant's engineers, but upon the value arrived at by the Commission. We have, therefore, the following for consideration:

Value of property as found by the Commission, as of

June 30, 1918	$8,163,960.28
December 31, 1917	8,133,874.90
December 31, 1916	8,081,042.22
December 31, 1915	7,989,207.89

The above totals, as to the years 1915, 1916 and 1917, were arrived at in the manner adopted by the applicant, (see foot-note page 78, Vol. 1) by deducting from the cost new as of June 30, 1918, the cost of additions made each year, increased by certain overhead percentages. While these percentages have been lowered in some instances by the Commission, the changes have not been enough to materially affect the final figures.

Using these cost new figures as a basis, and applying the deficit method, it will be found that the average deficit during the three and a half years of present ownership, was 2.53 per cent (which is the percentage by which the

property failed during those years to earn 8 per cent on the property value herein found). If, then, we allow a three-year period, during which the present owners, after taking over the property should have been able to bring it up to normal earning power, which has been used by applicant (see Page 78-A, Vol. 1), we have the percentage 7.59 to apply to the value as of June 30, 1918, which would indicate that $619,685.70 might consistently be allowed for going value by the use of this method.

Our use in the foregoing deficit calculation of 8 per cent as the rate of return, must not be understood to imply approval of that percentage of return on the property investment, or to indicate what the action of the Commission would be were the question of a fair return under consideration. That percentage was used because it was the basis on which applicant's calculation of deficits was made. (See Page 78, Vol. 1). The Commission merely changed the investment figure, and shortened the time during which deficits would be considered, and has worked out what is believed to be a logical application of the Wisconsin deficit plan to the property under consideration. However, we are not convinced that this method of measuring going concern value is one we would care to adopt. At best, it can only indicate a sum to be allowed. In this case, applicants relied upon the use of this method, and we have, therefore, felt justified in making revised calculations for comparison with those of the applicant.

Nevertheless, we are clearly of the opinion that no general rule can be laid down for the determining of an allowance of this character. It is not a mere matter of formula, and must be made only upon the best judgment of the Commission, after consideration of all relevant facts. This has been clearly set forth by the Oregon Commission in its Order 191, decided April 30, 1917, in the case of the Portland Railway, Light & Power Company, as follows:

> "There appears to be more or less confusion as to the term to be applied to this intangible element which enters into the value of a utility property. 'Going value,' 'going concern value,' 'going cost' and 'development cost,' seem to have been variously used by the courts and commission, but, whatever appelation it should be known, the amount which this Commission will allow in a rate case for this element of value is the sum which represents the reasonable cost of attaching the normal business to a plant reasonably required to serve the territory covered. The term 'development cost' seems to be most appropriate to apply, and it will

be used, as thus defined, throughout these findings.

"The Commission is of the opinion that the determination of a proper allowance for development cost must rest upon the judgment and discretion of the determining body, after a full consideration of the history of the physical plant of the utility, and of its rates, results of operation, operating organization, and attached business; the nature and size of the territory served, growth of population, and kind, number and general circumstances of its patrons; the general commercial conditions during the life of the plant and during ownership by the present investors; the terms of, and conditions under which the transfers of ownership have occurred; the financial history of the plant; the progress of the art and general attitude of the public toward its utility product; the competitive conditions, if any, and all matters and things which, in this particular instance, may have a bearing on the subject."

The Colorado Commission in Application No. 17, an application of the Denver Tramway Company, decided December 17, 1918, has said:

"The Commission will not attempt to lay down or adopt a general rule for determining going value to be applied in this or any other case, as it is firmly of the opinion that no such general rule can be adopted or applied. The use of such rules, however, is of assistance to the Commission in indicating what a reasonable allowance should be. The final determination of the amount to be allowed is one requiring the Commission to exercise its best judgment in connection with all other relevant facts surrounding the particular case, and the Commission will in its final findings make such allowance as in its opinion is just and proper."

In support of its contention previously set forth on Page 71, Volume 1, of this exhibit, applicant produces records of superseded property, but has produced no evidence to show that any supersession of property has taken place since 1906, which was some eight years prior to the time of applicant's ownership. In line with what has hereinbefore been said, it appears that the Commission should consider only what has been superceded since the present ownership began.

A careful study has been made of applicant's exhibits showing expenditures made under present ownership in con-

nection with and on account of civic improvements, such as, for example, paving, making necessary an entirely different type of construction and causing a duplication of labor and material incident to such work, thus destroying certain portions of the property before its normal life had run out. If a depreciation reserve adequate to cover retirements of this nature had been set up, it is the opinion of the Commission that such retirements should have been charged to the reserve. Applicant has produced no evidence to show what its policy has been in regard to these retirements.

Applicant claims a substantial developmental cost allowance for the reason that extensions have been made into sparsely populated sections from which extensions returns have been low, thereby increasing the company's deficits. In making these extensions a mutuality of benefits is introduced and extensions of the sort, when wisely made, usually make possible the rapid development of communities.

During the early operating years of such extensions, it is only natural that deficits will be incurred. Later on, as development of communities takes place, often largely due to the new facilities offered, revenues are so increased that fair rturns are realized on investments. Some extensions, however, may never become paying propositions ,and it would be manifestly unfair to ask the public to perpetually make good, deficits of this character. Furthermore, if it were permissible to capitalize losses of this kind generally, the most unsuccessful property would profit most, thereby creating an illogical basis for rate-making.

The Commission has made a careful study of this property, especially since its acquisition by the present owners in connection with this entire question, and, after careful consideration of all relevant facts, has made such allowance in the findings as it deems just in the premises.

WORKING CAPITAL

The utility submitted evidence to show that it is entitled to $199,458.21 as working capital. The working capital of a utility should represent a sum ample under ordinary circumstances to carry on the business. There should be sufficient funds available to provide for prompt payment of operating expenses and maintain the credit of the Company. 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, materials 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 it 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.

In considering a utility of this nature, it must be borne in mind that the income of the Company consists of daily cash receipts. For the sale of tickets, cash is received by the Company in advance of service. For the reason that cash is received daily, a comparatively small working capital only is necessary.

The Commission has made a careful study of the statement submitted by applicant company showing average amounts of materials and supplies, both storehouse and roadway and equipment, used in operation and replenishments of stock by months for the past four years, together with accounts receivable and prepaid accounts, and finds that the sum asked for by the applicant company is a necessary and reasonable amount for the proper conduct of the business.

The Commission has given consideration to all evidence submitted bearing upon the value of the property of the Traction Company used and useful in the public service, and finds that the fair value of the property, as of June 30, 1918, is $8,744,425.52, exclusive of depreciation, including, however, a reasonable amount for the general and miscellaneous overheads discussed above, and an adequate allowance for going value and working capital.

DEPRECIATION

Depreciation, as previously pointed out by this Commission, 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 replacements 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 to assume that such portion of the depreciation reserve as is not immediately needed will be temporarily invested in the property, and, therefore, that the depreciation reserve is entitled to share in the earnings of the Company equally with other capital.

This is in line with the decision rendered in re Exeter & Hampton Electric Company by the New Hampshire Public Service Commission, (P. U. R. 1916-B, page 70).

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 pays only for that which he receives, the actual tangible depreciation of the property, otherwise deferred maintenance, should be deducted.

The deferred maintenance of the property as of valuation date, namely, June 30, 1918, is found, based upon the testimony in the case and an investigation of the property by the Commission, to be $276,146.88.

In line with what has been said above, the fair service value of the property upon which the customer pays for service rendered, is:

Present fair value of property, as of June 30, 1918	$8,744,425.52
Less Deferred Maintenance	276,146.88
Fair value for rate-making purposes, as of June 30, 1918	$8,468,278.64

This value is found after due consideration of all relevant facts, including present service condition and operating efficiency, and must necessarily be based upon the record of the case and the judgment of the Commission, in line with the well established principles of valuation as laid down by commissions and courts of the highest jurisdiction.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

Submitted July 14, 1919. Decided September 20, 1920.

GRADE CROSSING PERMIT

No. 43

In an application filed with the Public Utilities Commission of Utah, November 12, 1918, the Oregon Short Line Railroad asks authority to exercise the rights granted it by the City of Salt Lake in an ordinance entitled "An ordinance granting to the Oregon Short Line Railroad Company, its successors and assigns, the right to construct, operate and maintain a standard gauge spur railroad track in Fourth West Street, and over and across Ninth North Street in Salt Lake City, Utah."

Investigation developed that the proposed track was intended to cross at grade Hamilton Street, which crossing did not appear in the application. Applicant was requested to amend its application, which was done, the corrected application being filed December 4, 1918.

The application was protested by the Bamberger Electric Railroad Company, and the case set for hearing March 14, 1919, being postponed until July 14, 1919, at which time the case was heard.

At the hearing it developed that the track had been constructed at grade over and across Ninth North Street, and Hamilton Street on Fourth West Street, before the case was heard. While not approving this action on the part of the applicant, the Commission will authorize grade crossings in this case, as no necessity for a separation of grades appears.

IT IS THEREFORE ORDERED, That the Oregon Short Line Railroad be, and it is hereby, authorized to con-

struct, operate and maintain a single track standard gauge spur railroad over and across Ninth North Street on Fourth West Street, in Salt Lake City, as more particularly described in blue print attached to and made a part of the petition.

ORDERED FURTHER, That said Oregon Short Line Railroad, where its track crosses Ninth North Street, shall construct such crossing as provided in said franchise.

ORDERED FURTHER, That said Oregon Short Line Railroad shall observe all clearances prescribed by the Public Utilities Commission of Utah in its tentative general order dated December 1, 1917, and General Order dated February 4, 1918.

ORDERED FURTHER, That said Oregon Short Line Railroad shall provide such crossing signs, cattle guards, etc., as may be necessary from a viewpoint of safety.

The Commission at this time issues no orders concerning bell signals or other safety devices, but reserves unto itself the right to issue such orders should public safety require.

By the Commission.

Dated at Salt Lake City, Utah, this 20th day of September, A. D. 1920.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 133

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

Submitted July 14, 1919. Decided September 20, 1920.

GRADE CROSSING PERMIT

No. 44

In an application filed November 30, 1918, the Bamberger Electric Railroad Company asks permission to construct at grade, a single track standard gauge railroad spur over and across the west side of Fourth West Street, between Beck's Street and Tenth North Street, in Salt Lake City, to connect the railroad tracks of the Bamberger Electric Railroad with the tracks of the Utah Light & Traction Company.

Protest was filed by the City of Salt Lake, which alleged that no franchise had been granted applicant.

A hearing was held on the application, June 12, 1919. On October 17, 1919, a copy of a franchise granted by the City of Salt Lake was furnished the Commission by applicant.

At the hearing it developed that the track in question had already been constructed, and while not approving such acton on the part of applicant, the Commission will, at this time, authorize grade crossing at this point.

IT IS THEREFORE ORDERED, That the petitioner, Bamberger Electric Railroad Company, be, and hereby is, authorized to construct, operate and maintain a single track standard gauge railroad spur over and across the west side of Fourth West Street, between Beck Street and Tenth North Street, to connect its line of railway with the tracks of the Utah Light & Traction Company on Fourth West Street, in Salt Lake City.

ORDERED FURTHER, That petitioner, the Bamberger Electric Railroad Company, shall construct its track, wires, etc., in accordance with the provisions of the Commission's Tentative General Order dated December 1, 1917, and Order dated February 4, 1918, and shall install necessary crossing signs to warn the traveling public.

The Commission at this time issues no orders regarding planking, cattle guards, bell signals, or other safety devices, but reserves unto itself the right to do so should it become necessary for the safety of the traveling public.

By the Commission.

Dated at Salt Lake City, Utah, this 20th day of September, 1920.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 139

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.

In re Transfer of one-half interest to B. W. Dalton

Decided January 19, 1920.

REPORT OF THE COMMISSION.

By the Commission:

Application was made, December 18, 1919, by Joseph F. Hansen, operating an automobile stage line between Price, Utah, and Castle Gate, Utah, via Helper, for permission to transfer to B. W. Dalton one-half interest in said stage line.

Upon investigation it has been determined that said B. W. Dalton desires to secure such one-half interest subject to the approval of the Public Utilities Commission of Utah.

It appearing that such transaction will increase the equipment and improve the service over the stage line above mentioned, the Commission is of the opinion that the application should be granted, and that the certificate heretofore issued to J. F. Hansen should be amended to include the name of B. W. Dalton.

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 19th day of January, A. D. 1920.

CASE No. 139

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.

In re Transfer of one-half interest to B. W. Dalton.

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

IT IS ORDERED, That certificate of convenience and necessity No. 34, heretofore issued to J. F. Hansen, be, and it is hereby amended to include the name of B. W. Dalton.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

Decided March 1, 1920.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed with the Public Utilities Commission of Utah, March 24, 1919, Joseph S. Snow requests permission to operate an automobile stage line for the transportation of passengers between St. George, Utah, and Modena, Utah.

A hearing on the application was held at St. George, Utah, April 23, 1919. Testimony was given to the effect that a State highway between these points was contemplated and a stage line could not successfully operate until such time as the road is opened for traffic between St. George, Utah, and Modena, Utah.

Under the showing there appears no necessity for a stage line between Modena and St. George, Utah, at this time, and the application should, therefore, be disinissed without prejudice.

An appropriate order will be issued.

(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 1st day of March, A. D. 1920.

CASE No. 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.

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, dismissed without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

Decided March 1, 1920.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed with the Public Utilities Commission of Utah, April 14, 1919, Farnsworth & Fawcett request permission to operate an automobile stage line for the transportation of passengers between St. George, Utah, and Modena, Utah.

A hearing on the application was held at St. George, Utah, April 23, 1919, at which time it was developed by testimony, that a stage line could not successfully operate between these points until the contemplated state highway was completed and opened for traffic. Under the showing there appears no necessity for a stage line between Modena, Utah, and St. George, Utah, at this time, and the application should, therefore, be dismissed without prejudice.

An appropriate order will be issued.

(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 1st day of March, A. D. 1920.

CASE No. 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.

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, dismissed without prejudice.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

Decided March 1, 1920.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed April 14, 1919, Marshall & Milne, operating a truck line for the transportation of freight between St. George, Utah, and Lund, Utah, request permission to operate a similar line between St. George, Utah, and Modena, Utah.

The case was heard at St. George, Utah, April 23, 1919, and from testimony introduced it appeared that it was petitioners' desire to operate over the proposed State highway, and until such highway was open for traffic a truck line could not successfully operate between said points.

It appears from the showing that there is not, at this time, any necessity for a truck line between St. George and Modena, Utah, and the application should, therefore, be dismissed without prejudice.

An appropriate order will be issued.

(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 1st day of March, A. D. 1920.

CASE No. 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.

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 Commsision 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 without prejudice.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 153

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.

ORDER

It appearing that on May 19, 1919, the Public Utilities Commission of Utah issued to E. S. Quinn, Certificate of Convenience and Necessity No. 45, authorizing said E. S. Quinn to operate an automobile stage line for the transportation of passengers between Salt Lake City and Tooele, Utah;

And it further appearing that said E. S. Quinn has discontinued such operations and has withdrawn in favor of H. J. Spencer and Orson Lewis;

And it further appearing that the Commission in Case No. 261, decided March 1, 1920, authorized H. J. Spencer and Orson Lewis to operate an automobile stage line for the transportation of passengers between Salt Lake City and Tooele, Utah;

IT IS ORDERED, That the authority granted E. S. Quinn in Certificate of Convenience and Necessity No. 45, be, and the same is hereby, revoked and set aside.

By the Commission.

Dated at Salt Lake City, Utah, this 13th day of March, 1920.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

163. **JEREMY FUEL & GRAIN COMPANY,**
A Corporation, et al.,
Complainants,

vs.

DENVER & RIO GRANDE RAILROAD CO..
A Corporation,
Defendant.

PENDING.

173. **W. P. EPPERSON, et al.,**
Complainants,

vs.

BAMBERGER ELECTRIC RAILROAD CO.,
Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 186

In re JOHN SPIGARELLI failing to render proper passenger service between Helper and Kenilworth, Utah.

Decided April 24, 1920.

REPORT OF THE COMMISSION

By the Commission:

The hearing on the above matter was set for Wednesday, March 24, 1920, at the office of the Public Utilities Commission of Utah, Room 303 State Capitol, Salt Lake City, Utah. Notice was served upon John Spigarelli. Said John Spigarelli failed to appear or make answer in compliance with the notice and order issued in this case.

From the information obtainable and upon investigation, the Commission finds that John Spigarelli has failed to give the traveling public service between Helper and Kenilworth, Utah, and has failed to operate an automobile stage line between said points, as authorized in Certificate of Convenience and Necessity No. 46.

IT IS THEREFORE ORDERED, That the right of John Spigarelli and permission to operate an automobile stage line between Helper and Kenilworth, Utah, be, and is hereby, revoked and set aside.

By the Commission.

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

(SEAL)

(Signed) T. E. BANNING,
Secretary.

187. **In the Matter of the Application of the DESERET IRRIGATION COMPANY and the MELVILLE IRRIGATION COMPANY, 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

CASE No. 194

SAMUEL O. WHITE, JR., et al.,

Complainants,

vs.

BEAVER CITY, UTAH,

Defendant.

Submitted May 22, 1920. **Decided June 10, 1920.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above matter was heretofore heard, June 20, 1919, at Beaver City, Utah, at which time it was concluded by the parties that joint efforts would be made with a view of adjusting matters to meet the reasonable requirements and demands of the people receiving electric service from the Municipality, and that after such effort a report would be made with suggestions to the Commission.

Thereafter, and on May 22, 1920, the case was called up in the presence of the Mayor of Beaver and other interested parties, when it appeared that the matters complained of had been reasonably adjusted, and the parties asked that the matter be closed.

There being no further action necessary, an appropriate order will be issued dismissing the complaint.

(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 June, A. D. 1920.

CASE No. 194

SAMUEL O. WHITE, JR., et al.,

Complainants,

vs.

BEAVER CITY, UTAH,

Defendant.

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 herein be, and it is hereby, dismissed.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 196

In re J. A. SHARP failing to render proper pasenger service between Colton, Clear Creek, Winter Quarters, Scofield and Soldier Summit, Utah.

Decided April 24, 1920.

REPORT OF THE COMMISSION

By the Commission:

The hearing on the above matter was set for Wednesday, the 24th day of March, 1920, at the office of the Public Utilities Commission of Utah, Room 303 State Capitol, Salt Lake City, Utah. Notice was served upon J. A. Sharp. Said J. A. Sharp failed to appear or make answer in compliance with the notice and order issued in this case.

From the information obtainable and upon investigation, the Commission finds that J. A. Sharp has failed to give the traveling public service between Colton, Clear Creek, Winter Quarters, Scofield and Soldier Summit, Utah, and has failed to operate an automobile stage line between said points, as authorized in Certificate of Convenience and Necessity No. 54.

IT IS THEREFORE ORDERED, That the right of J. A. Sharp and permission to operate an automobile stage line between Colton, Clear Creek, Winter Quarters, Scofield and Soldier Summit, 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.

203. **AMERICAN FOUNDRY & MACHINE CO.,**

Complainant,

vs.

UTAH POWER & LIGHT COMPANY,

Defendant.

206. **In the Matter of the Application of the MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, 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

CASE No. 228

In the Matter of the Application of E. S. QUINN, Mgr., Tooele Stage Line, for permission to operate a parcel and express service by automobile, between Salt Lake City and Tooele City, Utah.

ORDER

It appearing that on October 20, 1919, the Commission issued to E. S. Quinn, Certificate of Convenience and Necessity No. 62, authorizing said E. S. Quinn to operate an automobile express line in connection with his stage line between Salt Lake City and Tooele, Utah.

And it further appearing that said E. S. Quinn has discontinued such operations, and has withdrawn from such stage line in favor of H. J. Spencer and Orson Lewis;

And it further appearing that the Commission, in Case No. 261, decided March 1, 1920, authorized H. J. Spencer and Orson Lewis to operate a stage line for the transportation of passengers between Salt Lake City and Tooele, Utah;

IT IS ORDERED, That the authority granted E. S. Quinn in Certificate of Convenience and Necessity No. 62, be, and the same is hereby, revoked and set aside.

By the Commission.

Dated at Salt Lake City, Utah, this 13th day of March, 1920.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 230

In the Matter of the Investigation of Special Contracts of the Utah Power & Light Company, for electric service.

ORDER

Examination having been made by the Commission of certain special contracts entered into by and between the Utah Power & Light Company and certain of its customers, under which the said Utah Power & Light Company has been and now is giving service, furnishing energy for light and power purposes;

And it appearing from such examination that the rates, charges, facilities, privileges, rules and regulations provided in such special contracts, are not in accordance with the rates, charges, facilities, privileges, rules and regulations set out in the published schedules of said Utah Power & Light Company lawfully on file with this Commission, or with the provisions of contracts based upon such lawfully published schedules, entered into by and between the said Utah Power & Light Company and others of its customers, under which service is being currently given;

And it further appearing that said special contracts are discriminatory and preferential, in that the rates, charges, facilities and privileges accorded customers thereunder are not such as are regularly and uniformly extended to any and all persons or corporations, who are now, or who may desire to become, customers of the said Utah Power & Light Company, and, therefore, are in conflict with Section 4789, of the Compiled Laws of Utah, 1917, which reads as follows:

> "No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person, or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service.

The Commission shall have the power to determine any question of fact arising under this section."

And it further appearing that the following persons and corporations are parties to the said contracts:

Salt Lake & Utah Railroad Co.
Chief Cons.-Eagle & Blue Bell Mg. Co.
Cameron Coal Company
U. S. Fuel Company
Standard Coal Company
Murray City
Salt Lake Terminal
Portland Cement Company of Utah
U. S. Smelting Company
Daly West Mining Company
Town of Mantua
Board of Canal Presidents (Associated Canals Company)
Deseret News
Dooly Building Company
Walker Realty Company
Newhouse Realty Company
American Smelting & Refining Co.
Salt Lake Pressed Brick Company
Salt Lake City Union Depot
Jordan Pump & Pipe Line Co.
R. M. Holt
Silver King Cons. Mining Co.
Utah Consolidated Mining Co.
Utah Metals & Tunnel Co.
Ohio Copper Company
Utah Copper Company
Union Portland Cement Co.
Salt Lake & Ogden Railway Co. (Main)
Warren Irrigation Company
Beaver Dam Milling Co.
Frank M. Wilson (Wilson Hotel Co.)
Cudahy Packing Co.
Cardiff Mining Company
Empire Theatre
Ogden Trust Company
Angley & Carmichael Irrigation Co.
Three Kings Silver Mining Co.
American Can Company
Independent Coal & Coke Co.
Carbon Fuel Company

Spring Canyon Coal Co.
Tintic Milling Company
Wattis Coal Company
Salt Lake & Ogden Railway Co.
Utah Light & Traction Co.
Utah Hotel
Judge Mining & Smelting Co.
Utah-Idaho Central Railway Co.
John W. Gates
Utah Lake Irrigation Co.
James H. Gardner
Herald-Republican
Clayton Investment Co.
Samuel H. Auerbach
Bransford Apartments
Oregon Short Line Railroad Co.
Utah Iron & Steel Co.
Denver & Rio Grande Railroad Co.
Charles Peterson
Vienna Bakery
Silver King Coalition Co.
Utah Apex Mining Co.
Hercules Powder Co.
Bingham Mines Co.
State Mill & Elevator Co.
Ogden Portland Cement Co.
Layton Mill & Eelevator Co.
New Era Irrigation Co.
Utah Condensed Milk Co.
Rex Theatre
Salt Lake Iron & Steel Co.
Ogden Packing & Provision Co.
David Eccles Estate
American Foundry & Machine Co.
Pelican Point Irrigation Contract
Rosenberg Investment Co.

Now, therefore, upon motion of the Commission;

IT IS ORDERED, That for the purpose of making a full and complete investigation and inquiry into the provisions of such contracts, and each of them, and into all matters pertaining thereunto, the said Utah Power & Light Company and the persons and corporations above named, be notified and cited to appear before the Commission at its office, Room 303 State Capitol, Salt Lake City, Utah, on the 11th day of November, 1919, at 10 o'clock a. m., then

and there to justify the continuing in effect of such special contracts, and the rates, charger, facilities and privileges granted thereunder, and to show the reasonablenss and equity of such rates, charges, facilities and privileges, and further to show that they are not in contravention of the provisions of said Section 4789 of the Compiled Laws of Utah, 1917.

By the Commission.

Dated at Salt Lake City, Utah, this 27th day of September, 1919.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 230

In the Matter of the Investigation of Special Contracts of the Utah Power & Light Company for electric service.

Submitted September 10, 1920. Decided October 18, 1920.

APPEARANCES:

Utah Power & Light Company,
J. F. MacLane, Esq.
Ogden-Portland Cement Company,
C. R. Hollingsworth, Esq.
Portland Cement Company of Utah,
Salt Lake Pressed Brick Company,
Auerbach Company,
James Ingebretsen, Esq.
Union Portland Cement Company,
Henderson & Johnson.
Carbon Fuel Company,
E. V. Higgins, Esq.
Independent Coal & Coke Company,
M. E. Wilson, Esq.
Spring Canyon Coal Company,
Tintic Milling Company,
Cheney, Jensen & Holman.
Standard Coal Company,
A. R. Barnes, Esq.
U. S. Fuel Company,
U. S. Smelting Company,
Howat, Marshall, MacMillan & Crow.
Wattis Coal Company,
Salt Lake & Ogden Railway Co.,
Utah-Idaho Central Railway Co.,
DeVine, Stine & Gwilliam.
M. M. Dahle & Edward Dahle,
M. M. & Edward Dahle.
Layton Mill & Elevator Co.,
M. H. Ellison, Esq.
Bransford Apartments,
Bingham Mines Company,
Chief Cons., Eagle & Blue Bell Mining Company,

Daly-West Mining Company,
Daly-Judge Mining Company,
Silver King Coalition Mines Company,
Silver King Consolidated Mining Company,
Utah Apex Mining Company,
Rawlins, Ray & Rawlins.
Utah Hotel,
Salt Lake & Utah Railroad Co.,
Salt Lake Terminal Company,
Deseret News,
Denver & Rio Grande Railroad Co.,
Salt Lake City Union Depot,
W. D. Riter, Esq.
Utah Light & Traction Co.,
Bagley, Glendenin, Fabian & Judd.
Associated Canals Company,
W. H. Folland, Esq.
Utah Lake Irrigation Company,
A. J. Evans, Esq.
Cudahy Packing Company,
Booth, Lee, Badger & Rich.
Ogden Packing & Provision Co.,
Joseph R. Chez, Esq.
Cardiff Mining & Milling Company,
Lynn Thompson, Esq.
Utah Copper Company,
Dickson, Ellis & Lucas.
Utah Metal & Tunnel Company,
Dey, Hoppaugh & Mark.
Deseret National Bank,
Young & Moyle.
M. H. Walker Realty Company,
T. Ellis Browne, Esq.
Oregon Short Line Railroad Company,
J. V. Lyle, Esq.
American Foundry & Machine Company,
Salt Lake Iron & Steel Company,
B. L. Liberman, Esq.
Town of Mantua,
O. C. Dalby, Esq.
Murray City,
John E. Pixton, Esq.

REPORT OF THE COMMISSION

By the Commission:

This is an investigation made on the Commission's own motion of certain contracts entered into by and between the Utah Power & Light Company (hereinafter called the Power Company) and certain of its customers, in which contracts the rates, charges, facilities, privileges and conditions of service were apparently not in conformity with the schedules of the Power Company published and on file with this Commission and open to the public generally.

The Commission's records show that an order was issued on the 8th day of April, 1918, to all gas, water, telephone and electric utilities, to file with the Commission before the first day of June, 1918, schedules showing the rates, rules and regulations in any way affecting the service of such utilities; that thereafter, on the 23rd day of October, 1918, the said utility companies were required to notify the Commission in writing, within ten days from the said date, of any rules, regulations, contracts, privileges, facilities or agreements under which service was being given which were not in accordance with the published schedules then in effect and on file with the Commission; and within thirty days from said date to file with the Commission certified copies of all such documents, if there were any then existing.

Thereafter, on the 23rd day of November, 2918, the Power Company, complying with the Commission's order, filed with the Commission copies of all its contracts on other than standard schedules. The Commission thereupon made an examination of the contracts so filed by the Power Company, and as a result of said examination issued its order, dated September 27, 1919, calling upon the Power Company and its customers who were being served under such special contracts, to appear before the Commission on the 11th day of November, 1919, then and there to justify the continuing in effect of such special contracts and the rates, charges, facilities and privileges granted thereunder, and to show the reasonableness and equity of such rates, charges, facilities and privileges, and further, to show that they are not in contravention of the provisions of Section 4789, Compiled Laws of Utah, 1917.

Subsequently, the date of the hearing was changed to the 8th day of December, 1919, on which date the Commission opened formal hearings on the said contracts. The

hearings continued on various dates thereafter to and including August 5, 1920, on which date the final arguments were heard and time granted for the filing of briefs. The final brief was filed September 10, 1920.

Much testimony was taken in this case, as well as in Case No. 248, which is an application of the Utah Power & Light Company for permission to increase its power rates. By stipulation, the testimony in Case No. 248, so far as material, was deemed to be the testimony in this case. Thus there are some 4500 pages of testimony upon which conclusions may be drawn, both as affecting these contracts and as to the nature of the Power Company's business as a whole, and as to the rates it is now receiving for various classes of service.

In carrying out the provisions of the Act creating the Public Utilities Commission of Utah, and specifically Sections 4788, 4789, 4799 and 4800, Compiled Laws of Utah, 1917, it appeared to be the duty of the Commission to initiate this proceeding. The particular sections referred to have to do with regulation of rates, fares, charges, rules, regulations, etc., and there is particularly imposed upon the Commission the duty of investigating apparently discriminating practices. The Commission conceived it to be its duty to eliminate unjust discriminations and preferences wherever found to exist, to the end that for the same class of service all rates and charges shall be uniform, just and reasonable.

The jurisdiction of the Commission is challenged by the holders of the special contracts referred to herein, their objections being based on the grounds that the contracts are, under the law, subsisting and binding obligations which cannot be vacated, modified or set aside by this Commission. Citation is made of the proviso in Paragraph 3, Section 4787, Compiled Laws of Utah, 1917, which reads as follows:

> "Nothing in this title contained shall be construed * * * to prevent the carrying out of contracts for free or reduced rate passenger transportation or other public utility service heretofore made founded upon adequate consideration and lawful when made."

The Commission, in Case No. 6, gave consideration to the paragraph cited herein insofar as it applied to franchise agreements between a municipality and a public utility corporation, and held that it had authority to modify or change the rates fixed by franchise contract. This decision

of the Commission was sustained by the Supreme Court of Utah (Salt Lake City vs. Utah Light & Traction Company). The issues in the instant case were passed upon by the Supreme Court only insofar as reference was made to the question in the dictum used, wherein, with reference to the proviso relied upon here, the court said:

> "The foregoing provision is found among the exceptions in favor of employees and respecting agreements with other utilities. While the language of the exception is not as clear as it could have been made, yet it is manifest that it was not intended to refer to the rates fixed in franchise ordinances. In our opinion the manifest purpose of the Legislature was to prevent an injustice like that in the case of Louisville & N. R. Co. v. Mottley, 219 U. S. 467, 34 L. R. A. (N. S.) 671, 55 L. Ed. 297, 31 Sup. Ct. Rep. 265, in which case life passes were issued to Mottley and his wife upon a valuable consideration received by the Railroad Company. * * *. Under that decision, therefore, the Mottleys were prohibited from riding on their passes, although they had paid for them before the congressional act had been passed. Moreover, it sometimes happens that passes are issued in payment for right-of-way and other privileges granted by the owners of land to common carriers. Under the Mottley decision, however, all such passes would be void regardless of the consideration that the owners had paid to the common carriers. The Legislature, therefore, very properly, and as we think, wisely, excepted such cases from the operations of the Utilities Act in so far as intrastate business is concerned. That is all that was attempted, and all that was done, by the adoption of the exception aforesaid." (P. U. R., 1918-F., p. 390.)

In giving effect to the provisions of the law, it should be construed in the light of its scope, purpose and intention. This calls for a broad, liberal view of the statute as a whole. The leading thought in the entire Act would seem to be that control of service corporation such as are designated and defined in the Act is taken over by the State; and that power and authority is vested in the Commission to supervise and regulate any and all things which are necessary in carrying out the purposes of the law. Among the leading and important things absolutely necessary in the administration of the law is the regulation of rates at which a service corporation shall give service or furnish a commodity.

In the work of control, an investigation must be made of all rates, fares, contracts, rules, etc. If the attitude and contention of the consumers is correct, the Commission is forestalled from any investigation or action looking to effective control and regulation and this would prevent the Commission from fixing, regulating and establishing such rules, rates and charges as are just and reasonable, and free from discrimination or preferential provisions. It was the purpose of the Commission in instituting this inquiry to determine what, if any, unjust discriminations or preferences existed in the special contracts and to rectify the same. This, it appears, must be done, if the purpose of the law is to be carried out.

The contention of the companies holding special contracts that they come under the exception clause, has been ably presented, but it appears to the Commission that it is in line with the spirit of the law in concluding that such an exception does not and was not intended to prevent an investigation such as is undertaken in this case.

If the rates in special contracts such as those now under consideration were to be made special matter of legislative enactment and relieved from any investigation, with a view of protecting and perpetuating such rates, as is claimed by the contract consumers, it would seem that a matter of such importance would have received the direct attention of the Legislature in such a manner as to place the subject beyond any question as to what was intended. On this phase of the question the Commission, in its decision in Case No. 6, said:

> "It is unreasonable to think that the Legislature would enact a law creating a public utilities commission, expressly clothing it with broad regulatory powers over common carriers, and then deliberately, by the insertion of a clause in an obscure position in one subsection of the law, annul the powers of the Commission that were conferred by other parts of the act, and by this means perpetuate an injustice either on the public or on the utilities concerned. We find no warrant for accepting the theory that such action was taken or intended to be taken by the Legislature."

In the cases now under consideration there is no contention but what they were and are legal subsisting contracts as between the parties thereto. No denial is attempted of the validity and legality of any of the contracts when made. The State had not seen fit to exercise its supervision of rates for public utility service, and in the absence of State

regulation, rates were a subject of private contract, and the rates named in such contracts persist and continue legal unless and until the State steps in and assumes jurisdiction as to said rates. The exercise of this right by the State is in the interest of the public generally, primarily to make certain that all sections of the public are being fairly treated as to cost of service. The interest of the public is paramount, and individual and private contracts if found to be discriminatory or preferential must give way in furtherance of the principle of justice.

Without going into a further discussion of the question herein raised, we are forced to the conclusion that the position taken by the Commission in Case No. 6, as well as its action upon the demurrer in the present case, was and is correct, and that the exception clause referred to, upon which the right of the Commission is questioned, does not prevent the Commission from investigating said contracts with a view to modifying and changing them as far as they relate to rates, fares, charges, facilities and privileges.

As to the question of adequacy of consideration in the contracts under investigation, it appears to the Commission that the Legislature intended this clause to mean something more than a mere legal consideration, because the language would have been unnecessary had there been nothing else than this in mind. Without a legal consideration, no contract is binding and enforceable. Each and all of the contracts herein being considered are founded, of course, upon a legal consideration, but in few, if any, of them is there such a special consideration as would entitle them to classification separate and distinct from the general groups of contracts under investigation.

The term "adequate" as used in the exception clause would seem to imply a separate and additional consideration than the stipulated price to be paid for the service or commodity. It appears to the Commission that in the absence of a showing that as part of the contract price paid for service there was actually passed from the consumer something of value to the Power Company in the giving of service to the public, there was no such special consideration as would make the reduced contract rate non-discriminatory. Something of value must be shown to have moved from the beneficiary of the reduced rate or free service to the utility rendering such service. In that event, the Company would have received something for which it should properly be charged. And if the showing was that such thing of value actually did pass, the Commission would then have to determine the amount of such value and apply it along with the

rate fixed in the contract, and thereby ascertain whether or not the thing of value passed from the consumer to the Power Company justified in whole or in part the reduced rate named in the contract.

In only a few, if any, of the total numbers of contracts involved herein was there adequate showing that such special consideration passed to the Power Company. The large majority of contracts clearly carry no such consideration.

The Commission, therefore, finds:

1. That it has jurisdiction over rates, charges, facilities and conditions of service in existing contracts under consideration in these proceedings, and has authority to modify or change the same.

2. Subsequent to the filing of the special contracts by the Power Company with the Commission, the contracts of the following consumers expired and each and all of said consumers thereupon took service under regular schedule. Further investigation in respect to said consumers and the contracts under which they formerly operated is, therefore unnecessary.

Dooly Building.
Newhouse Realty Company.
South Jordan Pump & Pipe Line Company.
R. M. Holt.
Ohio Copper Company.
Warren Irrigation Company.
Rex Theatre.
David Eccles Estate.
Rosenberg Investment Company.
American Can Company.
Beaver Dam Milling Company.
Ogden Trust Company.
Three Kings Silver Mining Company.
Empire Theatre.
Clayton Investment Company.
Bransford Apartments.
Charles Peterson.
Vienna Bakery.
Hercules Powder Company.
Utah Condensed Milk Company.
Frank M. Wilson.

3. After a full consideration of all material facts that may or do have any bearing upon these contracts, the Com-

mission finds that the contracts under which service is being given to the following consumers do not carry such special consideration as will entitle them to service at other than standard schedule rates open to the public generally, as evidenced by the schedules of the Power Company on file with the Commsision:

Salt Lake & Utah Railroad Co.
Cameron Coal Co.
U. S. Fuel Co.
Salt Lake Terminal R. R. Co.
U. S. Smelting Co.
Board of Canal Presidents (Associated Canals Co.)
American Smelting & Refining Co.
Silver King Cons. Mining Co.
Utah Metals & Tunnel Co.
Union Portland Cement Co.
Cardiff Mining Co.
Independent Coal & Coke Co.
Spring Canyon Coal Co.
Wattis Coal Co.
Utah-Idaho Central R. R. Co.
Utah Lake Irrigation Co.
Herald-Republican.
Oregon Short Line R. R. Co.
Denver & Rio Grande R. R. Co.
Utah Apex Mining Co.
State Mill & Elevator Co.
Layton Mill & Elevator Co.
Salt Lake Iron & Steel Co.
American Foundry & Machine Co.
Deseret National Bank.
Chief Con. and Eagle & Blue Bell Mining Co.
Standard Coal Co.
Portland Cement Co. of Utah.
Daly West Mining Co.
Walker Realty Co.
Salt Lake Union Depot.
Utah Cons. Mining Co.
Utah Copper Co.
Cudahy Packing Co.
Angley & Carmichael Irr. Co.
Carbon Fuel Co.
Tintic Milling Co.
Utah Light & Traction Co.
John W. Gates (Joseph W. Gates).
James H. Gardner.
Samuel H. Auerbach (Auerbach Co.).

Utah Iron & Steel Co.
Silver King Coalition Co.
Bingham Mines Co.
Ogden Portland Cement Co.
New Era Irrigation Co.
Ogden Packing & Provision Co.
Pelican Point Irrigation Co.
Town of Mantua.

The standard schedules now on file with the Commission applicable to each of the power users hereinbefore in this paragraph mentioned, should be applied to the service rendered to said consumers in lieu of the rates and charges in effect under special contracts, service under said standard schedules to commence upon the effective date of this order, and to continue until changed by further order of the Commission. If the finding of the Commission in Case No. 248 results in a reduction of the standard schedule rates the commission retains jurisdiction to order such reparation as is just and reasonable, and the Power Company will hold itself ready to make any such reparation as the Commission may order.

4. The Commission is of the opinion that the evidence before it as to the special consideration involved in each of the contracts of the following consumers warrants it in making a separate and further investigation as to each of said contracts, and while the Commission will direct that pending an opinion and finding as to each of these contracts, the holders thereof shall be placed on standard schedules applicable to like service, the Power Company will also hold itself ready to make such reparation as the Commission may order, if any be found just and reasonable:

Deseret News.
Hotel Utah.
Judge Mining & Smelting Company.
Salt Lake & Ogden Railroad Company.
Salt Lake Pressed Brick Company.
Progress Company.

5. There remains but one special contract to be discussed, that of Murray City. The granting of a franchise by Murray City to the Power Company authorizing it to construct, operate and maintain electric pole lines in the streets and public places of Murray City, was the consideration for the rate stated in the special contract, which is for

break-down service. The extent and conditions under which the City of Murray has received service under this contract in the past has been carefully considered by the Commission, and it finds that for the present and until further order of the Commission, this contract should be continued in effect.

6. It appears from the evidence submitted during this hearing that certain holders of special contracts have been doing switching or other service for the Power Company, for which no money compensation has been received. The Power Company will immediately arrange to pay for such service directly, or if it elects to do so, perform the service itself.

The effective date of this order shall be 12:00 o'clock noon, the 22d day of October, 1920.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) HAROLD S. BARNES,
Assistant Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of October, A. D. 1920.

CASE No. 230

In the Matter of the Investigation of Special Contracts of the Utah Power & Light Company for electric service.

This case being at issue upon the Commission's own motion, 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 thereof, 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 investigation with respect to the following consumers be, and it is hereby, dismissed, for the reason that the special contracts under which said consumers were being served have expired and service is now being given under standard schedules:

Dooly Building.
Newhouse Realty Company.
South Jordan Pump & Pipe Line Company.
R. M. Holt.
Ohio Copper Company.
Warren Irrigation Company.
Rex Theatre.
David Eccles Estate.
Rosenberg Investment Company.
American Can Company.
Beaver Dam Milling Company.
Ogden Trust Company.
Three Kings Silver Mining Company.
Empire Theatre.
Clayton Investment Company.
Bransford Apartments.
Charles Peterson.
Vienna Bakery.
Hercules Powder Company.
Utah Condensed Milk Co.
Frank M. Wilson.

ORDERED FURTHER, That the contracts under which the following consumers have hitherto received service, be, and the same are hereby, modified to the extent that the rates, rules and regulations prescribed in the standard schedules of the Power Company now on file with the Commission, be, and they are hereby, applied to the service rendered to or for the said consumers in lieu of the rates, rules and regulations provided in the said contracts; provided, that the Power Company shall hold itself ready to make such reparation, if any, as the Commission may order after its opinion and order in Case No. 248 is issued.

Salt Lake & Utah Railroad Co.
Cameron Coal Co.
U. S. Fuel Co.
Salt Lake Terminal R. R. Co.
U. S. Smelting Co.
Board of Canal Presidents (Associated Canals Co.).
American Smelting & Refining Co.
Silver King Cons. Mining Co.
Utah Metals & Tunnel Co.
Union Portland Cement Co.
Cardiff Mining Co.
Independent Coal & Coke Co.
Spring Canyon Coal Co.
Wattis Coal Co.
Utah-Idaho Central R. R. Co.
Utah Lake Irrigation Co.
Herald-Republican.
Oregon Short Line R. R. Co.
Denver & Rio Grande R. R. Co.
Utah Apex Mining Co.
State Mill & Elevator Co.
Layton Mill & Elevator Co.
Salt Lake Iron & Steel Co.
American Foundry & Machine Co.
Deseret National Bank.
Chief Cons. and Eagle & Blue Bell Mining Co.
Standard Coal Co.
Portland Cement Co. of Utah.
Daly West Mining Co.
Walker Realty Co.
Salt Lake Union Depot.
Utah Cons. Mining Co.
Utah Copper Co.
Cudahy Packing Co.
Angley & Carmichael Irr. Co.

Carbon Fuel Co.
Tintic Milling Co.
Utah Light & Traction Co.
John W. Gates (Joseph W. Gates).
James H. Gardner.
Samuel H. Auerbach (Auerbach Co.).
Utah Iron & Steel Co.
Silver King Coalition Co.
Bingham Mines Co.
Ogden Portland Cement Co.
New Era Irrigation Co.
Ogden Packing & Provision Co.
Pelican Point Irrigation Co.
Town of Mantua.

ORDERED FURTHER, That the contracts under which the following consumers have hitherto received service, be, and the same are hereby, modified to the extent that the rates, rules and regulations prescribed in the standard schedules of the Power Company now on file with the Commission, be, and they are hereby, applied to the service rendered to or for the said consumers in lieu of the rates, rules and regulations provided in the said contracts; provided, that the Commission shall, and it hereby does, retain jurisdiction over each of said contracts for the express purpose of further investigation, particularly as to the special consideration, if any, involved in each of said contracts; provided further, that the Power Company shall hold itself ready to make such reparation, if any, as the Commission may order after investigation has been concluded and final opinion and order in each of said cases is issued; provided further, that the Power Company shall hold itself ready to make such reparation, if any, as the Commission may order after its opinion and order in Case No. 248 is issued.

Deseret News.
Hotel Utah.
Judge Mining & Smelting Company.
Salt Lake & Ogden Railroad Company.
Salt Lake Pressed Brick Company.
Progress Company.

IT IS FURTHER ORDERED, That the contract under which the City of Murray has hitherto received service shall continue in force and effect until further order of the Commission.

ORDERED FURTHER, That the Power Company shall immediately arrange to pay for any and all switching or other service rendered to it directly or indirectly by its customers.

ORDERED FURTHER, That the service under standard schedules, rules and regulations as prescribed in this order shall commence on the effective date, hereof, at 12 o'clock noon, the 22d day of October, 1920.

By the Commission.

(Signed) HAROLD S. BARNES,
(SEAL) Assistant Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 230

In the Matter of the Investigation of Special Contracts of the Utah Power & Light Company for electric service.

REPORT AND ORDER OF THE COMMISSION

On Petitions for Rehearing.

By the Commission:

Petitions for rehearing have been filed in this case by the following contract holders:

Utah Copper Co.
Standard Coal Co.
Portland Cement Co. of Utah.
Samuel H. Auerbach (Auerbach Co.).
Ogden Portland Cement Co.
Union Portland Cement Co.
Utah Iron & Steel Co. (Utah Steel Corporation).
U. S. Fuel Co.
U. S. Smelting, Ref. & Mining Co.
Board of Canal Presidents (Associated Canals Co.).
Utah Metal & Tunnel Co.
Snake Creek Mg. & Tunnel Co.
Silver King Cons. Mining Co.
Chief Cons. Mining Co.
Daly West Mining Co.
Silver King Coalition Mines Co.
Utah Hotel.
Salt Lake & Utah R. R. Co.
Denver & Rio Grande R. R. Co.
Salt Lake City Union Depot and Railroad Co.
The Deseret News.
Salt Lake Terminal Co.
Oregon Short Line Railroad Co.
Utah-Idaho Central R. R. Co.
Bamberger Electric Railroad Co. (Salt Lake & Ogden Ry. Co.)
Salt Lake Pressed Brick Co.
Progress Co.
Judge Mining & Smelting Co.

Daly-Judge Mining Co.
Utah Apex Mining Co.
Eagle & Blue Bell Mg. Co.
Utah Cons. Mining Co.
Bingham Mines Co.

The Commission has examined these petitions and finds no grounds for granting the re-hearings requested.

The Commission deems its original report and order to sufficiently cover the questions presented in said petitions, but in case there should be any doubt as to the position of the Commission on the points raised, the Commission wishes to make distinct record that it found the facts to be:

That the rates set forth in the special contracts under consideration, wherein they are different from those set out in the regular schedules applicable to like service, are discriminatory and preferential.

That the continuance in effect of these special discriminatory contract rates places an undue burden upon that part of the power consuming public that does not enjoy said special contract rates.

That the published and filed schedules and tariffs of the Power Company now on file with this Commission, purport to be, and by their terms are, applicable to the service rendered to the holders of the special contracts and are the schedules which are open to and actually used by the public generally for similar service, and unless and until changed, amended, and superseded, or annulled by this Commission, should be applied to all service to which by their terms they are applicable.

The foregoing findings were fundamental implications of the entire proceeding in this case, and are implied in the order of the Commission originally issued herein. This report is not intended to make any additional or new findings, but simply to clearly express the findings which were implied in the original report, and to indicate the Commission's attitude on some questions raised herein.

IT IS THEREFORE ORDERED, That all petitions for rehearing be, and they are hereby, denied.

Dated at Salt Lake City, Utah, this 9th day of November, A. D. 1920.

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

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No 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.

Submitted January 12, 1920. **Decided April 12, 1920.**

Richards and Richards for petitioner.
W. H. Folland for Salt Lake City, protestant.

REPORT OF THE COMMISSION

By the Commission:

In this proceeding, petitioner seeks to have the Commission fix fair and reasonable rates for gas delivered to its customers in Salt Lake City, Utah.

Petitioner alleges that rates now in effect "are inadequate and unreasonably low and do not afford petitioner a reasonable return upon the value of its property devoted to the service of its customers, and such rates now in effect are not sufficient to enable petitioner to obtain such new capital as is necessary from time to time to meet the demands of its customers for additions and extensions to its properties used in performing such service."

The Commission has heretofore in Case No. 34, decided June 1, 1918, and Case No. 87, decided April 18, 1919, given consideration to the financial difficulties of the petitioner, and in both cases cited made emergency provision for additional revenue by adjustments of rates and charges.

As part of Case No. 87, an appraisal of the petitioner's property, used and useful in the service, was made by the petitioner under direction of the Commission, and the Commission's report in that proceeding fixed the valuation for rate-making purposes at $2,242,067.86.

On October 2, 1919, the petitioner filed its petition in the instant case, and when the matter came on for hearing, November 25, 1919, the petitioner, as part of its case, presented a revaluation, based upon the inventory used in the valuation made in Case No. 87, but applying to that in-

ventory different and higher unit costs, based upon 1918-1919 prices, and reflecting, in the opinion of the petitioner, more nearly the actual present values of the various items of physical property.

The principal protestant at the hearing was Salt Lake City, as a municipal corporation. In a brief filed with the Commission after the hearing, the protestant attacked the right of the petitioner to present a new valuation at this time, in the absence of an order by the Commission for such revaluation, contending that the petitioner is in this way seeking to have the appraisement made by the Commission April 18, 1919, set aside and superseded by a new and different appraisement made at this time, and is thus seeking to avoid the report and decision in Case No. 87, without either directly attacking the same or seeking to have the same reviewed by a higher tribunal. This, protestant asserts, petition cannot do, because the valuation having been accepted by the Company and the public, and no review thereof having been had, the decision of the Commission stands and must be considered as final until such time as the Commission shall decide a revaluation should be made.

The petitioner's position is that the Company is entitled to have rates based on a present valuation of the property used and useful in the giving of gas service to the public, which valuation should be that obtained by the application of current prices for labor and material during the assumed construction period 1918-1919, to the units of physical property shown by the inventory; or in other words, that the present value is the reproduction cost new, less depreciation of the property.

REVALUATION

The difference between the valuation submitted by petitioner in Case No. 87 and in this case, is shown in the following tables. The items covering estimated cost of establishing the business and working capital are omitted from both tables, because these were not included in the revaluation report:

	Original Valuation Prices of 1913-1917		Revaluation Prices of 1918-1919	
	Reproduction Cost New	Present or Depreciated Value	Reproduction Cost New	Present or Depreciated Value
Total Specific Construction Costs	$2,050,598	$1,784,127	$2,986,308	$2,589,323
Overhead Allowances, 15%	307,590	267,619	447,946	388,398
Total	$2,358,188	$2,051,746	$3,434,254	$2,977,721

The Commission takes occasion to say that it is in full harmony with the well established and economically correct rule that public service corporations should be permitted to earn "a fair return upon the reasonable value of the property at the time it is being used for the public." What constitutes reasonable value at any specified time is, however, a matter to be given careful consideration. It is not necessarily the original cost or book value, nor the reproduction cost new, nor reproduction cost new less depreciation, nor is the earning power of the property necessarily controlling, though each of these factors may and should be given weight in arriving at a conclusion. If a property has been constructed during a period of unusual prices whether above or below the normal, the actual or book cost would not necessarily govern. Likewise if reproduction cost new were based upon the prices obtaining during a period of unusual inflation or depression of values, it might not reflect actual present worth. For the same reason, reproduction cost new, less depreciation, would be open to criticism. The earning capacity of the property probably should be given weight, because if a valuation were fixed so high that a reasonable return could be realized only by the imposition of rates that would curtail the use of the product, the appraisal would result in a two-fold injury: the owners would be deprived of needed revenue, and the public of the use of a modern convenience.

The authority conferred by statute upon the Commission to make a revaluation of the property of a utility does

not, in the opinion of the Commission, contemplate a disturbing of valuations theretofore fixed, every time a change occurs in unit prices, particularly during times when violent fluctuatons take place.

Justice Hughes, in the Brooklyn Borough Gas case, hereinafter referred to, rightly says:

> "When the value of a plant has been properly determined by the regulating authority, and suitable allowance is made for the investment in subsequent additions, it is manifestly proper to calculate the fair return upon this basis, at least for a reasonable period."

In this case, the Commission had no knowledge that the petitioner was dissatisfied with the valuation fixed less than six months before the filing of a new petition, nor was it aware until the day of the hearing that reappraisal was contemplated or in progress. No rehearing was demanded and the existing valuation was not challenged in judicial proceedings.

The Commission will not close the door against the utility that is not satisfied with findings in a valuation proceeding, but it feels that regular and orderly procedure should be followed when revaluation is desired, to the end that the Commission and the public may be advised of the contemplated action, and that justice may be done all interested parties.

Counsel for the applicant says:

> "The rule of giving to the owner the increment of value and subjecting him to the loss in value, has the unequivocal sanction of the law."

This general rule should be invoked under reasonable, normal conditions. Of course, under the present unusual conditions brought on by the great war, service corporations can well afford to call for the enforcement of such rule. But what becomes of the consumer? In attempting to follow the decisions of courts and commissions made under usual and normal conditions, we shall do well to carefully consider the influence of the great war period which has precipitated a condition undreamed of by the most prophetic financial or economic minds. We are called upon to deal with new and untried conditions, and, in doing so, a measure of right and justice must be used. We are moving on new ground and forced to handle new questions

with such new, or at least modified, rules and measuring methods as would tend to meet such changed conditions. We must be careful that there is no invasion of the rights of the service corporations or the public.

The reasoning of Ex-Supreme Court Justice Hughes, who acted as referee in the case of the Brooklyn Borough Gas Company vs. Public Service Commission, (N. Y. Supreme Court, July 24, 1918, P. U. R. 1918-F, 337-347) is clear on this question. He says:

> "While it is important to consider the cost of reproduction in determining the fair value of a plant for rate-making purposes, it cannot be said that there is a constitutional right to have the rates of a public service corporation based upon the estimated cost of the reproduction of its property at a particular time regardless of circumstances. To base rates upon a plant valuation simply representing a hypothetical cost of reproduction at a time of abnormally high prices due to exceptional conditions would be manifestly unfair to the public, and likewise to base rates upon an estimated cost of reproduction far lower than the actual bona fide and prudent investment because of abnormally low prices would be unfair to the company. This question of taking the hypothetical reproduction cost under abnormal conditions as a rate base should, of course, not be confused with the necessity of recognizing actual costs of operation even though abnormal. A public service corporation is entitled to be reasonably compensated for its service, and the actual cost of its operations must always be taken into consideration in determining whether or not it receives a fair compensation above that cost. But it is a different thing, after cost has been defrayed, and the question is as to the compensation to be allowed in excess of cost, to take as the basis for a compensatory return an asserted plant value, far above the actual investment, which is reached merely by expert estimates of a cost of reproduction under abnormal conditions. This would result in allowing a public service corporation to take advantage of a public calamity by increasing its rates above what would be a liberal return not only on actual investment, but upon a normal reproduction cost, in the view that unless it could make an essentially exorbitant demand upon the public it would be deprived of its property without due process of law. The enforce-

ment of the constitutional guaranty does not require the application of any artificial formula."

* * * * * * * *

"When the value of a plant has been properly determined by the regulating authority, and suitable allowance is made for the investment in subsequent additions, it is manifestly proper to calculate the fair return upon this basis, at least for a reasonable period. In the present case, the interval has been one of unusual circumstances incident to war and of especially high costs, and there is no reason why there should be substituted for the official appraisal a hypothetical estimate of reproduction cost under abnormal conditions reaching an amount vastly in excess of the actual investment."

Under all the conditions present in this case, the Commission is inclined to not adopt at this time as a rate-making base for the future, the revaluation presented by the petitioner in this proceeding.

In taking this action the Commission is following the well established principles of valuation as laid down by courts, reaching back to the case of Smyth vs. Ames, (169 U. S. 466), wherein the United States Supreme Court enumerated the various elements entering into present value, of which reproduction cost new was but one, though, of course, an important one, of many to be considered. It is not to be understood that the Commission is passing adversely on the right of the petitioner to earn a fair rate of return on the reasonable present value of its property now used and useful in the service of the public. But abnormal conditions are upon us. We are now on the crest of a wave of inflated prices. Only the lapse of time will prove whether or not these extreme prices are to be permanent. The most that can be said at this time is that they appear to be tending toward stabilization at the higher levels.

PRESENT VALUE FOR RATE-MAKING

Having in mind the present tendency of the prevailing high prices to become fixed and permanent, the Commission will modify its former finding to the extent of allowing now the amount that was deducted from specific construction costs in Case No. 87, on account of the use in that appraisal of average prices 1913 to 1917, which at that time were considered as unduly reflecting war-time prices. The Commission believes that the average price level 1913-1917,

which it now accepts, reflects the increment of value justly accruing to this property by reason of the upward trend of prices to present levels.

In addition to the allowance referred to, the Commission will add the amount that has been expended for additions and betterments of plant since the original inventory and appraisal was made.

After full consideration of all relevant facts presented in connection with the present fair value of the petitioner's property, the Commission, therefore, finds that the fair value for rate-making purposes of the property of this petitioner used and useful in the giving of service to the public, is $2,311,488.94. In reaching this decision, due consideration has been given to all matters that have bearing on present value, including the original book cost, cost of reproduction new, earning capacity and operating efficiency of the plant. This sum is made up as follows:

Depreciated present value as claimed in Case No. 87, and accepted by the Commission in this proceeding	$1,784,127.00
Depreciated overhead allowances	240,363.17
Cost of Attaching Business	191,055.83
Working Capital	88,000.00
Additions and Betterments	7,942.94
	$2,311,488.94

STOCK ISSUES

The testimony showed that the Company has outstanding an issue of $700,000 of cumulative 7 per cent preferred stock, which, according to the testimony, represents money actually invested in the business; and an issue of $2,500,000 common stock. The Company has found it impossible to pay cash dividends on the preferred stock since Dec. 31, 1917. During 1918 and the first quarter of 1919 dividend scrip was issued to holders of this stock in lieu of cash, this scrip bearing 6 per cent interest. Reference to the schedule of liabilities shows that practically the entire issue of this scrip was outstanding at the end of 1919, the amount unpaid being $60,375. An item in the list of accrued liabilities shows that not even the interest on this dividend scrip has been paid, there being due thereon $3,484.39.

In the discussion of this matter in Case No. 87 it was given as the opinion of the Commission that it was a mistaken policy to continue the issuance of dividend scrip, and

since the date of that decision, April 18, 1919, no further scrip has been issued. So that the holders of preferred stock have been for one year without any dividends whatever, either in cash or scrip. This stock is held by some 220 small investors residing in various parts of the United States and in England. No dividends have been paid on the issue of $2,500,000 common stock.

RATE OF RETURN

The petitioner's financial witness, George H. Waring, testified that in order to place the Company on a footing that would enable it to operate successfully, it would be necessary that there be an annual net income of $244,090.

The Commission having found herein a valuation for rate-making purposes of $2,311,488.94, it would require the fixing of a rate of return of over 10½ per cent thereon in order to provide the amount that Mr. Waring testified was needed. The Commission does not feel justified in fixing such a rate of return.

But while, in the interest of the consumer, we must decline to grant all that was asked, we are bound to deal justly with the utility, and justice and the law demands that a fair rate of return be fixed. What constitutes a reasonable return is a matter that calls for the exercise of the judgment of the Commission.

The Commission agrees in general with the thought expressed by the United States Court in the case of the Lincoln Gas & Electric Company vs. Lincoln City:

> "It is equally well known the annual returns upon capital and enterprises the world over have materially increased so that what would have been a proper rate of return for capital invested in gas plants and similar public utilities a few years ago furnishes no safe criterion for the present or future."

Great care should be exercised, however, so that in carrying out the principle involved in the foregoing statement, no injustice be done the public or the utility.

The City Attorney and his brief cites numerous cases in which a rate of return of 7 per cent or 7½ per cent was granted and it was his conclusion that not more than 8 per cent should be allowed. The Commission believes that substantial justice will be done all parties if the Company is allowed to earn a net rate of approximately 7½ per cent on the value of its property as found and fixed herein, ex-

clusive of the amount required to be set aside for depreciation reserve.

It is not to be assumed, however, that the Commission undertakes to guarantee any rate of return, because to do so might, in some cases, lead to inefficiency and extravagance in operation. This the Commission will not countenance. Such rate will be approved as appears just and reasonable both for the utility and its customers.

"READY-TO-SERVE" CHARGE

The Company has proposed in its petition an increase in the "ready-to-serve" charge from 25 cents per month to 50 cents per month for each consumer. This would yield about $38,000 additional revenue. The public has not taken kindly to this form of charge for gas service. The Commission naturally wishes to provide the absolutely necessary increased revenue in a way that will be least objectionable to the consumers, having due regard for the interests of the utility. If an increase in the service charge would result in a considerable loss of consumers, the public and the utility would be injured, the one by the loss of a convenience and the other by curtailment of revenue. The Commission will not at this time authorize an advance in the service charge, as suggested by the Company, but will allow the existing charge of 25 cents per month to stand.

FINDINGS

Inasmuch as no increase is allowed in the service charge, an adjustment in the rates on gas should be permitted so as to provide the required revenue.

The Commission, therefore, finds: that the present service charge should remain in effect, and that the petitioner should be permitted to increase its schedule of rates for artificial gas for illuminating, fuel and power purposes, not to exceed the following:

	Gross	Net
First 2,000 cubic feet per month	$1.40	$1.30 per M.
Next 20,000 cubic feet per month	1.30	1.20 per M.
All over 22,000 cubic feet per month	1.20	1.10 per M.

The Commission assumes that gas users will take advantage of the Company's rule which makes the net rate apply on all gas bills paid within ten days from date thereof.

The above rates may be made effective for gas delivered on an after April 15, 1920.

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 General Session of the PUBLIC UTILITITES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of April, A. D. 1920.

CASE No 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.

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 the same hereby is, authorized and permitted to publish and put into effect increased rates for artificial gas delivered for illuminating, fuel and power purposes, which shall not exceed the following schedule:

	Gross	Net
First 2,000 cubic feet per month	$1.40	$1.30 per M.
Next 20,000 cubic feet per month	1.30	1.20 per M.
All over 22,000 cubic feet per month	1.20	1.10 per M.

IT IS ORDERED FURTHER, That the above rates may be made effective for gas delivered on and after April 15, 1920.

By the Commission.

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

235. **RESIDENTS OF OASIS AND DELTA, UTAH,**

Complainants,

vs.

PEOPLES' TELEPHONE COMPANY,

Defendant.

PENDING.

237. **SALT LAKE CITY, a Municipal Corporation,**

Complainant,

vs.

UTAH POWER & LIGHT COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

Submitted January 14, 1920. Decided January 21, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed October 27, 1919, Robert Henderson and James Henderson, of Helper, Utah, seek authority to operate an automobile stage line between Helper, Utah, and Kenilworth, Utah, via Spring Glen, under the name of the "Kenilworth Auto Stage Line."

Petitioner desires to operate such stage line upon the following schedule:

At Helper—Meet Train No. 1, D. & R. G. R. R.
Leave Helper 9:00
Arrive Spring Glen 9:15
Leave Spring Glen 9:15
Arrive Kenilworth 10:00

Leave Kenilworth 10:30
Arrive Spring Glen 11:15
Leave Spring Glen 11:15
Arrive Helper 11:30
Meet Train No. 4, D. & R. G. R. R.

At Helper—Meet Train No. 4, D. & R. G. R. R.
Leave Helper 2:00
Arrive Spring Glen 2:15
Leave Spring Glen 2:15
Arrive Kenilworth 3:00

Leave Kenilworth 5:00
Arrive Spring Glen 5:35
Leave Spring Glen 5:35
Arrive Helper 5:45
Meet Train No. 3, D. & R. G. R. R.

The following are the fares which are desired:

	One Way	Round Trip
Bettween Helper and Kenilworth....	$1.00	$1.75
Between Helper and Spring Glen....	.25	.50
Betewen Spring Glen and Kenilworth	.75	1.50

Petitioner represents that a necessity exists for such service and that petitioner is financially able to, and will provide necessary equipment to care for the travelling public over this route.

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

1. That the application should be granted.

2. That petitioner, before beginning operation, should file with the Commission and post at each station on his route, a printed or typewritten schedule showing the arriving and leaving time of the stage cars and the rates for the transportation between all points, which rates shall not exceed those named above.

3. That petitioner shall at all times operate this stage line in accordance with the rules and regulations issued by the Public Utilities Commission of Utah governing such operations.

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. 66

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of January, A. D. 1920.

CASE No. 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.

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 applicants ROBERT HENDERSON and JAMES HENDERSON, be, and they are hereby, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line between Helper and Kenilworth, via Spring Glen, Utah.

ORDERED FURTHER, That applicants, 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

CASE No. 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.

Decided January 7, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed November 17, 1919, Albert C. Pehrson, of Wattis, Utah, requests permission to operate an automobile stage line for the transportation of passengers between Wattis, Utah, and Price, Utah, a distance of approximately twenty miles, on the following schedule:

Leave Wattis ..... 9:00 A. M.
Arrive Price ..... 10:15 A. M.
Meet Train No. 4.

Leave Price 2:30
Meeting Train No. 4.
Arrive Wattis ..... 4:00 P. M.
Petitioner desires to charge the following fares:
Between Price and Wattis—one-way $2.25
Round Trip $4.00

Petitioner alleges that such service is necessary to the traveling public, as there is no established service between these points at this time, and that petitioner is financially able to, and will, provide sufficient equipment to properly care for the business.

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

1. That the application should be granted.

2. That before beginning operations, applicant should

file with the Commission and post at each station on his route, a printed or typewritten schedule showing the time of arrival and departure of all stage cars, and the fares charged between all points.

3. Applicant should at all times operate such stage line in conformity with the rules and regulations prescribed by the Public Utilities Commission of Utah governing such operations.

The operation of this service is not intended to interfere with the service now being given between Price and Hiawatha. This permission is confined to passengers traveling from and to Price and Wattis.

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. 68

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 7th day of January, A. D. 1920.

CASE No. 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.

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, ALBERT C. PEHRSON, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Wattis, Utah, and Price, Utah.

ORDERED FURTHER, That applicant be, and is hereby, permitted to charge not to exceed the following fares:

Between Price and Wattis—One way	$2.25
Round Trip	$4.00

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 schedules 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

CASE No. 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 Lake City and Bingham Canyon, Utah.

Submitted December 18, 1919. Decided January 22, 1920.

Thomas Ramage for petitioner.

Dean Brayton for protestant.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed November 20, 1919, the Collier Transportation Company, a partnership composed of C. W. Collier, of Salt Lake City, and J. H. Collier of Bingham, Utah, doing business under the firm name and style of the Collier Transportationn Company, seeks authority to operate an automobile express line between Salt Lake City, Utah, and Bingham, Utah, alleging that there was a necessity for the establishing of such service between these points, as evidenced by the fact that practically 100 per cent of the stores and business houses, and a large number of private individuals in Bingham Canyon requested the said Collier Transportation Company to make application to this Commission to establish an express delivery service between these points.

A. Oberg, representing the B. & O. Transportation Company, the present holder of a certificate of convenience and necessity, conducting a motor freight transportation service between these points, made written protest upon the ground that no public convenience or necessity exists or will be served by the granting of a certificate to the said Collier Transportation Company.

The case came on for hearing, December 18, 1919, at 10 a. m., at the office of the Commission, State Capitol, Salt Lake City, Utah.

Testimony was to the effect that the Collier Transportation Company was the owner of three automobile trucks

and had been conducting for a considerable time a miscellaneous freight transportation business between Salt Lake City and Bingham Canyon, Utah, which business it entered into subsequent to the passage of the Public Utilities Act, and is now desirous of establishing its business as a common carrier, and asks the Commission that it be granted the right to operate an express line as set forth in its petition; that it is financially able and willing to provide efficient transportation service between these points and provide such additional equipment as may be found necessary to render adequate and efficient service to the public.

On November 21, 1919, the Commission, in Case No. 225, submitted October 14, 1919, granted the application of the B. & O. Transportation Company, for permission to operate an automobile freight line between Salt Lake City, Utah, and Bingham, Utah.

And it appearing that the service proposed to be offered by the Collier Transportation Company would duplicate the service furnished the public by the B. & O. Transportation Company, under the certificate granted in the above numbered case;

And it further appearing that the evidence submitted in this case is not sufficient to show that the service rendered by the B. & O. Transportation Company is insufficient and inadequate and that public necessity exists for another and additional service at this time;

The application will therefore be denied.

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

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

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 22nd day of January, A. D. 1920.

CASE No. 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 Lake City and Bingham Canyon, Utah.

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 it is hereby, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

Submitted December 17, 1919. Decided March 4, 1920.

Dean Brayton for petitioner.
W. D. Riter for Salt Lake & Utah R. R. Co.
A. Oberg for B. & O. Transportation Co.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

G. D. Dundas and R. N. Dundas, doing business under the firm name and style of Dundas Brothers Cartage Company, filed an application with the Public Utilities Commission November 12, 1919, seeking authority from this Commission to operate an auto truck and express line between Salt Lake City and Payson, Utah, and to serve all intermediate points. This application was protested by the Salt Lake & Utah Railroad Company on the ground that public convenience and necessity does not require the granting of the application; that the said Salt Lake & Utah Railroad Company affords ample, commodious and convenient service of the kind the applicant intends to engage in to all of the territory that is intended to be served by the applicant. The application was also contested by A. Oberg on behalf of the B. & O. Transportation Company upon the ground that the B. & O. Transportation Company already was serving a portion of the route as far as Sandy, Murray and Midvale under authority heretofore granted by the Commission and that they were already rendering adequate and reasonable service between these points.

Authority is sought from the Commission to serve the public as a common carrier under Section 4818, Compiled Laws of Utah, 1917, amended 1919:

> "4818. Certificate of Utilities Commission required—restrictions—procedure. 1. No railroad corporation, street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, heat corporation, automobile corporation, or water corporation shall henceforth establish or begin the construction or operation of a railroad, street railroad, or of a line, route, plant or system, or of any extension of such railroad or street railroad, or 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; provided, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city or town within which it shall have heretofore lawfully commenced operations, or for an extension into territory either within or without a city or town contiguous to its railroad, street railroad, line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; and provided further, that if any public utility, in constructing or extending its line, plant or system shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility already constructed, the Commission on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable."

The case came on for hearing Wednesday, December 17, 1919, before the Commission at its office in the State Capitol.

Petitioner testified that it was the desire to initiate a motor truck service between Salt Lake City and Payson, running through Murray, Lehi, American Fork, Provo, Springville and other intermediate points, a total distance of about seventy miles; that total running time with usual and necessary stops would be about ten hours, service to be daily except Sundays and legal holidays; trucks would leave

Salt Lake for Payson at 7:30 a. m., returning leave Payson for Salt Lake City and all intermediate points at 8:00 a. m. Petitioner further testified at the hearing that a central warehouse or freight station would be established in Salt Lake City where goods may be received for shipment and that a one-ton truck would be used in Salt Lake City for pick-up and delivery work within the city and that free pick-up and delivery service is offered by petitioner within the limits of all towns along the route proposed to be served; that they are prepared and willing to operate at all times, both summer and winter, and were prepared to furnish protection to perishable goods at all times; that they possessed one Nash two-ton truck and one Paige two and a quarter-ton truck, both fully equipped and which were to be used for regular service along the route; they were prepared and financially able to furnish such further and additional service as may be required to serve the public adequately and reasonably with this kind and type of service; that the petitioners were prepared to furnish the necessary public liability insurance in connection with the operation of the business and filed a schedule of proposed rates between Salt Lake City and points south along the State Road. These rates follow rather closely but slightly under express rates charged for service to same points via the American Railway Express.

Exhibits were introduced by the petitioner in the form of endorsement by many of the firms and industries doing business along the route proposed to be served and by further testimony to support the necessity for such service. Petitioner testified that in certain non-agency stations of the Express Company there was no responsibility for express after it had been unloaded from the cars and that no service was offered intermediate to the towns and it was petitioner's intention to serve all intermediate points between the various towns and make direct delivery to residences, stores and industries along the route, which service it was impossible to render directly by protestant; that development of the territory would be thereby hastened.

Protestant, the Salt Lake & Utah Railroad Company, offered various exhibits in support of the adequacy of the service now being given various points along the line which were sought to be served by petitioner. It was shown that at many of these points agencies were maintained by the Express Company which received shipments by express and that free delivery services were maintained within certain prescribed limits in the various towns sought to be served by petitioner and that outside of these free delivery

zones a further charge was added to the rate to cover the additional service of delivery. The testimony was to the effect that ninety per cent of all express shippers in these various towns came within the free delivery limits and that the present service of the American Railway Express lines was adequate and reasonable and at least three trains each way per day served the communities along this route, whereas but one service each way per day was sought to be initiated by the petitioner; that protestannt was financially responsible for loss and damage claims; that in the schedule filed by the petitioner, protestant sought to show that it was evident from the schedule itself that petitioner was trying to evade serving the public by initiating rates which were so high that certain classes of commodities would not move via truck line.

It appears to this Commission that the position assumed by protestant in this case is different from that assumed in Case No. 161, entitled "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," wherein the carrier, represented by Mr. Beason, offered testimony as follows:

> "MR. BEASON: Especially do we ask the consideration of the Commission in letting us cut the handling of this short-haul traffic that we should not properly handle. There is no use in saddling us and forcing us with the handling of a traffic that economically is not meant for the ralroad to handle. For a man to load up a dray at a warehouse and haul it to the freight hause and unload it and reload it into the car, haul it eight miles out of town, to haul that shipment eight miles out on the railroad, unload it into a freight house, reload it onto a wagon and haul it to some store nearby, seems to me a useless and a foolish handling. The claim hazard to the railroad is just as great on a shipment hauled five miles as it is on a shipment hauled fifty miles, and the handling of the shipment is just as much. The only additional expense to the railroad is the additional haulage, which of course represents a fractional part of the total cost.
>
> "COMMISSIONER GREENWOOD: Well, now, what class of stuff would that be?
>
> "MR. BEASON: That would be groceries, hardware and so on, going out from here to Riverton, as an illustration."

In this case the carrier, represented by Mr. White, offered the following testimony:

"MR. WHITE: He was referring to freight business, Mr. Stoutnour, which is an entirely different proposition from express. Freight business is not picked up or delivered and the rates on it at that time were first-class rate from Salt Lake to Riverton, $1.10 per hundred weight, as compared with 85 cents express rate. We have never said at any time to my knowledge that we did not want to handle express business between any points.

"COMMISSIONER STOUTNOUR: Well, do I understand that insofar as freight shipments are concerned on short hauls, that you do not resist the application of this service?

"MR. WHITE: They don't want to handle it either, between these points.

"COMMISSIONER STOUTNOUR: He said he would haul coal or any other thing at that tariff.

"MR. WHITE: But his application only applies from Salt Lake to Lehi and points south.

"COMMISSIONER STOUTNOUR: I understand this tariff is filed between Lehi and American Fork, Springville and Spanish Fork, is it not?

"MR. WHITE: Yes, but he is handling it at express rates, while we object to handling short haul stuff at freight rates. Since that time our freight rates have not been raised to the point where we consider it pays us to handle it. We have no objection.

"COMMISSIONER STOUTNOUR: Then your position is, if I understand this testimony, quite different from Mr. Beason when he testified in regard to that tariff. He says: 'The tariff carrying the present minimum is of course on file with the Commission. If this change is granted it will mean that shipments which are now moving to close-by points under the present minimum scale will in some instances be handled by dray or truck, as they properly should be.'

"MR. WHITE: I believe that is true, yes, sir.

"COMMISSIONER STOUTNOUR: But still, I suppose we ought to have Mr. Beason here to explain

his own testimony. Would it be the position of the carrier that while this short-haul stuff would properly go to trucks or drays, still there is no necessity or public necessity existent so that the State should authorize a service of that kind?

"MR. WHITE: I don't believe that there is any public necessity or convenience, Mr. Stoutnour, in this case. I believe that the Express Company—

"COMMISSIONER STOUTNOUR: Is that the position of the carrier in the light of this—

"MR. WHITE: Beg pardon?

"COMMISSIONER STOUTNOUR: —testimony of this agent? That is the position of the carrier in the light of the testimony of Mr. Beason?

"MR. WHITE: He was referring to freight shipments, not express shipments, Mr. Stoutnour. There is a big difference between the handling of freight and express. Freight shipments are trucked down to our warehouse, loaded on cars, carried out and unloaded on the truck again, while express shipments are picked up by the Express Company at the door and laid down at the door. I don't see that this service that is offered would better that in any way, shape or form. As a matter of fact, it looks to me as though their service is absolutely impossible.

"MR. STOUTNOUR: Do you mean from the point of revenue?

"MR. WHITE: Every standpoint.

"COMMISSIONER STOUTNOUR: Financial return?

"MR. WHITE: Financial return to them and service to the public and every other standpoint.

"COMMISSIONER STOUTNOUR: I think that is all."

In this case a distinction is sought to be made of terms in that petitioner is seeking to render an express service in contra-distinction to freight service. The tariffs of the protestant as regards freight service are very much lower than that for the service sought to be offered by the petitioner, which are somewhat lower than the rates in effect

on the American Railway Express line. The Commission has made an investigation of the ordinary cartage charges which would be incurred in the delivery of freight to the freight house of the carrier, from the point of origin and the delivery cartage charge at point of destination and it is the opinion of the Commission that the cartage charges, coupled with the advanced railroad freight charges will exceed considerably the charges sought to be initiated by the petitioner, whatever be the name given to the service sought to be rendered by the petitioner.

Th Commision has heretofore denied an application for service in competition with express and freight service via railroad lines. Since that time, when the country was in the midst of a world war, however, conditions have vastly changed, national necessity for the conservation of manpower is not now apparent, express and freight rates have been materially advanced with no prospect of reductions in the reasonably near future, while service generally has been curtailed. The Commission finds under all the circumstances that further additional and different service is necessary between these points. In conferring authority upon petitioner to initiate this service, petitioner will be bound by the act governing the services, rules, regulations, rates, fares and charges of common carriers, which will be subject to such revision by the Commission as is found to be just and reasonable from time to time to adequately and reasonably serve the public.

This Certificate of Public Convenience and Necessity does not confer upon the petitioner the right to serve the public as a common carrier along that portion of the route now being served by protestant, B. & O. Transportation Company, namely, between Salt Lake City, Murray, Midvale and Sandy.

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

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

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 75

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of March, A. D. 1920.

CASE No. 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.

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, DUNDAS BROTHERS CARTAGE COMPANY, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile truck line for the transportation of express between Salt Lake City and Payson, Utah, and intermediate points south of Sandy, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on its 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

CASE No. 246

In the Matter of the Application of the PEOPLES TELEPHONE COMPANY, for permission to increase its toll and exchange rates.

Submitted January 2, 1920. **Decided January 20, 1920.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Hearing on the above application was held at Delta, Utah, December 17, 1919, at ten o'clock a. m., notice of which was duly published in the local paper, and also mailed to each subscriber.

There were no protests or opposition to the petition except that a number of the subscribers appeared and claimed that the service given by the applicant was not sufficient and adequate.

Testimony was to the effect that the Peoples Telephone Company is a corporation organized and existing under the laws of the State of Utah; that it owns and operates about 127½ miles of toll lines in Juab and Millard Counties, and at the present time is furnishing service to Lynndyl, Leamington, Oak City, Delta, Southerland, Woodrow, Abraham, Hinckley, Deseret and Oasis, operating exchanges at Leamington, Delta, Hinckley and Deseret, and in all has about 333 subscribers.

Applicant further testified that the Company was organized in 1911, and since said time has declared but one dividend; that on account of its financial condition it has not been able to dispose of its stock in quantities sufficient to make the necessary extensions and improvements; that it has not been able, on account of the high costs of labor, to get competent officers and employees to do the work, and that much of the service rendered has had to be performed without compensation, and that on account of its financial condition, the Company has not been able to give the quality of service it desired; that in order to give adequate service and to employ competent officers and employees at wages that are reasonable, and to derive revenue with which to pay

a fair return on the money invested, it is necessary that the rates asked for be allowed.

Exhibits submitted by the petitioner show the estimated investment to be $30,510. Such estimated valuation is based upon figures submitted in Exhibit "A," which purports to set out the numeration of the physical property as well as the valuation for each part thereof. The prices used in the calculation are as of present value, while the material was purchased between the years 1911 and 1917.

The valuation, however, upon which the rates are asked, is $22,800, which is the amount of the capital stock issued at par value, at the time the present Company was organized, the Peoples Telephone Company being a consolidation of the West Side Telephone Company and a part of the Millard County Telephone Company. It was testified that the stock issued had all been paid for in good and sufficient values; that there was no promotion stock issued, and that the $22,800 in capital stock was the actual value of the properties at the time of the consolidation, and that such value was based upon the going prices at the time of the organization of the present company.

The estimated total operating expenses required to give proper and adequate service, including 7 per cent for depreciation but not allowing anything for return on the investment, for the nine months ending September 30, 1919, are $9,187.05, while the actual operating expenses were $4,057.55. The estimated gross operating revenues for the same period are $9,171.16, while the actual gross operating revenues were $6,157.08. The estimated operating revenues are based on the proposed new rates, and would still show a deficit of $15.89 over the estimated operating expenses for the same period.

The estimates above given were furnished by the applicant. The actual operating expenses as compared with the estimated operating expenses, show such a difference that it would hardly be expected that the amount for the coming year, at least, would reach the estimates given, as the increase in operating expenses, estimated, is over 100 per cent.

No doubt the future business of this Company will be greatly increased, especially when the service is improved. The territory is one that is growing, the population is increasing, and the demand for the telephones will greatly increase, and, therefore, the revenues of this Company will be much greater than is estimated by the Company.

The applicant, under its showing, is no doubt satisfied to take care of the dividends on the capital stock by as-

suming that the expenses will not be so great and that the operating revenues may be greater.

Without fixing any specific valuation upon the property or prescribing any rate for depreciation reserve or for return upon the investment, the showing would seem to fairly indicate that the Company is entitled to the advances asked for.

The Comimssion feels called upon, however, to say to the applicant that under the showing the service has not been adequate, and the Commission will require of the Company to materially improve its service and make an effort to give adequate and reasonable service to the public. By so doing we feel confident that the business will increase and that under the rates herein allowed the Company will receive sufficient revenues to make such improvements as a reasonable service will demand.

We therefore find that the rates, rules and regulations asked for should be allowed, with the exception of the "readiness-to-serve" charge of $3.50, and the "cost of material" in the moving charge. The passing upon the "readiness-to-serve" charge is reserved for future consideration of the Commission.

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 20th day of January, A. D. 1920.

CASE No. 246

In the Matter of the Application of the PEOPLES TELEPHONE COMPANY, for permission to increase its toll and exchange rates.

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 in effect the following rates and charges:

TOLL RATES

Miles	Sta. to Sta. Calls	Person to Person Calls	Mess. & Appt. Calls	Report Chgs.
0 to 6	$0.20	$0.25	$0.30	$0.10
6 to 12	.20	.25	.30	.10
12 to 18	.20	.25	.30	.10
18 to 24	.25	.30	.35	.10
24 to 32	.35	.40	.45	.10
32 to 40	.40	.50	.60	.10
40 to 48	.50	.60	.75	.15
48 to 56	.55	.65	.80	.15
56 to 64	.60	.75	.90	.15

EXCHANGE SERVICE RATES

Per Month

	Business	Residence
1 party	$4.00	$2.75
2 party	3.50	2.50
4 party	3.00	2.25
Multi-party	.....	2.00

The above rates are to apply within a base area of one-half mile from exchange, and for each additional one-fourth mile an extra charge of 35 cents will be made

Rural Service	Business	Residence
Multi-party	$4.00	$2.25

Moving charge—actual cost of labor.

ORDERED FURTHER, That the application for permission to install a "readiness-to-serve" charge of $3.50, be, and it is hereby retained for future consideration of the Commission.

IT IS FURTHER ORDERED, That the above rates and charges may be made effective February 1, 1920, upon filing with the Commission, schedule naming such rates and charges, as provided in Tariff Circular No. 3.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 247

In the Matter of the Application of the MILLARD COUNTY TELEGRAPH AND TELEPHONE COMPANY, for permission to increase its toll and exchange rates.

Submitted January 2, 1920. **Decided January 20, 1920.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The application in the above entitled matter was filed with the Commission December 1, 1919, and a hearing was had upon the same, December 19, 1919, at Fillmore, Utah. Notice of said hearing was published in the Progress, a weekly newspaper with a general circulation, published at Fillmore, and a special notice was mailed to all of the subscribers.

There were no protests or objections filed, neither did any one appear at the hearing in opposition.

The testimony at the hearing was to the effect that the applicant was a corporation operating as a telephone company in Juab and Millard Counties, owning and operating about 101 miles of toll lines, and furnishing service to the inhabitants of Sevier Bridge, Holden, Scipio, Fillmore, Meadow and Kanosh, with exchanges at Scipio, Holden, Fillmore and Kanosh; with 132 subscribers.

Applicant further testified that the present Company was organized and began doing business in the year 1914; that since said time, and because of insufficient revenue, the Company has not been able to pay its employees a reasonable compensation for services rendered, and that in nearly all instances the officers have performed their duties without remuneration and further, that on account of such condition it has not been able to give the quality of service desired; that under the advanced cost of material and wages it is impossible to meet the demands made upon the Company in obtaining competent employees to do the work, or to pay any returns upon the money invested; that in order to give the quality of service its patrons are demanding it will be necessary to hire competent employees

at a wage that will compare favorably with the wages paid by other companies for the same class of work.

Applicant further testified that it will also be necessary to spend a large sum of money for extensions, central office equipment and exchange lines, in order that subscribers may be given one-party, two-party and four-party service, in addition to the multi-party service they are now receiving; that such service can not be provided for under the present rates, and that it will require at least such rates as are set out in the application.

From the exhibits filed by the applicant in support of its application, it would appear that the revenues are not sufficient to meet the costs of giving such service as the patrons demand. The actual gross income for the nine months ending September 30, 1919, according to the report of the Company, was $3,685.73. The operating expenses for the same time were $2528.70. This amount of operating expenses does not include any amount for depreciation, or dividends upon the investment.

The estimated gross operating revenue required to meet the increased expenses, for the nine months ending september 30, 1919, as reported by the Company, is $5,059.29, while the estimated operating expenses for the same length of time amount to $5,151.57, which would show a deficit of $92.28. In this amount of operating expenses there is included depreciation of $951.57, or 7 per cent on the Company's value of $18,125.00.

The estimated investment as given by the applicant is $20,414.20, based upon the present prices. The Company is asking for rates which will produce a return upon the capital stock of the value of $18,125. It was testified to by the witnesses for the Company that the stock issued was for a valuable consideration, and that there was no promotion stock, and that the stock represented a fair valuation of the property used and useful in giving the service.

The rates asked for by the Company will no doubt produce revenues in excess of the estimate above referred to, and the estimated operating expenses are sufficiently high, if not in advance of the actual operating expenses for the year 1920. These matters, together with the increase of business that will come to the Company through an improved service, will, no doubt, take care of the operating expenses, depreciation, and furnish a sufficient amount to pay a reasonable return on the investment.

After a full and complete review of the showing made in this case, the Commission is of the opinion that the rates, rules and regulations asked for should be allowed, with the

exception of the "readiness-to-serve" charge of $3.50, and the "cost of material" in the moving charge. The passing upon the "readiness-to-serve" charge is reserved for future consideration of the Commission.

In granting the advanced rates in this case, the one purpose, as contended for by the petitioner, is to facilitate the giving of a more adequate service, and the Commission will insist upon an improvement. Some complaints have been made that the service is not what it should be, and this condition must be taken care of.

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 20th day of January, A. D. 1920.

CASE No. 247

In the Matter of the Application of the MILLARD COUNTY TELEGRAPH AND TELEPHONE COMPANY, for permission to increase its toll and exchange rates.

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 in effect the following rates and charges:

TOLL RATES

Miles	Sta. to Sta. Calls	Person to Person Calls	Mess. & Appt. Calls	Report Chgs.
0 to 6	$0.20	$0.25	$0.30	$0.10
6 to 12	.20	.25	.30	.10
12 to 18	.20	.25	.30	.10
18 to 24	.25	.30	.35	.10
24 to 32	.35	.40	.45	.10
32 to 40	.40	.50	.60	.10
40 to 48	.50	.60	.75	.15
48 to 56	.55	.65	.80	.15
56 to 64	.60	.75	.90	.15

EXCHANGE SERVICE RATES

Per Month

	Business	Residence
1 party	$3.50	$2.00
2 party	3.00	1.75
4 party	2.50	1.50
Multi-party	.....	1.25

The above rates are to apply within a base area of one-half mile from exchange, and for each additional one-fourth mile an extra charge of 35 cents will be made.

Rural Service	Business	Residence
Multi-party	$4.00	$2.00

Moving charge—actual cost of labor.

ORDERED FURTHER, That the application for permission to install a "readiness-to-serve" charge of $3.50, be, and it is hereby reserved for future consideration of the Commission.

IT IS FURTHER ORDERED, That the above rates and charges may be made effective February 1, 1920, upon filing with the Commission, schedule naming such rates and charges, as provided in Tariff Circular No. 3.

By the Commission.

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

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

CASE No. 250

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity, authorizing it to enter the City of Morgan, Utah.

Submitted May 18, 1920. **Decided September 3, 1920.**

C. C. Parsons for petitioner.
E. R. Johnson for Morgan Elec. Light & Power Co.

REPORT OF THE COMMISSION

By the Commission:

The above application came on for hearing before Special Investigator, F. M. Abbott, May 18, 1920, at Morgan, Utah, upon the petition of the Utah Power & Light Company, together with the protest of Morgan City and the intervening petition of the Morgan Electric Light & Power Company, which opposes the granting of the said application.

The testimony taken at said hearing, together with the files herein, discloses the following contentions and facts:

The applicant asks the Commission to grant it a certificate of convenience and necessity permitting it to construct, maintain and operate transmission and distribution lines within the corporate limits of the City of Morgan as is set out in the franchise heretofore granted, a copy of which is filed with the said petition, which franchise authorizes said applicant to occupy certain streets of said city with poles, wires and other equipment, for the purpose of supplying electricity to customers residing beyond the limits of said city. During the year 1914, the petitioner erected a substation within the corporate limits of the City of Morgan, and constructed a 44,000 volt tap line to serve said substation, for the purpose of furnishing electricity to the Morgan Electric Light & Power Company at wholesale, for distribution by said Company to the residents of said City. In the year 1916 the petitioner constructed a transmission line from said substation to various communities in Morgan

County outside the said City, and later, in 1919, it constructed a transmission line from said substation to the property of the Boston Acme Mine Corporation, which is located outside the limits of said City. In the construction of the three above mentioned transmission lines it is absolutely necessary to use the public streets, alleys, and public places of the City of Morgan.

The objection of the City of Morgan, filed with the Commission, was, according to the transcript of the hearing of said case, duly withdrawn. Such action was evidenced by the transcript of the minutes of the special meeting held by the City Council of Morgan, March 20, 1920. Said withdrawal was predicted upon the request of the City Council that certain corrections be made in the application, said concession being granted by the Utah Power & Light Company, changing the date of the construction of the plant from 1914, as shown, to 1916.

The Morgan Electric Light & Power Company opposed the issuing of said certificate upon the grounds that it was wholly unnecessary and would be a duplication of the lines and in competition with the Morgan Electric Light & Power Company, and, therefore, would seriously impair the value of the franchise secured by the Morgan Electric Light & Power Company, and would limit the natural growth of the latter's power business, contending that the line serving the Boston-Acme Mine Corporation should be turned over to them with the rebate status as it exists at present, and further, that said protesting company had received a franchise to operate any place within Morgan County and without the City of Morgan, and that in issuing the certificate as prayed for, said protesting company would be deprived of the privilege of furnishing not only the mining company referred to, but other points outside of said City.

In answer to said contention on the part of the Morgan Light & Power Company, the Utah Power & Light Company maintained that under the agreement and contract entered into by said Company, the Morgan Electric Light & Power Company was restricted to specified points of operation.

An examination of the contract and agreement entered into April 2, 1914, shows that the Utah Power & Light Company agreed to furnish during the life of the contract, electric power in the form of three-phase, sixty cycle alternating current, at approximately 2300 volts at the following places: At the substation of the Power Company to be located near the factory of the Morgan Canning Company; at a point in Littleton, and at other points named in said agreement; that any and all power supplied the Morgan Electric Light &

Power Company is for the use of the consumer only in operating its electric distribution system in the following towns and villages only: Morgan, Porterville, Richville, Milton, Littleton and Stoddard, it being understood that the consumer would deliver through its distribution system a part of the power to the Morgan Canning Company.

The above would indicate that the field of operation of the Morgan Light & Power Company is confined and limited to the above described towns, villages and points, and that under said contract the Utah Power & Light Company is not required to furnish energy for the extending of the operations of the said Morgan Electric Light & Power Company to other points in Morgan County than those above mentioned.

Under conditions existing it would appear to be necessary for the Utah Power & Light Company to enter Morgan City with its transmission lines, for the reason that it becomes necessary in order to furnish the power to the Morgan Light & Power Company.

The applicant is not seeking or desiring to serve the patrons of the Morgan Electric Light & Power Company, so that there does not appear to be any effort or intent on the part of the applicant to duplicate the service, or to give any service that would be competitive in the field of operation contemplated by the contract entered into and as above referred to, which should remain in force and until such time as it may be modified or changed, upon a hearing and order of the Commission. It does not appear that the rights or privileges of the Morgan Electric Light & Power Company would be interrupted or in any way interfered with by granting the certificate of convenience and necessity prayed for by the petitioner.

Therefore, after due consideration of the testimony, together with the circumstances and conditions presented in this case, the Commission finds:

1. That the application should be granted.

2. That applicant should not duplicate existing lines for the purpose of entering into competition with the Morgan Electric Light & Power Company, but confine its opera-

tion to territory which has not heretofore been served.

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. 89

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 3d day of September, A. D. 1920.

CASE No. 250

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity, authorizing it to enter the City of Morgan, Utah.

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, Utah Power & Light Company, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain a transmission and distribution system for the purpose of furnishing electric energy for light, heat and power, within Morgan City, Utah.

ORDERED FURTHER, That applicant shall not construct, operate or maintain any transmission or distribution system within Morgan City for the purpose of competing with the service which is now being rendered by the Morgan Electric Light & Power Company.

ORDERED FUTRHER, That said transmission and distribution line shall be constructed in conformity with the rules and regulations prescribed by the Public Utilities Commission of Utah governing such construction.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

Decided January 12, 1920.

REPORT OF THE COMMISSION

By the Commission:

The Uintah Railway Company, in an application filed December 29, 1919, seeks authority to increase its rates for the transportation of freight over its wagon line, between Watson, Utah, and Vernal. Ft. Duchesne and Ouray, alleging that increased cost of operation has resulted in a loss of $17,973.09 during the ten months ended October 31, 1919.

The following schedule shows the present and proposed rates between the above points on the petitioner's wagon line:

On all freight classified in current Consolidated Freight Classification as first-class, or less, the following rates will apply:

BETWEEN	AND	Rate in Cents per 100 lbs. Present	Proposed
Watson, Utah,	Ouray, Utah	86	100
	Ft. Duchesne, Utah	104	135
	Vernal, Utah	104	135

The following commodity rates are also desired:

COMMODITY	FROM	TO	
Flour, in sacks	Vernal	Watson.....	46
Honey, in cans, crated	Vernal	Watson.....	46

COMMODITY	BETWEEN	Rate per 100 lbs.
Cans, tin, empty, crated or boxed, capacity 5 gallons or more per can.	All points	Three (3) times the class rate shown above.
Cans, tin, empty, crated or boxed, capacity less than 5 gallons per can.	All points	Two (2) times the class rates shown above.
Furniture, new or old, described as such, and taking first-class or less in current Consolidated Freight Classification.	All points	One and one-half (1½) times the class rates shown above.
Musical Instruments and Talking Machines, parts and records, described as such in current Consolidated Freight Classification.	All points	One and one-half (1½) times the class rates shown above.

No increase is asked for other commodity rates named in applicant's tariff No. W-11, P. U. C. U., W-5.

Accompanying the petition was a request addressed to applicant and signed by sixteen representative shippers, asking applicant to install, operate and maintain a motor truck service between Watson and Vernal, hauling freight at the rate of $1.35 per cwt., which is the rate sought. Telegrams from Albert Neale, at Ft. Duchesne, and the Curry Mercantile Company, at Ouray, approving the increase, were

also received by the Commission. In his approval, Mr. Neale complains of the service heretofore given, and asks for an improvement which would be met by the applicant operating upon a suitable schedule.

The Commission has investigated conditions existing upon the wagon line of petitioner, in Cases Nos. 11 and 59, and found that the rates in effect at such times were inadequate to provide applicant with sufficient revenues to defray increased operating expenses, and for this reason does not consider an extensive hearing and investigation necessary in order to make a finding in this case.

Since the last hearing was conducted, the prices of material and feed, as well as the cost of labor, have continued to advance, and the cost of operating petitioner's line has increased in proportion.

The petitioner estimates that the returns under the increased rates will provide sufficient revenues to defray operating expenses over its wagon line, and enable petitioner to continue to serve the public dependent upon it.

The Commission is confronted at this time with the question of permitting increased rates or inadequate service, and as service is of prime importance to the community depending upon petitioner's line for the transportation of its products, as well as the necessities which it must secure from other sections of the State and Country, will grant the relief required, after a careful consideration of operating expenses.

We therefore find, That the petitioner should be permitted to establish and put into effect, upon five days' notice to the public and the Commission, the increased rates named above.

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 12th day of January, A. D. 1920.

CASE No. 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.

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 change its present wagon freight tariff No. W-11, P. U. C. U., W-5, to the following extent:

On all freight classified in current Consolidated Freight Classification as first-class, or less, the following rates will apply:

BETWEEN	AND	Rate in Cents per 100 lbs.
Watson, Utah,	Ouray, Utah	100
	Ft. Duchesne, Utah	135
	Vernal, Utah	135

The following commodity rates will apply:

COMMODITY	FROM	TO	
Flour, in sacks	Vernal	Watson.....	46
Honey, in cans, crated	Vernal	Watson.....	46

COMMODITY	BETWEEN	Rate per 100 lbs.
Cans, tin, empty, crated or boxed, capacity 5 gallons or more per can.	All points	Three (3) times the class rates shown above.
Cans, tin, empty, crated or boxed, capacity less than 5 gallons per can.	All points	Two (2) times the class rates shown above.
Furniture, new or old, described as such, and taking first-class or less in current Consolidated Freight Classification.	All points	One and one-half (1½) times the class rates shown above.
Musical Instruments and Talking Machines, parts and records, described as such in current Consolidated Freight Classification.	All points	One and one-half (1½) times the class rates shown above.

IT IS FURTHER ORDERED, That such increased rates may be made effective upon five 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

CASE No. 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.

Decided January 17, 1920.

REPORT OF THE COMMISSION

By the Commission:

On December 29, 1919, the Uintah Railway Company filed an application with the Public Utilities Commission of Utah seeking authority to make certain increases in the rates charged for the transportation of freight over its wagon line between Watson and Ouray, Ft. Duchesne and Vernal. The Commission, in its order dated January 12, 1920, authorized certain increases in the rates between the points above named.

On January 16, 1920, a supplemental application was filed making further showing that the relief granted was not sufficient to meet applicant's needs, and asking reconsideration.

It is alleged by petitioner that the present rates to and from White Rocks, Myton, Roosevelt, Bonanza Shearing Corral, Bonanza, Little Bonanza Mine, Alhambra and Kennedy, should be eliminated from its tariff, as there is not now, and has not been for a long time past, any shipments handled to or from said points. Further, that the commodity rates between Watson and Ouray, Ft. Duchesne and Vernal, should be cancelled, as such rates are unreasonably low, and shippers have consented to the cancellation of such items.

After further consideration of all matters presented, the Commission finds that petitioner is entitled to all the relief requested, and should be permitted to eliminate the commodity rates in question, as well as other rates to points other than Watson, Ouray, Ft. Duchesne and Vernal, but

should provide intermediate application of rates between the points named above.

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 17th day of January, A. D. 1920.

CASE No. 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.

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 publish and put into effect, its wagon tariff No. W-12, P. U. C. U., No. 6, upon one day's notice to the public and to the Commission.

ORDERED FURTHER, That such proposed tariff shall contain a clause providing for the intermediate application of rates between Watson, Ouray, Ft. Duchesne and Vernal, Utah.

ORDERED FURTHER, That such publication shall bear upon the title page the notation:

> "Issued on less than statutory notice under authority of order of the Public Utilities Commission of Utah, dated January 17, 1920, Case No. 251."

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 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.

ORDER

Opon motion of the petitioner, 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 6th day of February, 1920.

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

State of Utah,

Legal Department,

Salt Lake City.

January 26, 1920.

Public Utilities Commission of Utah,
Capitol Building.

Gentlemen:

In response to your communication of the 17th inst., relative to the power of the Commission to regulate charges and rates of service for municipal water works, you are advised that after careful consideration of the provisions of the constitution and the Public Utilities law, we are of the opinion that the provisions of Article 11, Section 6, and Article 6, Section 29, of the constitution, grants a continuing power in cities to maintain, regulate and supervise municipal water works systems, where such are owned and controlled by the city and that the part of the Utilities law which places water corporations under the jurisdiction of theUtilities Commission should be confined to private ownership.

By Article 6, Section 29, of the constitution, it is provided that

> "the Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money property or effects, whether held in trust, or otherwise; to levy taxes to select a capitol site, or to perform any municipal functions."

This section read in connection with Section 6 of Article 11, would seem to place the power of control of municipal water works with the city administration, and while neither of these sections are clear on the issues raised by your letter as might be desired, it would seem to have been the intent of the makers of th econstitution to recognize the right of cities to regulate without interference from created commissions such powers as are usually delegated to incorporated cities.

As a matter of public policy, it would seem to us that the interests of the public could best be served in the matter of municipal regulation by city officers who are acquainted

with local conditions and we believe that such was the intent of the makers of our constitution by incorporating therein, the provisions referred to above.

Herewith enclosed, we return files submitted.

Yours truly,

(Signed) DAN B. SHIELDS,
Attorney General.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 253

In the Matter of the Application of the SALT LAKE & DENVER RAILROAD COMPANY, for a certificate of convenience and necessity authorizing the construction of a line of railroad.

Submitted February 24, 1920. Decided February 25, 1920.

DeVine, Stine & Gwilliam for petitioner.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

The Salt Lake & Denver Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of Utah, with its principal place of business in Salt Lake City, Salt Lake County, Utah, filed an application with the Public Utilities Commission of Utah, on January 3, 1920, asking for a certificate of convenience and necessity to construct a line of railroad in the State of Utah, as required by an Act to amend Section 4818, Compiled Laws of Utah, 1917, effective September 5, 1919, amended section to read as follows:

> 4818. Certificate of Utilities Commission required restrictions-procedure.
>
> 1. No railroad corporation, street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, heat corporation, automobile corporation, or water corporation shall henceforth establish or begin the construction or operation of a railroad, street railroad, or of a line, route, plant or system, or of any extension of such railroad or street railroad, or 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; provided, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city or town

within which it shall have heretofore lawfully commenced operations, or for an extension into territory either within or without a city or town contiguous to its railroad, street railroad, line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; and provided further, that if any public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility already constructed, the Commission on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

2. No public utility of a class specified in subsection 1 hereof shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted, but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the Commission a certificate that public convenience and necessity require the exercise of such right or privilege; provided, that when the Commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work in good faith, uninterruptedly, and with reasonable diligence in proportion to the magnitude of the undertaking under any franchise or permit heretofore granted, but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the Commission may prescribe to the completion of such work, and may, after such completion, exercise such right or privilege; and provided, further, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State.

3. Every applicant for such a certificate shall file in the office of the Commission such evidence as shall be required by the Commission to show that such applicant has received the required consent, franchise, or permit of the proper county, city, municipal, or other public authority. The Commission shall have power,

after hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated railroad, street railroad, line, plant, or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not yet been granted to it, such public utility may apply to the Commission for an order preliminary to the issue of the certificate. The Commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate after the public utility has obtained a contemplated franchise or permit. Upon presentation to the Commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the Commission shall thereupon issue such certificate.

After due notice the hearing was had February 24, 1920, before the Commission at its office in Salt Lake City. No protests were received in writing, neither did any protestants appear at the hearing.

The route of the proposed railroad, generally speaking, is from the town of Provo, Utah, passing near the Strawberry Reservoir, thence down the Strawberry River to Duchesne, to Myton, to Ouray, thence to White River, crossing into Colorado near Bonanza, Utah, a distance of approximately 185 miles from Provo; thence in a general easterly and northeasterly direction to Craig, Colorado, where it is intended to form a junction with the Denver & Salt Lake Railroad, a distance of approximately 310 miles from Provo, and is described in the application as follows:

> Beginning at or near the city of Provo, in the county of Utah, thence southeasterly across Townships 7 and 8 South, Range 3 East, Salt Lake Meridian, thence in a northeasterly direction across Township 7 South, Range 4 East, Township 7 South, Range 5 East, Township 7 South, Range 6 East to the Wasatch county line. Total approximate distance in Utah county, 49 miles.
>
> Thence in an easterly direction through Wasatch

county and across Township 7 South, Range 6 East, Salt Lake Meridian, Townships 4 South, Ranges 11, 10 and 9 West, Uintah Special Meridian, to the Duchesne County line. Total approximate distance in Wasatch County, 20 miles.

Thence in an easterly direction through Duchesne county and through Townships 4 South, Ranges 9, 8, 7, 6 West, Uintah Special Meridian; Township 3 South, Ranges 5, 4, 3, 2, 1 West, to the Uintah county line. Total approximate distance in Duchesne county, 45 miles.

Thence in a southeasterly direction through Uintah County and across Township 3 South, Ranges - West, 1 East and 2 East, Uintah Special Meridian; Township 4 South, Range 2 East, Township 9 South, Ranges 20, 21 East, Township 10 South, Ranges 22, 23, 24, 25 East, Ashley Meridian, to the Colorado State line. Total approximate distance in Uintah county, 70 miles.

The proposed route of the said railroad as above set forth gives only the general direction from one terminus to the other, and may be subject to such slight change as may be necessary to secure the best location through this portion of the country.

Testimony was to the effect that the territory within the State of Utah through and into which it is proposed to construct said line of railroad, is at present without any railroad facilities, it being about eighty miles from the nearest railroad to the territory proposed to be served; that it will furnish transportation facilities to approximately 25,000 people who heretofore have had to depend upon team and automotive transportation. It will permit the development of vast areas of agricultural land, and permit the marketing of great quantities of agricultural products, there being from 250,000 to 300,000 acres of agricultural land contiguous to the proposed line within the State of Utah, with a possible further development of 300,000 acres, and that large quantities of live stock will also be transported from this section. It will also permit the development of mineral deposits located within the territory which it is proposed to serve. Gilsonite to the extent of 150 million tons, as estimated by the Bureau of Mines; coal to the extent of 35 million tons in the Vernal coal field, U. S. Geological Survey estimate, and coal in the Black Tale Mining Field to the extent of one billion eight hundred fifty-seven million tons, as set forth in the estimates of the U. S. Geological Survey, would be made available by this railroad. Deposits of elaterite to the ex-

tent of 50,000 tons, as estimated by the Bureau of Mines; oil shale containing 42 billion eight hundred million barrels of oil, as estimated by the U. S. Geological Survey, would be subject to development on account of the proposed transportation facilities; 701 million feet, B. M. timber in the National Forest, tributary to the Uintah Basin would be served by the proposed railroad. The territory adjacent to said proposed line of railroad has only been partially developed, owing to the fact that the said territory lacked railroad transportation facilities.

Testimony was further given to the effect that petitioner had acquired, prior to the enactment of Chapter 14 of the Laws of Utah, passed at the Special Session of the Legislature, 1919, a part of the right-of-way for the proposed line of railroad, and was prepared to acquire and complete the acquisition of the necessary right-of-way for the proposed line of railroad if the prayer of the applicant for a certificate of convenience and necessity is granted by the Public Utilities Commission of Utah.

It was further testified, by Simon Bamberger, President of the Salt Lake & Denver Railroad Company, that the Railroad Company was prepared and had the financial strength to proceed with the construction of the railroad and to carry forward the construction to the Colorado State line within a reasonable length of time.

The engineer for the applicant testified that the maximum grade would be two per cent, and the total length of tunnels on the line would be three-quarters of a mile.

The Commission is convinced from the showing, that public convenience and necessity require the construction and operation of a railroad over the proposed route, and that the applicant has the financial strength to carry forward the construction of the line of railroad to successful completion; that the construction of the proposed line as set forth by applicant is feasible; that the application herein should be granted, with the provision that construction begin within one year from the date of the issuance of this order, and the railroad completed to the Colorado

State line within a period of five years thereafter. An appropriate order will be entered.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

(Signed) JOSHUA GREENWOOD,
Commissioners.

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 71

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 25th day of February, A. D. 1920.

CASE No. 253

In the Matter of the Application of the SALT LAKE & DENVER RAILROAD COMPANY, for a certificate of convenience and necessity authorizing the construction of a line of railroad.

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 & Denver Railroad Company, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain a standard gauge railroad from Provo, Utah, to the Colorado-Utah State line, a distance of approximately 185 miles, along the general route specified in the attached report.

ORDERED FURTHER, That applicant shall begin construction in good faith, within one year from the date of this order shall complete such construction, within the State of Utah, within five years thereafter.

IT IS FURTHER ORDERED, That applicant shall construct said railroad in a manner to conform to the requirements of the Public Utilities Commission of Utah with respect to clearances, overhead and side, grade crossings and other matters pertaining to the construction thereof.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 254

In the Matter of the Application of JOHN R. KIRKENDALL, for permission to increase his rates for passenger transportation.

Submitted January 30, 1920. **Decided March 3, 1920.**

Claude F. Barker for petitioner.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, January 5, 1920, John R. Kirkendall seeks authority to increase the fare charged for the transportation of passengers between Eureka and Mammoth, Utah, from the present basis of 25 cents one way, and 50 cents round trip, to 50 cents one way and 75 cents round trip.

Petitioner alleges that the present basis of fares was adopted during 1914 and was based on the prevailing prices for automobiles, repairs, gasoline, etc., at that time; that since 1914 automobiles have advanced in price 50 to 150 per cent; repairs and maintenance, 50 to 100 per cent; gasoline 75 per cent, and that the gasoline now on the market is of inferior quality.

Petitioner further alleges that in maintaining his schedule his cars run 1350 miles per month; that operating expenses, including first cost, amounts to $168.75 per month; taxes, license, insurance, office expenses, including a return of ten per cent on the investment, amounts to $480 per year, or $40 per month. It is claimed by petitioner that the increased cost of living entitles him to receive for his labor 50 cents per hour, or $6.00 per day of twelve hours, making an additional cost of operation of $180 per month, and, therefore, he is entitled to receive a gross earning of $388.75 per month.

The case was heard at Mammoth, Utah, January 23, 1920, after due notice thereof. Petitioner and his attorney, Claude F. Barker, appeared in support of the application, which was not protested.

Evidence was introduced to show that the operating expenses were as set forth in the application. Receipts for the months, September to December, 1919, inclusive, were shown, by exhibits introduced, to have averaged $324.96 per month, or $63.80 less than the amount to which petitioner believes himself entitled. Based on the revenues for the four months, the increased fares sought would yield a revenue of $486.44, or $97.69 more per month than the amount set forth by petitioner as a reasonable return.

A consideration of all facts developed convinces the Commission that petitioner should be granted a measure of relief, but fares should not be increased to a point where traffic will seek other means of transportation to the detriment of the established stage line. An increase of one-way fares between Mammoth and Eureka, from 25 cents to 35 cents, and round trip fares from 50 cents to 65 cents, should yield petitioner approximately 30 per cent additional revenue, which appears to the Commission to be ample to care for all increased cost of operation and not place an undue burden upon the traveling public.

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 3rd day of March, A. D. 1920.

CASE No. 254

In the Matter of the Application of JOHN R. KIRKENDALL, for permission to increase his rates for passenger transportation.

This case being at issue upon petition on file, and having been duly heard and submitted, 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 R. Kirkendall, be, and he is hereby, permitted to publish and put into effect on ten days' notice to the public and to the Commission, fares for the transportation of passengers between Eureka and Mammoth, Utah, which shall not exceed 35 cents one-way, and 65 cents round trip, per passenger.

ORDERED FURTHER, That applicant shall file with the Public Utilities Commission of Utah and post at each station on his route, printed or typewritten schedules naming such increased fares, at least ten days before the effective date thereof.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 255

In the Matter of the Application of MARTIN G. KORVER, for permission to operate an automobile freight line between Salt Lake City, Utah, and Garfield, Utah, and intermediate points.

Decided February 21, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, December 31, 1919, Martin G. Korver asks permission to operate an automobile truck freight line between Salt Lake City, Utah, and Garfield, Utah.

The case was set for hearing, January 24, 1920, at Salt Lake City. Applicant did not appear either in person or by representative, to show a necessity for such a freight line, and the proceedings herein 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 21st day of February, A. D. 1920.

CASE No. 255

In the Matter of the Application of MARTIN G. KORVER, for permission to operate an automobile freight line between Salt Lake City, Utah, and Garfield, Utah, and intermediate points.

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 it is hereby, dismissed without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 256

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to abolish Sjoblom Crossing.

Submitted September 30, 1920. Decided November 15, 1920.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The application herein was filed with the Commission December 24, 1919, and the matter taken up informally and referred to F. M. Abbott, Special Investigator of the Commission, who made some investigations and recommendations. Commissioners Blood and Stoutnour likewise examined the physical conditions of the crossings, but no definite agreement was reached by the parties concerned. On April 23, 1920, some testimony was taken, and the hearing postponed until a later date. Subsequently a formal notice was issued continuing the hearing until September 30, 1920, at Farmington, Utah.

Before the hearing, the Commissioner made a careful examination of the Sjoblom Crossing, in question.

Testimony submitted by the petitioner, together with the examination, disclosed the facts to be, that the crossing was located upon a hillside; that the wagon road leading to the railroad tracks was upon a 14 per cent grade; that the approach of trains from the north is obscured entirely until almost upon the rails; that the road leading from the railroad to the State road has almost as steep a grade as the road on the east side of the tracks; that it was not only dangerous but that it was difficult of travel.

It was at this particular crossing that an accident occurred, a short time ago, in which a person lost a hand and was otherwise maimed.

Some suggestions were given with a view of constructing another road. One was to swing to the south of the present road and approach the railroad from the south; the other was to abolish the crossing in question, and have

the vehicular traffic pass under the subway already constructed a short distance south of this crossing. To this latter suggestion there was some objection on the part of Mr. Sjoblom, who contended that the use of the subway would interfere with his private interests.

The Phillips Brothers were present and concurred in the thought that the present grade crossing was very dangerous, and that while they had been using such crossing and the road leading to it for a considerable time, and expected to use it thereafter, that in consideration of the danger of crossing the same, and in consideration of there being a subway not far distant, and also that the road used in going to the subway could, with some expense be made to connect with their road, and thereby give them a safer means of travel, they were willing, and suggested that it would be better, under the conditions, to abandon said grade crossing.

The Railroad Company, by its officers, submitted a plan, as shown on a map filed with the Commission, whereby the road marked "D-A" should be continued from "A" to "B" to connect with the road marked "E-B", and that they would construct such road and improve the road from "D" to "A" by widening the same, and thereby meet one of the objections made by Mr. Sjoblom in which he contended that it was dangerous to operate on the road "D-A" as it is now constructed.

It was further proposed by the Railroad Company that the conditions leading from the subway, marked "D" on the map, could be improved by making the road lead to the south to the State road, and marked "1" instead of leading to the north as at present.

It was clearly shown to the satisfaction of the Commission that the grade crossing in question is very dangerous and should be abandoned, and that the changes suggested by which the traffic heretofore had over said grade crossing should be changed to the subway at a point marked "D" on the map, and from that point to "A", and from "A" to "B", a safe and useable roadway should be made. In consideration of the elimination of this grade crossing, the Railroad Company should be required to make such improvements and changes subject to the acceptance of the Commission.

After consideration of the conditions referred to, the Commission finds as follows:

1. That the Sjoblom Crossing referred to in the petition is dangerous and should be abandoned.

2. That the traffic over the road leading to and over said crossing should be changed, so as to pass under the said railroad through the subway south; that the traffic over the said grade crossing shall be conducted over the road leading from said subway, as indicated in this finding, and that said road shall be improved and constructed by the Bamberger Electric Railroad Company so as to make it safe and useable by the parties having a right to use said road; and that the road leading west of said subway shall also be constructed as to make it reasonably safe and convenient under the existing conditions.

3. That after said improvements and constructions are made, the Railroad Company will be required to maintain and keep in repair the road leading to said subway to a point 100 feet east and 100 feet west of the right-of-way of said Railroad Company.

4. That the work of construction and improvement shall be subject to the approval or disapproval of the Commission, and that the Commission retain jurisdiction over the matter for further consideration or orders.

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 15th day of November, A. D. 1920.

CASE No. 256

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to abolish Sjoblom Crossing.

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 be granted, and that petitioner be permitted to abolish the grade crossing over its line or railroad known as Sjoblom Crossing.

ORDERED FURTHER, That before said Sjoblom Crossing is abandoned, applicant shall make the necessary improvements to the road leading from Sjoblom Crossing to the first subway south thereof, and also make the necessary improvements to the road leading west of said subway, to place said roads in suitable condition for travel.

ORDERED FURTHER, That after such improvements and constructions are made, applicant shall at all times keep and maintain in good condition said roads to a point 100 feet east and 100 feet west of the right-of-way of said Railroad Company.

ORDERED FURTHER, That said construction and improvement shall be subject to the approval of the Commission, which hereby retains jurisdiction over this matter for further consideration or orders.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 257

In the Matter of the Application of the HARDY-MADSEN COMPANY, a co-partnership, for permission to operate an automobile stage line between Provo and Salt Lake City, Utah.

Submitted February 17, 1920. **Decided May 15, 1920.**

J. W. Robinson for petitioner.
W. L. White for Salt Lake & Utah Railroad Company.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed with the Public Utilities Commission of Utah, December 5, 1919, the Hardy-Madsen Company, a co-partnership consisting of LeRoy Hardy, Stanley S. Cheever and Elmer Madsen, seeks authority to operate a truck line for the transportation of freight between Provo, Utah, and Salt Lake City, Utah.

After due notice the case came on for hearing February 17, 1920, at the Commission's office, Salt Lake City, Utah. The granting of the application was protested by the Salt Lake & Utah Railroad Company, an electric railroad operating between Salt Lake City and Payson, via Provo, and by the Dundas Brothers Cartage Company, whose application for permission to operate a similar line between Salt Lake City and Payson was pending before the Commission on the date of this hearing.

The Commission subsequently granted the application of Dundas Brothers Cartage Company, Case No. 243. The evidence submitted at the hearing in this case does not show that additional truck service between these points is

required for the necessity or convenience of the shipping public. The application should, therefore, be denied.

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 15th day of May, A. D. 1920.

CASE No. 257

In the Matter of the Application of the HARDY-MADSEN COMPANY, a co-partnership, for permission to operate an automobile stage line between Provo and Salt Lake City, Utah.

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 reprt 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

CASE No. 258

In the Matter of the Application of JONATHAN D. MORRILL and EDWARD MORRILL, for permission to operate an automobile freight line between Lund, Utah, and Virgin, Rockville, Springdale and the Wylie Way Camps in Zion National Park.

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.

By the Commission.

Dated at Salt Lake City, Utah, this 21st day of February, 1920.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 259

In the Matter of the Petition of BOUNTIFUL CITY, for a change in the Third Zone of the Utah Light & Traction Company, in Bountiful City, Utah.

Decided January 5, 1920.

REPORT OF THE COMMISSION

Quale Cannon & D. R. Tolman for Bountiful City.
Jos. E. Williams for Centerville.
C. C. Parsons for Utah Light & Traction Company.

By the Commission:

This matter came to the notice of the Commission by the filing of a copy of resolution passed and adopted by the Mayor and City Council of Bountiful, in which it was resolved to ask the Public Utilities Commission of Utah to extend the Third Zone of the Utah Light & Traction Company from its present terminus at the Junior High School, at Bountiful, to the north city limits at Page's Lane, where it formerly ended.

An informal hearing was had upon the question, on January 2, 1920.

The matter was discussed for and against by the officers of Bountiful City, a representative of Centerville Town Board, and the attorney for the Traction Company. On behalf of the Town of Centerville, J. E. Williams objected to the changing of the zones as contemplated by the resolution filed by the City officers of Bountiful, for the reason that if such a change were made, it would be prejudicial to the patrons of the Company, who travel from Centerville south. The Traction Company also made the claim that if such change were made it would effect a reduction in the rate now being charged under the present zone regulation. It was stated by the Mayor of Bountiful that they had no intention of making such change if it would affect the rates charged the people living in Centerville; that if such would be the result of the change, they would not insist upon it.

The zones now existing on the Utah Light & Traction Company's line from North Salt Lake to Centerville, were fixed by the Commission in its order issued December 29, 1917, in Case No. 6. After considerable deliberation on the subject of zones in that section, the fixing of the third zone by the Commission was largely influenced by the location of the Junior High School, which is in Bountiful City, and to which students came from the north, in the direction of Centerville, as well as from the southern end of the County.

After due consideration of the matter set forth in the resolution presented by the City officers of Bountiful, we are of the opinion that for the present the zones should remain the same as fixed by the Commission in the case above referred to, and the application will, therefore, be denied.

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 5th day of January, A. D. 1920.

CASE No. 259

In the Matter of the Petition of BOUNTIFUL CITY, for a change in the Third Zone of the Utah Light & Traction Company, in Bountiful City, Utah.

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 it is hereby, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 260

In the Matter of the Application of A. BOULAIS, for permission to operate an automobile freight line between Price and Helper, Utah, and points in the Uintah Basin.

Decided January 21, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, January 7, 1920, A. Boulais asks authority to operate a motor truck line between Price and Helper, Utah, and the towns of Myton, Duchesne, Roosevelt, White Rocks, Fort Duchesne, Moffat and Vernal, for the transportation of property between said points.

Petitioner alleges that he has made a survey and study of the conditions existing in the district which he desires to serve and believes that public convenience and necessity require the service he desires to give, as there is at this time no established freight service to the points above named; that he is financially able and will provide a sufficient number of trucks to render sufficient and efficient freight service.

Petitioner desires to classify all freight into three classes and assess the following rates:

Between Price and Helper to—	Class I	Class II	Class III
Myton	$2.30	$2.00	$1.75
Duchesne	2.60	2.25	1.95
Roosevelt	2.40	2.10	1.80
White Rocks	2.60	2.25	1.95
Fort Duchesne	2.40	2.10	1.80
Moffatt	2.40	2.10	1.80
Vernal	2.60	2.25	1.95

No hearing was held on the application.

In Cases No. 98 and 121 the Commission granted the Uintah Transport & Produce Company authority to operate a truck line into the Uintah Basin from Helper and Price, but such order was subsequently revoked, August 26, 1919.

The Commission is familiar with the conditions existing in the territory desired to be served, as investigations conducted in previous cases have shown the necessity for a reliable service to furnish an outlet for the products of the inland communities, as well as a means of securing prompt handling of inbound commodities.

It appears that applicant in this case is ready and able to properly render the service required by the towns located upon the proposed line, and the Commission therefore finds:

1. That the application should be granted.

2. That applicant should, before beginning operations, file with the Commission, and post at each station upon his line, a printed or typewritten schedule, showing the leaving time of his trucks from each station, and a schedule naming all rates and charges, which rates and charges should not exceed those hereinbefore named.

An appropriate order will be entered.

(Signed) JOSHUA GREENWOOD,
WARREN STOUTNOUR,
Commissioners.

(SEAL)

Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 69

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of January, A. D. 1920.

CASE No. 260

In the Matter of the Application of A. BOULAIS, for permission to operate an automobile freight line between Price and Helper, Utah, and points in the Uintah Basin.

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. BOULAIS, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile freight line between Price and Helper, Utah, and points in the Uintah Basin.

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

CASE No. 261

In the Matter of the Application of HOWARD J. SPENCER, for permission to operate an automobile stage line between Salt Lake City and Tooele, Utah.

Submitted January 31, 1920. **Decided March 1, 1920.**

E. O. Leatherwood for petitioner.
W. T. Gunter for Orson Lewis.
E. S. Quinn.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed with the Public Utilities Commission of Utah, January 7, 1920, Howard J. Spencer asks permission to operate an automobile stage line for the transportation of passengers between Salt Lake City and Tooele.

The case came on for hearing, after due notice had been given, on January 31, 1920. E. S. Quinn, present holder of the certificate authorizing the operation of a stage line over this route, and Orson Lewis, a driver for said E. S. Quinn, appeared to protest the application.

Testimony was introduced to show that an agreement had been made between the parties above whereby E. S. Quinn should withdraw from the route in question, and Orson Lewis and H. J. Spencer should jointly file an application with the Commission for permission to operate the line in question.

At the hearing, E. S. Quinn verbally requested permission to discontinue operations, and H. J. Spencer verbally requested permission to amend his application to include the name of Orson Lewis. These motions were allowed by the Commission.

There appears to be a necessity for the operation of a stage line between Salt Lake City and Tooele, Utah, and inasmuch as E. S. Quinn desires to discontinue his service, the Commission will authorize Howard J. Spencer and Orson Lewis to operate such line.

The Commission finds further that said Spencer and said Lewis should file a schedule naming all rates and charges, which rates and charges shall not exceed those in effect when the line was operated by E. S. Quinn, and should, at all times, operate in accordance with the rules and regulations prescribed by the Public Utilities Commission of Utah.

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:
(Signed) JOSHUA GREENWOOD,
(SEAL) Commissioners.
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certififcate of Convenience and Necessity

No. 72

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 1st day of March, A. D. 1920.

CASE No. 261

In the Matter of the Application of HOWARD J. SPENCER, for permission to operate an automobile stage line between Salt Lake City and Tooele, Utah.

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 HOWARD J. SPENCER and ORSON LEWIS be, and they are hereby, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line between Salt Lake City and Tooele, Utah.

ORDERED FURTHER, That applicants, 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

CASE No. 261

In the Matter of the Application of HOWARD J. SPENCER, for permission to operate an automobile stage line between Salt Lake City and Tooele, Utah.

Decided November 9, 1920.

REPORT OF THE COMMISSION

By the Commission:

In this case the Commission, on March 1, 1920, issued Certificate of Convenience and Necessity No. 72 to Howard J. Spencer and Orson Lewis, granting to said Spencer and Lewis permission to operate an automobile stage line between Salt Lake City and Tooele, Utah.

On September 24, 1920, Howard J. Spencer filed an application to have the certificate transferred to his name. Orson Lewis, in a letter to the Commission, expressed his desire to withdraw and his consent to the transfer. There appears no objections to such action, and the Commission, therefore, finds:

1. That the application should be granted, and Certificate of Convenience and Necessity No. 72 should appear in the name of Howard J. Spencer.

2. That said Howard J. Spencer should file with the Commission a printed or typewritten schedule of his fares and charges, as well as the leaving time of his cars from each station upon his route, which schedules should conform to those at present in effect.

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 9th day of November, A. D. 1920.

CASE No. 261

In the Matter of the Application of HOWARD J. SPENCER, for permission to operate an automobile stage line between Salt Lake City and Tooele, Utah.

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 Certificate of Convenience and Necessity No. 72 be, and it is hereby, transferred from Spencer and Lewis, to Howard J. Spencer.

ORDERED FURTHER, That applicant shall file with the Commission a printed or typewritten schedule of fares and charges as well as leaving time of his cars from each station upon the route, which schedule shall conform to those at present in effect.

By the Commission.

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

262. In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to abolish the grade crossing located immediately south of Sidney Curve.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 263

In the Matter of the Application of FARNSWORTH & MARSHALL, for permission to increase rates for passenger service between Cedar City and St. George, Utah.

Submitted March 24, 1920. **Decided April 3, 1920.**

Geo. R. Lund for petitioners.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Hearing in this matter was held at St. George, Utah, March 24, 1920. There were no protests to the granting of the petition, either in writing or during the hearing.

From the testimony it appeared that the applicants had been giving service under the jurisdiction of the Commission for some time past; that during the months of July, August, September, October, November and December, 1919, the total receipts were $5,686.95; that the total expenditures for said time amounted to $4,842.00, leaving a balance of $844.95.

It is claimed by the applicants that they have invested in equipment, about $10,000, consisting of:

2 12-passenger Oldsmobile cars, valued at...$5,000
2 National Touring cars, valued at 5,920

and that the life of a car for stage purposes upon the road traveled by applicants is very short.

In the figures given showing the expenses and receipts, there is no depreciation taken into account, and under the showing, such depreciation would at least absorb the difference between the receipts and disbursements, as reported by petitioners.

The following is the schedule of the present rates, together with the increased rates asked for:

	Present	Proposed
Cedar City to St. George	$4.50	$5.00
Cedar to Kanarra	1.25	1.25
Cedar to Anderson's Ranch	3.00	3.50
Cedar to Leeds	3.50	3.75
Cedar to Washington	4.00	4.50
St. George to Washington	.50	.50
St. George to Leeds	1.50	1.75
St. George to Anderson's Ranch	2.00	2.50
St. George to Kanarra	3.50	4.00
St. George to Cedar City	4.50	5.00

It will be observed that the average increase asked for would amount to about 10 per cent, making the rate per mile about 9 cents. According to the petitioners' statement there would be net earnings of about $1,688 per year under the present rates, exclusive of depreciation. The proposed increased rates would produce an addition of about $1,137 per year, or a total of $2,825 per year to take care of depreciation and give a return on the investment.

The investment of $10,000 claimed by the petitioners could, in the opinion of the Commission, be reduced, for the reason that but two of the four cars are in operation at one time, and that the National cars are used only on special occasions. The depreciation on such cars could not be as great as on cars used constantly.

It is claimed by the petitioners that the road from Cedar City to St. George is particularly hard on automobiles, and that for a considerable part of the year it is very difficult to give service. At the present time there is no question about this claim. However, it must be understood that the roads at present are not normal, but are unusually bad.

Other testimony was submitted, showing that equipment such as tires and automobile fixtures, as well as gasoline, has advanced since the filing of the application.

It would appear under the showing made that the applicants should be allowed to increase their rates, as set out in their application.

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 3rd day of April, A. D. 1920.

CASE No. 263

In the Matter of the Application of FARNSWORTH & MARSHALL, for permission to increase rates for passenger service between Cedar City and St. George, Utah.

This case being at issue upon petition on file, and having been duly heard and submitted, 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, FARNSWORTH & MARSHALL, be, and they are hereby, permitted to publish and put into effect on ten days' notice to the public and to the Commission, fares for the transportation of passengers between Cedar City and St. George, Utah, which shall not exceed those set forth in the petition filed herein, and enumerated in the Commission's report.

ORDERED FURTHER, That applicants shall file with the Public Utilities Commission of Utah and post at each station on their route, printed or typewritten schedules naming such increased fares, at least ten days before the effective date thereof.

By the Commission.

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

264. In the Matter of the Application of the BEAR RIVER VALLEY TELEPHONE COMPANY, for permission to establish an installation charge for telephones.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 265

In the Matter of the Application of HOWARD HOUT, for a certificate of convenience and necessity to operate an automobile stage line between Salt Lake City and Park City, Utah.

Submitted February 7, 1920. **Decided March 4, 1920.**

Dan B. Shields for petitioner.

REPORT OF THE COMMISSION

GREENWOOOD, Commissioner:

In an application filed with the Public Utilities Commission of Utah, January 16, 1920, Howard Hout asks permission to operate an automobile stage line for the transportation of passengers between Salt Lake City and Park City, Utah. The proposed stage line will compete with the passenger train service given by the Denver & Rio Grande between these points.

The case came on for hearing, after due notice, February 7, 1920. There were no protests.

Testimony was introduced showing that applicant has successfully operated a passenger stage line over this route during the summer months for the past four years, and in 1919 discontinued service on account of weather conditions. Applicant testified that he has in the past given the public adequate service and that he has the necessary equipment to continue such service the ensuing year.

During 1919 the fare charged between Salt Lake City and Park City was $2.00, plus war tax, each way, which it is proposed to charge during 1920.

The record of the Commission indicates that on March 20, 1919, in Case No. 130, applicant herein was granted permission to operate a stage line between the above named points, and apparently his service has been, generally speaking, satisfactory.

After consideration of the testimony in this case, the Commission finds:

1. That the petition should be granted.

2. That petitioner should at all times operate his stage line in conformity with the rules and regulations of the Public Utilities Commission of Utah governing the operation of automobile stage lines.

3. That petitioner should, before beginning operations, file with the Public Utilities Commission of Utah and post at each station on his route, a printed or typewritten schedule showing the leaving and arriving time of his stage cars, and the fare to be charged between all stations.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) WARREN STOUTNOUR,
(SEAL) Commissioner.
Attest:

(Signed) T. E. BANNING,
Secretary.

ORDER

Certifificate of Convenience and Necessity

No. 74

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of March, A. D. 1920.

CASE No. 265

In the Matter of the Application of HOWARD HOUT, for a certificate of convenience and necessity to operate an automobile stage line between Salt Lake City and Park City, Utah.

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, HOWARD HOUT, 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 Park 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.

266. **M. D. DURRANT,**

Complainant,

vs.

UNION & JORDAN IRRIGATION CO.,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 267

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to increase its fares.

Submitted May 17, 1920. **Decided June 29, 1920.**

J. F. MacLane for petitioner.
Richard Hartley for Salt Lake County.
W. H. Folland for Salt Lake City.
Walton & Walton for H. A. Walton.
John Berry for Sandy.

REPORT OF THE COMMISSION

By the Commission:

On January 21, 1920, the Utah Light & Traction Company (hereinafter called the Company) filed a petition for authority to increase its street railway fares within the City limits of Salt Lake City, and between stations on suburban lines.

The Company filed with the Commission, at the time the petition was filed, its local passenger tariff No. 5, cancelling its local passenger tariff No. 4, and naming increased fares on all parts of its system.

The changes proposed were as follows:

1. That cash fares be advanced from 6 cents to 7 cents.

2. That student's commutation tickets be increased from 3 cents to 4 cents.

3. That suburban line fares be 7 cents for each zone.

4. That a charge of 1 cent be made for transfers.

No provision was made in the proposed new tariff for commutation fares other than student commutation tickets.

The Company alleged that in the calculation of net revenues under existing tariffs, and those anticipated under the new tariff, it considered only its present operating costs, including its present wage schedule, but that its employees had made demands for adjustments in the form of an increase of wages, which, if granted, should be taken into consideration by the Commission.

Hearing was had at the office of the Commission, in Salt Lake City, Utah, on April 8, 1920.

WAGE INCREASE

On April 30, 1920, the Company filed with the Commission a supplementary petition in which it alleged that since the filing of the original petition the existing wage agreement had been submitted to arbitration and an award, effective May 1, 1920, increased the annual wage budget by $251,606.40 per year, based upon the present number of employees and hours of work; that this amount represented in the aggregate a sum in excess of the entire available net earnings of the Company, after allowance for depreciation and deferred maintenance, as calculated in the original petition; that the increase amounts to approximately three-fourths of one cent for each passenger carried.

The Company attached to its supplementary petition its proposed local tariff No. 6, naming fares and charges as follows:

Cash fares on city and suburban lines	8 cents
Commutation tickets, good on all lines	13 for $1.00
Students' commutation tickets	40 for 2.00
Transfers, each	1 cent

Special Car Rates:

	Present Rate	Proposed Rate
For cars seating 36 passengers	$ 6.00	$ 7.50
For cars seating 44 passengers	7.50	9.00
For cars seating 52 passengers	9.00	10.00
For cars seating 56-60 passengers	10.00	11.00

The supplementary petition was accompanied by a copy of the award made by the board of arbitration. The attorneys representing the protestants stipulated with the Company's attorney that the new wage schedule should be taken into consideration by the Commission in this proceeding without introduction of further testimony.

This stipulation virtually compels the Commission to superimpose upon any findings it might make and any rates it might fix based on the testimony presented at the hearing, an additional charge on the car riders in an amount sufficient to cover the quarter of a million dollars annual increase in wages. With this wage adjustment the Commission, of course, had nothing to do. The arbitration board was chosen by the Company and its employees and both sides to the controversy were bound by the decision. The real parties in interest on the one side, however, are the patrons of the Company, who ultimately pay the advance.

FORMER PROCEEDINGS

This petitioner has been before the Commission for rate increases in two other proceedings. In Case No. 6, decided December 29, 1917, the Commission authorized the discontinuance of the sale of 4-cent commutation tickets, effective December 31, 1917. This decision resulted in a flat 5-cent fare on the city lines and on each zone of the suburban lines.

In Case No. 44, decided as to rates August 9, 1918, another advance in fares was permitted, effective August 15, 1918, making the cash fare 6 cents on city lines and on each zone on suburban lines, and commutation rates of 20 tickets for $1.00 on all city and suburban lines.

In Case No. 44, the Commission ordered a valuation of the traction property of the Company, and the final report, fixing the valuation for rate-making purposes at $8,468,-278.64, was filed January 15, 1920.

REDUCTION OF EXPENSES

The Commission is charged with the duty under the law of so regulating the affairs of public utility companies that they will be able to continue to give adequate and proper service to the public. The right of the Commission to increase fares, when found necessary, even by setting aside franchise agreements, if need be, has been sustained by the Supreme Court of this State. In the exercise of this function, however, the Commission should use sound judgment and common sense. It becomes important that every-

thing pertaining to the revenues of the Company should be carefully investigated, and if it appears that injustices are being done either to the public or the Company, the Commission should point them out, and if possible should offer suggestions designed to improve conditions; and if economies not now practiced are possible of adoption, they should be instituted.

The public will readily acknowledge that with mounting costs of materials and a higher wage scale it will be necessary for the Company to realize increased revenues from its service, unless operating costs and capital requirements are in some manner reduced. It may not be possible to effect economies sufficient to fully offset the rising costs of labor and materials, but every possible effort should be made to do so.

One matter that should be given consideration is the burden that is being carried by the Company at this time in the construction and maintenance of pavement on the streets of Salt Lake City. Nothing the Commission can say or do can in any way effect, immediately, a reform, but in the discharge of its duty as a regulatory body it is incumbent upon the Commission to call attention to the effect of the State statute governing this matter.

Testimony before the Commission indicates that the Company had invested in street paving in Salt Lake City, on December 31, 1919, a total of $1,706,413.18, and that it requires an annual average outlay for maintenance in the sum of $35,378.19. Interest on the investment and the maintenance costs will approximate one-half cent per ride for each revenue passenger carried by the Tranction Company on the basis of the total traffic of 1919.

The car rider and not the Traction Company utimately pays the bill. The latter acts merely as the agency for collecting the charge. The patron of the Traction Company is not only paying for the cost of his transportation, but he is being required to contribute an additional sum to pave and keep in repair portions of the streets largely for the use of those who generally employ other means of conveyance. It is not contended that the Company should be relieved of the entire cost of street paving, because certain of the costs are peculiar to street railway construction, and are, therefore, directly and properly chargeable to the Company, as are also certain of the maintenance expenses, wherein these exceed upkeep costs of ordinary paving; but it nevertheless seems to the Commission that the present statute operates to place a disproportionate part of the total paving expense on the car rider.

This condition can be changed only by appropriate legislation. It is mentioned now, not as a plea for lifting a load from the Traction Company, but for the purpose of directing public attention to a burden that, under the present law, must ultimately be borne by the car rider by the payment of higher fares than would be necessary if the Company were relieved of the obligation to pave and maintain city streets. The matter must go to the legislature for its action. The Commission can only point out the conditions. The public, if it desires relief, must act through its lawmakers.

ONE-MAN SAFETY CARS

Another question that has been the subject of much study by the Commission is the operation of one-man cars on the streets of Salt Lake City, particularly on the shorter runs. Investigation has disclosed this method of traction operation is safe, convenient and economical, and that it is growing in favor with traction companies and the public. While it is unnecessary, at this time, to enumerate all the reasons why this plan should be adopted in Salt Lake City, it may be said they seem to outweigh the objections that have been made to its adoption.

Statistics show that the safety car is now being operated in over a hundred cities and towns with gratifying results, both because of material reduction in operating expenses and also from the point of public safety. These savings have amounted to as much as 30 per cent in power and 40 per cent maintenance, while the labor cost per car mile is greatly reduced. Through frequency of service, revenues have increased in cities where this car is used all the way from 25 per cent to 75 per cent. Unless there is a fall in the general price level, and in the absence of relief from paving costs, the Commission believes that the hope of the public for reduced cost of transportation is in the introduction of safety cars, with one-man operation.

It is deemed proper to here suggest that the Company should give earnest and immediate consideration of the question of providing one-man safety cars, and if found feasible, should place them in operation without unnecessary delay, on parts of the system where they can be most advantageously used. The number of cars to be bought should be governed by operating conditions, but it would seem desirable that the maximum number that can be economically used should be purchased and placed in operation at as early a date as practicable.

The Commission accepts the assurance of the traction officials, made during the hearing of Case No. 44, when the question of one-man car operation was exhaustively investigated, that none of the Company's employees will be discharged or replaced as the result of fewer men being required, but that the reduction in number of employees, if such proves to be the result, will be brought about by the natural labor turn-over. It may be found possible and profitable, due to lighter equipment, to call into service more cars and consequently there may be little, if any, reduction in the number of platform men. The relief will come, not altogether from a lowered total wage outlay, but from increased revenue that it is hoped will follow the giving of additional and better service. The element of reduced cost of power and upkeep will enter into the matter as an aid to the net revenues of the Company. All who have seen the large, heavy, steel cars operated through the streets during that portion of the day when but a fraction of the seating capacity is being utilized, will realize that a smaller, lighter car, capable of taking care of the traffic would effect a material saving.

VALUE FOR RATE-MAKING

The value of the Company's property for rate-making purposes, as of June 30, 1918, as found by the Commission, was $8,468,278.64, and, according to a sworn statement filed with the Commission, the improvements to property since that date have totaled $30,881.42. Therefore, the total valuation as of December 31, 1919, is $8,499,160.06.

DEPRECIATION

The Company has carried in its annual report, as accrued depreciation on road and equipment for the year ended December 31, 1919, the sum of $1,426,223.57. It alleges that the greater part of this fund had been set up in the property prior to acquisition by present owners; that this fund had been invested temporarily in the property, and at time of sale the former owner had funded this depreciation reserve along with the balance of the property, and in that manner had extinguished it. In other words, the fund is not now in existence, though carried on its books, except such part as has been set up and not used since the extinction of the old reserve. This amounts to $126,000.

It was claimed that prior to the creation of the Public Utilities Commission of Utah, in 1917, the Company could, if it desired, fund its reserve without let or hindrance, as there was no legal obligation to create such reserve.

It has been the position of the Company that prior to the passage of the Public Utilities Act, in March, 1917, the Company was responsible for the property and its upkeep in all particulars. In substance, this means that a portion of the money requirement for replacements during the next few years will be borne by the Company rather than from a depreciation reserve. This is due to the fact that certain elements of the property had lived out only a portion of their useful lives prior to 1917, and, consequently, could not be replaced at that time.

Historical analysis has been made of the construction of this property and, bearing in mind its composite life and its composite age, the Commission is of the opinion that the money requirement for replacements during the remainder of this life cycle should be divided in the ratio of one-third to petitioner and two-thirds to the public.

The Company sought to establish by testimony of experts that the depreciation in the property is some $286,000 annually, as set forth by Mr. Davoud, or $275,000, as set forth by H. H. Easterley, of A. L. Dunn & Company, of Chicago.

In this testimony, the probable life of each element of the property was set forth, as well as the probable scrap value, the field cost, as determined by the Commission, and the net resulting depreciable cost, from which in turn the depreciation requirement was found. The Commission is of the opinion that somewhat longer lives should be assigned to some of the elements than that assigned by expert witnesses, particularly in view of the practice of the Company itself, in combining in so-called paved track construction, certain used material items with new material. In providing for depreciation reserve the lives of the items thus used are shown to be the same. This indicates that the Company expects a longer life for rail than was estimated. It is probable that scrap values, too, would be somewhat higher than the estimates.

After full consideration of the question, the Commission finds that the annual depreciation for the present property as a whole should not exceed $265,000.

The Commission has heretofore included in the valuation of this property for rate-making purposes, certain property it owned which was leased to the Utah Power & Light Company under date of January 2, 1915, but which is being used jointly or exclusively for street railway purposes. By the terms of this lease the Power Company, in Article 3, sets forth that it will, at its own expense, "maintain, preserve and keep the leased property and every part

thereof during the term of this lease, in thorough repair, working order and condition, and that it will from time to time, at its own expense, make all needful and proper repairs, so that at all times the efficiency of the leased property shall be fully preserved and maintained."

It appears to the Commission that, under the terms of this lease, the depreciation of the leased property included in this valuation must be taken care of by the Power Company as a part of the lease rental of the property, and it has accordingly been deducted from the annual depreciation requirement to be set up by this Company. With this deduction, the Commission finds that the annual depreciation that should be taken care of by the Company from traction earnings, is $255,300. This sum will be set up on a sinking fund basis at 5 per cent, by which method the annual depreciation requirement is $144,725.

In Case No. 44, the Commission found that there existed in this property as deferred maintenance, as of June 30, 1918, the sum of approximately $276,000. It was the contention of the Company that this sum had further increased in the property, until at this date it was approximately $310,000. It was the position of the Company that this increase in deferred maintenance was due to inadequate rates, which had not permitted it to keep the property even up to the standard of June 30, 1918. This position was supported by expert opinion evidence, and it was further contended, by at least one witness for petitioner, that the entire sum of $276,000, as of June 30, 1918, had accumulated in the property since 1917, it being contended that deferred maintenance was only set up in the property after this Commission was created, and the Company asked for $92,000 per year for the next three years, in order to bring its property back to normal state.

The Commission believes that this position of the Company cannot be sustained when an examination is made of the actual maintenance experience of the property.

The following is a tabulation of the total maintenance cost for the series of years 1914 and 1919, both inclusive:

For the year 1914	$283,799.64
For the year 1915	155,955.17
For the year 1916	168,780.87
For the year 1917	269,477.12
For the year 1918	225,459.23
For the year 1919	265,151.05

While the foregoing is enlightening, a more rational method of measuring the maintenance of the property would be to consider the man hours expended during those years for maintenance work. The following is a tabulation of the man hours over the same series of years:

For the year 1914	590,279
For the year 1915	476,749
For the year 1916	498,406
For the year 1917	584,976
For the year 1918	441,276
For the year 1919	460,000

These tables would seem to show that the deferred maintenance has been accumulating for a series of years, and that the property has not at any time since 1914 been kept up to a standard where deferred maintenance has not accrued; although in 1917, a comparison of man hours shows that practically the same effort was made to keep up the property as in the year 1914.

Under present ownership, the property accrued deferred maintenance approximately two and one-fourth years before the passage of the Public Utilities Act, and deferred maintenance, considered as of June 30, 1918, has accrued approximately one and a quarter years under Commission regulation.

After a study of the property, the Commission will divide deferred maintenance as between the traction riders of the future and the Company, on the ratio of one-third to patrons of the car lines and two-thirds to the Company. On the basis of $276,000, as of June 30, 1918, this would mean $92,000 deferred maintenance to be made up by the traction riders.

It would appear that this maintenance should be made up without too great a hardship upon the traction riders, and the Commission will, therefore, order that the sum to be set aside each year shall be a minimum consistent with the successful operation of the property. This sum will be $23,000 per year for the next four years.

INCOME STATEMENT

The Company submitted a statement showing results of operations for the year 1919, as follows:

Operating Revenue:		
Transportation Revenue		$1,844,162.74
Non-Transportation Revenue		11,119.13
		$1,855,281.87
Operating Expenses:		
Maintenance of Ways and Structures	$	155,266.86
Maintenance of Equipment		109,884.19
Power		176,963.69
Conducting Transportation		544,957.98
General and Miscellaneous		150,679.71
Taxes and Licenses		108,000.00
Total		$1,245,752.43
Operating Income	$	609,529.44

The item of Taxes and Licenses, $108,000, includes an income tax payment in the sum of $4,064, and general taxes approximating $4,000, levied and collected on $332,295 worth of property which, although used in traction service, is under lease to the Utah Power & Light Company, which latter company is obligated by terms of the lease to pay the taxes on all leased property. If these items are deducted from the total tax payment, the operating income will be increased $8,064, to a total of $617,593.44.

RATE OF RETURN

Much has been said during the hearing of this case and other similar proceedings about the prevalent high cost of money. The Commission is aware of the conditions now obtaining in the money markets. The securing of new money for any enterprise is something of a problem, and interest rates are above normal. But after these facts, and all the deductions therefrom are admitted, it is still proper to give consideration to the other truth that no right exists to demand more for a service than it is reasonably worth to the public. One measure of worth is the use the public can afford to make of the service.

It may be said in general that the higher the rate, the lower is the value of the service to the public. Fares that

restrict traffic prevent the proper functioning of the street car system.

The Oregon Commission in declining to grant further increase of rates to the Portland Railway, Light & Power Company, said: (P. U. R. 1920 C, 437, 438.)

> "When fares exceed what the average car rider can conveniently afford to pay, the man, who uses the cars as a convenience, ceases to ride and only the necessity patron remains. Even he seeks an alternative method of transportation. Failing in that, employment is sought within walking distance of his home or his residence is moved, where possible, within walking distance of his employment. He makes less frequent trips to the business section of the city to make purchases, to attend places of amusement or to make use of educational facilities of the city. He makes fewer trips to visit friends. The result is detrimental not only to the Company and the individual citizen, but to the business institutions of the city, and to the civic and economic welfare of the municipality as a whole."

In Massachusetts, where street railway fares have been more frequently raised than in any other part of the country, the Public Service Commission said: (P. U. R. 1919 A, 817, 829.)

> "While it cannot be said that no advantage to the companies has resulted, it is true that in nearly every case the gain in revenue has been less—and often far less—than the prior estimates. Other factors have entered in, but, making all due allowances, it is quite clear that increases in fares impose a burden upon the public which considerably exceeds benefit which they bring to the companies."

The Commission has, to the best of its ability and judgment, balanced the needs of the Company and the interests of the public in an effort to do substantial justice to both. No one will deny that the wage increase of a quarter of a million dollars a year, coming at a time when there are already inadequate earnings, produces a burden too great to be borne by the Company without additional revenue. On the other hand, the public is entitled to be protected in the enjoyment of the lowest rates possible consistent with the service it requires. In fixing the rates

authorized herein, the Commission has, therefore, attempted to provide for revenue sufficient to cover operating expenses, depreciation and maintenance, and a moderate return on the valuation of the property in the use of the public.

The Commission does not say that these rates will yield a return on the property which will equal the present high interest rates demanded in the money market; nor does the net return the Company is expected to receive necessarily reflect the opinion of the Commission as to maximum return that might be allowed. The Commission expects the Company will be able to add to its revenues, and, therefore, to its rate of return, by adopting economies hereinbefore discussed. In other words, there is left something for the Company to do by reducing expenses wherever found possible, and by increasing patronage through giving better service, as it is believed can be done. The Commission is ready to render the Company such assistance as is possible to accomplish this purpose.

The calculations that have been made to ascertain the probable results on the finances of the Company of the application of the proposed new rates have been based on the traffic conditions of 1919. There is reason to expect that the possible loss of patronage due to increased rates will be more than offset by the increase in the number of car riders in 1920 over 1919. Traffic during early months of 1919 was below normal owing to the influenza epidemic, and figures compiled in the office of the Commission show that during the first five months of 1920 there was an increase of 1,601,781 in the number of passengers carried as compared with the same months of 1919. The financial report for the first quarter of 1920 shows an increase over the same period of 1919 in net divisable income of $17,033.49. This showing reflects the decreased earnings in 1919 due to health conditions, and it is not to be expected that the later months of 1920 will show corresponding increases over 1919, but these figures are given to sustain the belief of the Commission that the Company, under the rates herein fixed, with improved traffic conditions, will realize a fairly satisfactory return on its investment.

The Commission, therefore, finds:

1. That the present value for rate-making purposes of the property of the Company used and useful in the service of the public, as of December 31, 1919, is $8,499,-160.06.

2. That the present rates, fares and charges of the Company are insufficient to pay operating expenses and fixed charges and to yield a fair rate of return on the said valuation.

3. That the Company should be permitted to publish and put in effect, rates, fares and charges which shall not exceed the following:

Cash fares on City and Suburban lines	7 cents
Commutation books of 16 tickets, good on all lines	$1.00
Students' books of 50 tickets, good on all lines	2.00

Special Car Rates

For cars seating 36 passengers	$ 7.50 each
For cars seating 44 passengers	9.00 each
For cars seating 52 passengers	10.00 each
For cars seating 56-60 passengers	11.00 each

The above rates to be based on two hours' use of special car.

4. That the Company's request for permission to charge one cent each for transfers should be denied.

5. That the Company should honor outstanding commutation tickets during the month of July, 1920, and should redeem such outstanding tickets in cash after that date at the original purchase price, if same are presented on or before October 31, 1920.

6. That the Company should, prior to the effective date of this order, file with the Commission tariffs naming all its rates, fares, charges, rules and regulations.

7. That the order shall be effective on and after July 3, 1920.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

STOUTNOUR, Commissioner, Dissenting:

While I concur in the majority opinion with regard to betterment of service, reduction of paving costs, division of depreciation and deferred maintenance funds, I cannot concur with regard to the adequacy of the rates to be charged for service.

Courts and commissions have held that a utility such as this is entitled to make such rates or charges for this service as will provide:

1. The necessary operating expenses incurred in the rendering of that service.

2. An amount sufficient to retire or renew the physical property involved in the rendering of that service when and as such property shall have become worn out or obsolete.

3. A fair rate of return upon the value of that property which is employed in the service of the public. (Smyth vs. Aimes, 169 U. S., 466.)

The principle that utilities may earn only a fair return of interest on capital actually and reasonably invested, means that it prevents a utility from ever securing the return of the original investment. It also prevents the utility from earning funds with which it may make additions or betterments to its property, and makes it necessary that such funds be obtained by borrowing new money.

In connection with this case, to be specific, to carry out the recommendations of the Commission, it will be necessary that the utility borrow new capital for the purchase of equipment. It must also borrow money to make the necessary additions and betterments which a growing service demands. It must compete in the money market for capital at going rates of interest, which rates are established by the demand of others for that same money. In short, it must pay such rate of interest as a willing lender will agree to take by way of return for his money. The rates of interest for money invested in utilities of this kind and character, are well known and established and are before this Commission. Interest rates have advanced, as have labor and materials. Money cannot be borrowed at old rates any more than labor can be employed at ald standards, or material purchased at old prices. We should deal with conditions as they are. Unless the property which bor-

rowed money represents is permitted to earn at a rate that will pay the interest on that money, new capital cannot be obtained. Also rates which permit only a return upon capital previously invested at the old lower rates of interest, stop development, for such rates preclude borrowing at new rates. Inability to borrow money means a stoppage of growth, with decreased instead of increased service generally. A utility must grow with the community. The interests of the two cannot be separated.

The minimum expense which this Company will incur during the coming months can be accurately determined. The present wage scales are fixed for at least the coming ten months, while materials must be bought in a generally rising market. The limitations of traffic for coming months are also well defined.

In my opinion the rates established will not produce sufficient revenue so that the utility can get the necessary capital for additions and betterments and for the improvements recommended, which improvements will mean finally decreased costs of operation, reflected in better service at lower costs.

The question before the Commission is largely an economic one; any decision arrived at along other than economic lines will not satisfactorily or permanently solve the problem for the street car rider. He is vitally interested in securing adequate and reasonable service at the lowest price consistent with the giving of that service. A rate fixed too high is unjust and unreasonable. A rate fixed too low will not permit the giving of the service to which the car rider is entitled. Service is the thing he buys. A somewhat higher rate, which I believe should be instituted, will not deny this vital service to the public, for it would give the utility a better opportunity to serve with consequent decreased costs, which are the things that vitally interest the public, namely, service and costs.

(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 29th day of June, A. D. 1920.

CASE No. 267

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to increase its fares.

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 for permission to assess a charge of one cent for transfers be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That applicant, the Utah Light & Traction Company, be, and it is hereby, permitted to publish and put into effect, increased fares and charges which will not exceed the following:

Cash fares on City and Suburban lines	7 cents
Commutation books of 16 tickets, good on all lines	$1.00
Students' books of 50 tickets, good on all lines	2.00

Special Car Rates

For cars seating 36 passengers	$ 7.50 each
For cars seating 44 passengers	9.00 each
For cars seating 52 passengers	10.00 each
For cars seating 56-60 passengers	11.00 each

The above rates to be based on two hour's use of special car.

ORDERED FURTHER, That such increased fares may be made effective on July 3, 1920.

ORDERED FURTHER, That all outstanding five-cent commutation tickets shall be honored to and including July 31, 1920, and that such five-cent commutation tickets as may be outstanding after July 31, 1920, shall, if presented for refund on or before October 31, 1920, be redeemed by said petitioner refunding holder five cents in cash for each unused ticket.

ORDERED FURTHER, That schedules naming such increased fares shall bear upon the title page the following notation:

> "Issued on less than statutory notice under authority Public Utilities Commission of Utah order in Case No. 267, dated June 29, 1920."

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 268

In the Matter of the Application of WILLIAM SMEDLEY and ALFRED SMEDLEY, for permission to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depot, Salt Lake County, Utah.

Decided January 23, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, January 8, 1920, William Smedley and Alfred Smedley ask authority to operate an automobile stage line between Magna and Garfield, Utah, and the Garfield depot.

Petitioners allege that they have acquired all the interests formerly held by J. E. Booth, between Magna and Garfield, Utah, and the interests of H. M. Booth, between Garfield Townsite and Garfield Depot, and ask that a certificate be given authorizing them to continue the operations of the former owners.

J. E. Booth and H. M. Booth admit the assignment of their rights and interests in said stage lines to applicants; and no protests being made to the granting 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 continued operation of a stage line between Magna and Garfield and Between Garfield Townsite and Garfield Depot.

2. That the application herein should be granted.

3. That applicants should file with the Commission and post at each station on their line, a printed or typewritten schedule showing the leaving time of each car from such station, and a schedule of rates and charges, which

rates and charges shall not exceed those assessed by the former operators.

4. That this order will serve to substitute the certificates heretofore issued to J. E. Booth and H. M. Booth, and to cancel the same.

An appropriate order will be issued.

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

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity No. 70

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of January, A. D. 1920.

CASE No. 268

In the Matter of the Application of WILLIAM SMEDLEY and ALFRED SMEDLEY, for permission to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depot, Salt Lake County, Utah.

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 applicants, WILLIAM SMEDLEY and ALFRED SMEDLEY, be, and they are hereby, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depot, Salt Lake County, Utah.

ORDERED FURTHER, That applicants, 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, which shall not exceed those assessed by the former operators; and shall file with the Commission and post at each station, 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.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 269

In the Matter of the Application of HENRY CHARLES & SONS, for permission to operate an automobile stage line between St. John, Utah, and Ophir, Utah.

Submitted February 10, 1920. **Decided March 4, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, January 27, 1920, Henry Charles & Sons ask authority to operate an automobile stage line for the transportation of passengers between St. John, Utah, and Ophir, Utah, a distance of twelve miles.

In the application, petitioner represents that he is handling the U. S. mail between these points, and has in the past carried passengers in connection therewith, charging $1.00 between St. John and Ophir, and 75 cents between St. John and the mouth of the Canyon. Permission is asked to increase said fares to $1.25 and $1.00, respectively.

A hearing was held on the application at St. John, Utah, February 10, 1920. Petitioner was represented in person, there being no protestants.

It appeared from the facts developed at the hearing that a need for such a service as proposed by petitioner existed, as aside from a mixed train service given by the St. John & Ophir Railroad Company, automobiles offered the only means of transportation between these points.

Petitioner asked that his application be amended to provide the same rates over the stage line as has been collected in the past, which request was granted.

Petitioner represented that he was able and willing to provide additional equipment to properly serve the traveling public, and would operate one round trip daily in addition to the trip on which he carries the mail.

After consideration of all the facts the Commission finds:

1. That the application should be granted.

2. That petitioner should at all times operate his stage line in compliance with the rules and regulations of the Public Utilities Commission of Utah governing such operations.

3. That petitioner should file with the Commission and post at each station on his route, a printed or typewritten schedule showing the arriving and leaving time of his stage cars, and a printed or typewritten schedule naming fares for the transportation of passengers between all points, which fares shall not exceed the following schedule:

Between St. John and Ophir .....$1.00 one way
Between St. John and Mouth of Canyon.... .75 one way
Between Ophir and Mouth of Canyon..... .25 one way

Special trips will be made at the following rates:

Between St. John and Ophir, $1.00 for each passenger, subject to a minimum charge of $5.00.
Between St. John and Mouth of Canyon, 75 cents for each passenger, subject to a minimum charge of $3.00.

4. Rates for special trips should be assessed only when it is necessary to transport passengers on other than regular schedule, and may not be assessed when regular equipment is insufficient to accommodate all passengers desiring passage on schedule time.

An appropriate order will be issued.

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

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 73

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of March, A. D. 1920.

CASE No. 269

In the Matter of the Application of HENRY CHARLES & SONS, for permission to operate an automobile stage line between St. John, Utah, and Ophir, Utah.

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, HENRY CHARLES & SONS, be, and they are hereby, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line between St. John, Utah, and Ophir, Utah.

ORDERED FURTHER, That applicants, 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, which shall not exceed those set forth in the findings of the Commission attached hereto, and shall also file with the Commission and post at each station, 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.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 270

In the Matter of the Application of THE UINTAH RAILWAY COMPANY, for permission to increase its rates on its stage express line operating in Uintah County, Utah.

Decided February 6, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, January 26, 1920, the Uintah Railway Company asks permission to increase certain rates for transporting express between Watson, Utah, Ouray, Utah, Ft. Duchesne, Utah, and Vernal, Utah, and to cancel all rates to and from Ignatio, Bonanza, Bonanza Corral, Kennedy, Alhandra, Chipeta, and Randlett, Utah.

Petitioner alleges that the freight rates authorized by the Public Utilities Commission of Utah, Case No. 251, dated January 17, 1920, are higher than the existing express rates on the following articles, viz: empty tin cans, furniture, musical instruments and talking machines; that empty tin cans and furniture are not properly express shipments, and should move by freight and that these articles should not be handled by express; that the rate on musical instruments and talking machines should be one and one-half times the regular express rate.

It is also desired to carry a provision that blasting powder, caps, fuse and other dangerous articles will not be handled by express.

No increase is asked in the regular express rates between Watson, Ouray, Ft. Duchesne and Vernal.

No hearing was held on this application, as the Commission has formerly investigated all conditions in connection with the operations of petitioner's wagon line, and has recently granted an increase in its freight rates, Case No. 251. Upon the finding set forth in the above numbered

case, the Commission will base its opinion, and will allow the increases sought in the present application.

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 6th day of February, A. D. 1920.

CASE No. 270

In the Matter of the Application of THE UINTAH RAILWAY COMPANY, for permission to increase its rates on its stage express line operating in Uintah County, Utah.

This case being at issue upon petition on file, and full investigation of the matters and things involved having been had, and the Commision 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, on five days' notice to the public and to the Commission, its Stage Express Tariff No. 12, P. U. C. U., No. E-3, cancelling Stage Express Tariff No. 11, P. U. C. U. No. E-2, naming increased rates set forth in the application herein.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 271

In the Matter of the Application of CHRIS ANDERSON and S. H. BOTTOM, for permission to transport passengers and express between Vernal, Utah, and Heber City, Utah, via Roosevelt, Myton, Duchesne, Fruitland and Strawberry, Utah.

Submitted March 19, 1920. **Decided April 5, 1920.**

Irving Clawson for applicants.
Dan B. Shields for Duchesne Transportation Co.
Walter G. Barnes for Vernal-Uintah Basin Stage Co.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing, after due notice given, March 19, 1920.

The application was protested by Mr. Dan B. Shields, representing the Duchesne Transportation Company.

At the hearing, testimony developed that the applicants had entered into a contract with Mr. Frontjes, of the Duchesne Transportation Company, whereby they would operate the part of the line from Duchesne to Vernal, Utah; and that said contract covered a period until May 1, 1920.

Applicants predicated their application for a certificate of convenience and necessity upon the grounds that the Duchesne Transportation Company was not in a condition to continue giving service.

It appears by the records of the Commission that the Duchesne Transportation Company received a certificate of convenience and necessity under date of July 23, 1919; and that it has been giving reasonably satisfactory service to the public, as is evidenced by some communications received at this office. In order to comply with the petition of the applicants herein, it would be necessary to revoke the certificate heretofore issued, and there has not been sufficient showing to warrant such action on the part of the Commission.

The petition herein covers the line between Duchesne

and Heber City, which route Mr. Anderson has been operating upon for some time, and satisfactorily, and there is no objection to the Commission's continuing the permission to Mr. Anderson to operate between Heber City and Duchesne, Utah. That part of the petition may be granted, but the part which asks for permission to operate between Duchesne, Utah, and Vernal, Utah, should 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

Certificate of Convenience and Necessity

No. 78

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 5th day of April, A. D. 1920.

CASE No. 271

In the Matter of the Application of CHRIS ANDERSON and S. H. BOTTOM, for permission to transport passengers and express between Vernal, Utah, and Heber City, Utah, via Roosevelt, Myton, Duchesne, Fruitland and Strawberry, Utah.

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 of CHRIS ANDERSON and S. H. BOTTOM, for permission to operate an automobile stage line between Vernal, Utah, and Duchesne, Utah, be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That applicants herein 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 and express between Duchesne and Heber City, Utah, via Fruitland and Strawberry.

ORDERED FURTHER, That applicants, 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

CASE No. 272

In the Matter of the Application of JAMES TURLOUPIS, for permission to operate an automobile stage line between Payson, Utah, and Nephi, Utah.

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.

By the Commission.

Dated at Salt Lake City, Utah, this 5th day of February, 1920.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 273

In the Matter of the Application of A. M. NOLD and G. H. NOLD, co-partners, under the firm name of MIDLAND TRAIL GARAGE TRANSFER COMPANY, for permission to operate an automobile stage line between Soldier Summit and Scofield, via Colton, Utah.

Submitted February 25, 1920. **Decided March 9, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, February 7, 1920, A. M. Nold and G. H. Nold, doing business under the firm name of Midland Trail Garage Transfer Company, of Soldier Summit, Utah, ask authority to operate an automobile stage line for the transportation of passengers between Soldier Summit and Scofield, via Colton, Utah.

Petitioners allege in their application that they possess sufficient equipment to properly care for the traveling public, and can and will add to such equipment as may be required in the future; that it is their purpose to operate three round trips daily when weather conditions will permit automobile travel, adding such additional trips as conditions warrant.

The application states the distance from Soldier Summit to Scofield, is approximately 26 miles, and the following fares are proposed:

	One-Way	Round Trip
Soldier Summit to Scofield.....	$3.00	$5.50
Soldier Summit to Colton	1.25	2.25

A hearing was held at Soldier Summit, February 25,

1920, after due notice. There were no protests filed either before or at the hearing.

It developed at the hearing that petitioners are engaged in the garage business at Soldier Summit, and have at present:

1 five-passenger Oakland Touring Car
1 five-passenger Mitchell Touring Car
1 seven-passenger Buick Touring Car

and are experienced automobile drivers and mechanics.

There is no stage line now operating between Soldier Summit and Colton, or between Colton and Scofield. On July 18, 1919, the Commission, in Case No. 196, authorized J. A. Sharp to operate a stage line between Colton and Scofield, which line, it appears from the testimony submitted at the hearing, has discontinued service.

The train service between Colton and Scofield is operated by the Denver & Rio Grande Railroad Company, by a mixed freight and passenger train, which it is claimed operates irregularly, and additional and different service appears to be necessary for the convenience of the traveling public who desire to reach points between Soldier Summit and Scofield.

The Commision therefore finds:

1. That the application of A. M. Nold and A. H. Nold, doing business under the firm name and style of the Midland Trail Garage Transfer Company, at Soldier Summit, Utah, should be granted.

2. That applicant should at all times operate its stage line in accordance with the rules and regulations of the Public Utilities Commission of Utah governing such operations.

3. That before beginning operations, applicant should file with the Public Utilities Commission of Utah and post at each station upon its route, a printed or typewritten schedule showing the leaving time of its cars, and naming the rates to be charged for the transportation of passengers

between such points, which rates should not exceed those hereinbefore named.

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. 76

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 9th day of March, A. D. 1920.

CASE No. 273

In the Matter of the Application of A. M. NOLD and G. H. NOLD, co-partners, under the firm name of MIDLAND TRAIL GARAGE TRANSFER COMPANY, for permission to operate an automobile stage line between Soldier Summit and Scofield, via Colton, Utah.

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, A. M. NOLD and A. H. NOLD, doing business under the firm name and style of the Midland Trail Garage Transfer Company, be, and they are hereby, granted a certificate of convenience and necessity, and are authorized to operate an automobile stage line between Soldier Summit and Scofield, Utah, via Colton.

ORDERED FURTHER, That applicants, 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 automobel stage lines.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 274

In the Matter of the Application of the KAMAS LIGHT, HEAT & POWER COMPANY, for permission to increase its rates.

Submitted May 19, 1920. **Decided June 21, 1920.**

Charles M. Morris for petitioner.

REPORT OF THE COMMISSION

By the Commission:

In an application filed February 16, 1920, G. W. Butler, doing business under the name of Kamas Light, Heat & Power Company, at Kamas, Utah, requests authority, under Section 4830, Compiled Laws of Utah, 1917, to increase the charges made for electric energy supplied by his power plant, as follows:

	Present	Proposed
Residential and Commercial Light, per K. W. H.	$ .11	$ .15
Minimum Charge, per Month	1.00	2.00
Kamas High School, per K. W. H...	.11	.15
Minimum Charge, per Month	2.00	4.00
Meter Deposit	10.00	10.00
Connection Charge	2.50	3.50

After due notice, the application was investigated by Special Investigator F. M. Abbott, at Kamas, Utah, May 19, 1920.

The proposed increase was protested by S. M. Pack and other citizens of Kamas, users of electric service.

It developed at the investigation that the electric plant, which is operated by water power, is located approximately two miles east of the town of Kamas, the water which is used being conveyed 6,900 feet through an open canal, and delivered under a head of 100 feet. The energy is transmit-

ted to Kamas at 4,000 volts and delivered to consumers for lighting purposes at 110 volts.

The original cost of the system was shown to be $11,617.91, there being an outstanding indebtedness of $5,000, upon which petitioner is paying interest.

Receipts for the first four months of 1920 are as follows:

January 12 to February 12	$161.14
February 12 to March 12	134.58
March 12 to April 12	120.30
April 12 to May 12	105.59
Total	$521.61
Monthly Average	130.40

The operating expenses for the year 1919, in addition to the labor of Mr. Butler, exceeded $50 per month, according to petitioner. The owner, Mr. Butler, assisted by his wife and family, operate the plant, attend to reading meters, collecting bills, etc. Mr. Butler states that in addition to the operating expenses shown above, he should be entitled to $125 per month salary, as manager and operator of the plant, which would make the annual operating expenses, based on 1919 figures, $2,100, while revenues, based on the period January 12, 1920, to May 12, 1920, would be $1,564.80, a deficit of $535.20 per annum.

The plant has been operated for a number of years and has depreciated approximately 50 per cent, for which no provision has been made. Earnings in the past have not been sufficient to take care of depreciation. Under present earnings, after allowing for operating expenses and for depreciation, a substantial deficit will be incurred without any return whatever on the investment.

The proposed increase should yield petitioner an additional revenue of approximately $547.68, which will only make the total revenue exceed operating expenses $12.48 per annum, leaving practically nothing for depreciation.

The distributing system is in very bad condition; the poles need replacing or stubbing, and the line generally needs overhauling and repairing.

The service which is being rendered is of low standard, due to the condition of the line. Service is given at night only, except Mondays and Thursdays, when service is given until noon to permit the operation of electric washing machines and appliances.

S. M. Pack protested that certain consumers, about 20 in number, were being charged a flat rate of $1.00 per month, no meters being installed; that the present rate is sufficient considering the service being given, and that additional revenue would be secured if all who had made application for service were connected.

Dr. Dennenberg appeared as a protestant, but only to the extent that the service should be increased by turning the lights on one hour earlier.

Mr. J. R. Hicks appeared and offered no protests to an increase, but desired twenty-four hour service.

Mr. R. C. King appeared and stated that he is willing to pay a fair price for his electric service, but that the rates should not exceed those charged in other communities.

Mr. J. B. Hoyt, a merchant handling electric appliances, stated that with twenty-four hour service, his consumption of electric energy would be increased three times, as it would be used for demonstration purposes.

The investigation of this case seems to show that the service which is given should be improved and certain repairs made to the system. The operator should receive for the service a remuneration sufficient to enable him to accomplish this. All evidence tends to show that under existing circumstances the owner and operator has put forth his best efforts to continue service to his patrons, even doing so at a loss to himself and by enduring personal and physical hardship.

In rebuttal to Mr. Pack, Mr. Butler stated that the meters formerly used had been destroyed by lightning, and would be replaced as soon as funds were available.

There is nothing to indicate that in years past the earnings of the plant have been dissipated, resulting in the present poor condition, but rather that maintenance has been deferred because of inadequate revenue.

The Commission, in this case, cannot attempt to fix rates which would yield proper return on investment and provide for adequate depreciation, as such rates apparently would be prohibitive and result in a decrease in the number of users, and a consequent reduction in petitioner's revenue.

The increased rates prayed for will afford a measure of relief and doubtless enable petitioner to make some much needed improvements in the service. Meters should be installed in such residences as are at present without them, and which are now paying the minimum charge only, in order to avoid discrimination as well as assure the petitioner his lawful charges.

It is proposed to increase the present minimum charge,

100 per cent,, making it $2.00 for residential consumers, and $4.00 for the High School. This is a very marked increase and one which under ordinary conditions might not be permitted; but in the present case it appears to be justified. Each consumer connected represents an investment upon the part of the Company, and furnishes a convenience for which the consumer should be willing and prepared to pay, and the proposed increase does not appear unreasonable in the present case.

Petitioner must look to improved service and consequent increased consumption of energy, to enable him to make a return upon his investment, with the increased rates granted in this case.

The Commission finds:

1. That relief should be granted, and that petitioner, G. W. Butler, doing business under the name of Kamas Light, Heat & Power Company, should be permitted to publish and put into effect rates for electric service, which shall not exceed the following schedule:

Residential and Commercial Lighting	15c per K.W.H.
Minimum Charge, Per Month	$ 2.00
Kamas High School, Minimum Charge	4.00
Meter Deposit	10.00
Connection Charge	3.50

2. That such rates should be made effective on July 1, 1920, and apply to all service rendered on and after that date.

3. That before the effective date of such advanced rate, petitioner should file with the Public Utilities Commission of Utah, a schedule showing such advances, with the effective date thereof.

The Commission will check closely the result of the operation of petition under the rates herein prescribed, and will, if it is found necessary or advisable, modify its order to meet conditions then existing, and to this end retains jurisdiction in this case.

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 21st day of June, A. D. 1920.

CASE No. 274

In the Matter of the Application of the KAMAS LIGHT, HEAT & POWER COMPANY, for permission to increase its rates.

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, Kamas Light, Heat & Power Company, be, and it is hereby, permitted to publish and put into effect, on July 1, 1920, rates which shall not exceed the following schedule:

Residential and Commercial Lighting	15c per K.W.H.
Minimum Charge, Per Month	$ 2.00
Kamas High School, Minimum Charge	4.00
Meter Deposit	10.00
Connection Charge	3.50

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 275

In the Matter of the Application of JAMES S. FRONTJES, for permission to operate an automobile stage line between Salt Lake City and Duchesne, and between Provo and Duchesne, Utah.

Submitted March 19, 1920. **Decided April 29, 1920.**

Dan B. Shields for petitioner.
Irving Clawson for Anderson and Bottom.
Walter G. Barnes for himself.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above matter came on for hearing March 19, 1920. At the hearing, the attorney for the applicant herein, moved to strike out that part of the petition wherein it asked that a certificate of convenience and necessity be issued authorizing the operation of an automobile stage line betweeen Provo, Utah, and Duchesne, Utah, via Heber City; and also that part of the petition wherein permission is asked to operate between Salt Lake City and Duchesne, via Park City, limiting the application to the service between Helper and Vernal, via Duchesne.

According to the records of the Commission, Mr. Frontjes, representing the Duchesne Transportation Company, has received such certificate heretofore, and since the issuing of said certificate has been, and now is, operating between the points named, Helper and Vernal, via Duchesne. There has not been any action upon the part of the Commission revoking or setting aside said certificate, and the only action necessary at this time will be to allow the motion to strike out certain portions of the petition, approving the operation now being carried on until further ordered by the Commission.

It is unnecessary to renew certificates of convenience and necessity while continuous service is being given under the authority of the Commission. It has been and is the

practice, however, where there has been a discontinuance of service, to require a renewal of the certificate. This gives an opportunity for the Commission to inquire into the ability and responsibility of the corporations or persons wishing to resume operation. For these reasons it would seem to be unnecessary to issue a certificate at this time to the applicant. The petition herein should, therefore, be dismissed without prejudice to the applicant.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

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

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of April, A. D. 1920.

CASE No. 275

In the Matter of the Application of JAMES S. FRONTJES, for permission to operate an automobile stage line between Salt Lake City and Duchesne, Utah, and between Provo and Duchesne, Utah, via Heber.

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, dismissed, without prejudice.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 276

In the Matter of the Application of the EASTERN UTAH TELEPHONE COMPANY, for a certificate of convenience and necessity authorizing the extension of its telephone line from Price, Utah, to Green River, Utah.

Submitted April 6, 1920. **Decided April 29, 1920.**

L. A. McGee and Rex Miller for petitioner.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

The Eastern Utah Telephone Company, in an application filed with this Commission, February 6, 1920, alleges that it is a corporation organized and existing under and by virtue of the laws of the State of Utah, with its principal place of business at Price, Carbon County, Utah, and that it is engaged in the rendering of local and long distance telephone service in Carbon County, with lines extending to various points in Emery and Duchesne Counties.

Petitioner, in its application, seeks a certificate of public convenience and necessity, authorizing it to extend its telephone line from Price, Utah, to Green River, Utah, a distance of approximately seventy miles, along a State highway commonly known as "Midland Trail." Copies of franchises from Carbon and Emery Counties, authorizing construction of the line, were attached to and made a part of the petition.

Petitioner alleges that it is its intention to connect at Green River with the Green River Valley Telephone Company, a corporation operating a local telephone service in Green River and vicinity; that the said Green River Valley Telephone Company is connected with a telephone company with offices at Moab, Utah, which in turn is connected with Grand Junction, Colorado.

Petitioner further alleges that the completion of this telephone line from Price to Green River, Utah, will give a thorough long distance telephone service from Price, Utah,

to Pueblo and the east, further alleging that this is necessary to public service, and is a want that has long been felt in the community.

The case came on for hearing at Price, Utah, April 6, 1920, at 2:30 p. m. There were no protests at the hearing. However, the Commission had previously received, January 24, 1920, an informal application from the Green River Valley Telephone Company, of Green River, Utah, asking that it be permitted to make application for a certificate of convenience and necessity, authorizing the said Green River Valley Telephone Company to construct a telephone line over the same route as set forth by this petitioner. On March 18, 1920, there was filed with the Commission a waiver, signed by L. H. Green, Manager of the Green River Valley Telephone Company, wherein said Green River Valley Telephone Company asked to withdraw its application for a certificate of public convenience and necessity to construct the telephone line as above set forth, and recommending to the Commission that the petition of the Eastern Utah Telephone Company for a certificate of convenience and necessity, be granted.

At the hearing Mr. Rex Miller, Manager of the Eastern Utah Telephone Company, testified that need for the construction of this line had been apparent for some time, and that it would greatly facilitate communication with the southeastern part of the State; that no telephone line existed between Price and Green River; that it was necessary to resort to other and less expeditious means of communication; that the development of this section of the State would be considerably quickened.

Exhibits were introduced by applicant showing balance sheet for December, 1919, revenues and expenses for the year ended December 31, 1919, for the purpose of showing its financial responsibility and ability to finance the line.

After full consideration of all evidence which may or does have any bearing upon this application, the Commission finds as a fact that public convenience and necessity require and will continue to require the construction and operation of a telephone line between Price and Green River, Utah, and that said application should be granted. A limitation should be placed upon the certificate to the extent

that the line shall be constructed and placed in operation not later than September 1, 1921.

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. 80

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of April, A. D. 1920.

CASE No. 276

In the Matter of the Application of the EASTERN UTAH TELEPHONE COMPANY, for a certificate of convenience and necessity authorizing the extension of its telephone line from Price, Utah, to Green River, Utah.

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 Eastern Utah Telephone Company, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain a telephone line between Price and Green River, Utah.

ORDERED FURTHER, That said line shall be constructed and placed in operation not later than September 1, 1921.

ORDERED FURTHER, That applicant shall construct said telephone line in a manner to conform to the requirements of the Commission's Tentative General Order dated February 4, 1918.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 277

In the Matter of the Application of the MOAB GARAGE COMPANY, for permission to increase its rates for service between Thompson and Moab, Utah.

Decided March 2, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed February 11, 1920, the Moab Garage Company, by R. C. Clark, Secretary and Treasurer, requests permission to increase the fare charged for transporting passengers between Thompson and Moab, from $3.00 to $3.50, each way.

Petitioner alleges that for the past four years it has charged $3.00 for this trip, a distance of 37 miles, regardless of the marked increase in the cost of equipment, repairs, oil, gas and labor; that owing to road construction between Thompson and Moab many detours are necessary, and heavy rains have rendered travel very difficult. Many privately owned cars, and cars for hire, it is alleged, transport passengers from Thompson to Moab, in competition with applicant, which reduces the revenue of the established stage line, which is required to make its scheduled trips regardless of weather conditions or the number of passengers available.

No hearing was held on this application, the Commission being familiar with the general increase in cost of all elements entering into the rendering of stage line service by automobiles, and the territory served by the petitioner.

The proposed rate is practically 9½ cents per mile, which, in view of all the conditions in this case, does not appear unreasonable, and the Commission, therefore, finds that the application should be granted, and petitioner, the Moab Garage Company, should be permitted to file and put into effect on three days' notice to the public and to the Public Utilities Commission of Utah, fares for the transportation of passengers between Thompson, Utah, and

Moab, Utah, which shall not exceed $3.50 each way per passenger.

Petitioner should file with the Public Utilities Commission of Utah and post at each station on its route, printed or typewritten schedules naming such increased fares, at least three days before the effective date thereof.

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 2nd day of March, A. D. 1920.

CASE No. 277

In the Matter of the Application of the MOAB GARAGE COMPANY, for permission to increase its rates for service between Thompson and Moab, Utah.

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 applicant, the Moab Garage Company, be, and it is hereby, permitted to publish and put into effect on three days' notice to the public and to the Commission, fares for the transportation of passengers between Thompson and Moab, Utah, which shall not exceed $3.50 each way per passenger.

ORDERED FURTHER, That applicant shall file with the public Utilities Commission of Utah and post at each station on its route, printed or typewritten schedules naming such increased fares, at least three days before the effective date thereof.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 278

In the Matter of the Application of the MILFORD & BEAVER TRUCK COMPANY, for permission to increase its rates.

Submitted May 22, 1920. **Decided June 14, 1920.**

E. F. Sherwood & C. A. Arrington for applicant.
J. F. Tolton for protestants.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled case first came on for hearing at Milford, Utah, March 26, 1920, upon the application of the Milford and Beaver Truck Company, and the protest of shippers of Beaver, Utah. Permission is asked to establish a new freight schedule between Milford and Beaver, as follows:

Milford to Beaver	45 cents per hundred
Milford to Greenville	45 cents per hundred
Milford to Adamsville	35 cents per hundred
Beaver to Milford	35 cents per hundred
Greenville to Milford	35 cents per hundred
Adamsville to Milford	35 cents per hundred

This rate is for local or drop shipments and not for carload lots. Carload lots will be 35 cents per hundred. Furniture will be 50 cents per hundred when set up, but if knocked down will take the same rate as above.

There appeared at the hearing, Mr. O. F. McShane, who represented the shippers of Beaver, whose names were attached to said protest against the adoption of the proposed schedule.

Testimony was submitted on behalf of the applicant which did not, in the judgment and opinion of the Commission, present sufficient facts from which the results of the

operation of said freight service could be determined, and it was stipulated by the parties that further hearing upon the application should be postponed until a test could be made during the month of April, and that an exact account of the receipts and disbursements should be kept.

On May 22, 1920, the hearing was resumed at Beaver, Utah, at which time statements were submitted showing the results of operation by the applicant for the month of April. It was agreed that the test operation of car No. 1 would be the measure. The showing was as follows:

Receipts		$448.05
Disbursements:		
Gasoline	$ 80.35	
Oil	12,30	
General Expenses	211.14	
Depreciation	110.40	
Repair Work	38.65	452.84
Deficit		$ 4.79

The protestants gave evidence to the effect that they were unwilling to stand the advance of some 28 per cent; that in giving the applicant the exclusive privilege of hauling their freight they would sometimes deprive their customers of the privilege of hauling with freight teams; that it has been a custom for a long time, with most of the merchants, to give to their customers who had teams, the privilege of settling their accounts by hauling freight, and at a rate that was even lower than the applicant had been collecting, but that in view of the better service they could obtain from the truck line, they were willing to pay an advance for such improved service. The shippers represented to the Commission that they were willing to consent to the advancing of the rate from 35 cents to 40 cents for freight hauled from Milford to Beaver.

There were no objections made, or protests entered against the proposed rate between Milford and Greenville and Adamsville, which are small settlements between Milford and Beaver.

The testimony given upon the question of expenses was not as clear as might have been. However, the Commission is of the opinion, regardless of the discrepancies in the statements, that the petitioner is entitled to some advance, and it would appear by the showing made of the conditions and circumstances attending the giving of service by peti-

tioner, that permission should be given to modify the present rates to conform to the following:

Milford to Beaver	40 cents per hundred
Milford to Greenville	40 cents per hundred
Milford to Adamsville	30 cents per hundred
Beaver to Milford	30 cents per hundred
Greenville to Milford	30 cents per hundred
Adamsville to Milford	30 cents per hundred

Based on the receipts as shown for Car No. 1, this increase would amount to about $60 per month, which would give a profit, instead of a deficit as shown for the month of April.

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 14th day of June, A. D. 1920.

CASE No. 278

In the Matter of the Application of the MILFORD & BEAVER TRUCK COMPANY, for permission to increase its rates.

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

IT IS ORDERED, That applicant be, and it is hereby, permitted to modify the present rates to conform to the following schedule:

Milford to Beaver	40 cents per hundred
Milford to Greenville	40 cents per hundred
Milford to Adamsville	30 cents per hundred
Beaver to Milford	30 cents per hundred
Greenville to Milford	30 cents per hundred
Adamsville to Milford	30 cents per hundred

IT IS FURTHER ORDERED, That said rates may be made effective upon 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

CASE No. 279

In the Matter of the Application of the JORDAN AND BROWN TRUCK LINE, for permission to increase its rates.

Submitted March 25, 1920. **Decided April 5, 1920.**

E. H. Ryan for petitioner.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Hearing on the above petition was held at Cedar City, Utah, March 25, 1920. Proof of publication of the notice of hearing was duly filed with the Commission, showing that the public had notice of said hearing.

There were no protests in writing or at the hearing, to the granting of the petition.

Testimony was to the effect that petitioners were engaged in conducting an automobile express and freight line between Lund and Cedar City, a distance of about 35 miles. Petitioners claim that the present rates are inadequate and insufficient to meet the operating expenses of giving this service, for the reason that the cost of material, repairs and labor have increased during the past twelve months, and that the condition of the public highway over which the service is given was exceptionally bad during the past year, so much so that the applicants were unable to load in excess of 75 per cent of the carrying capacity of their trucks; that during the last three months the roads have been at times practically impassable, and under such conditions petitioners have been required to employ teams to haul the express and freight, and for such service they have been compelled to pay as high as 10 cents per hundred more than they were permitted to charge under their present schedule of tariffs; that during the past four months applicants have run behind in the sum of $2,000, and that unless they are permitted to charge at least 10 cents per hundred in addition to the rates heretofore charged, they will continue to lose money.

The proposed rates are set forth in Exhibit "B" attached to and made a part of the petition, and name advances of 5 and 10 cents per hundred on freight transported from Lund to Cedar City.

A statement of the receipts and expenses for the year 1919 shows:

Receipts	$11,381.89
Expenses	11,825.09
Deficit	$ 443.20

The increased rates proposed would amount to about 25 per cent, and based on the volume of business for 1919, would produce a net gain of about $2,845.

The depreciation on the cars used, according to the testimony, would be at least 25 per cent. The $2,845 would not any more than cover the depreciation and provide a reasonable return on the money invested.

It may be observed, however, that the value of $8,968, testified by applicant as the amount invested, includes not only truck cars, but a Ford touring car as well.

The amount paid out for new equipment, and interest on borrowed money, should not be made a part of the expense account submitted to the Commission.

There appeared at the hearing, Mr. W. A. Jones, Manager of the Cedar Lumber & Commission Company, who testified that he was in favor of allowing the applicants to collect the advanced rates asked for under the present conditions.

There is on file in this case, letter from Blakely's Drug Store, Cedar Sheep Association, Cedar City Drug Company, and the Cedar Mercantile & Live Stock Company, endorsing the increase, and asking that it be allowed, stating that they consider the advance reasonable and fair, as well as necessary, to enable the petitioners to continue in operation. It further appeared by the communications, and other information, that the applicants have given reasonably good service, and have made every reasonable effort to get the freight and express over the road.

Under the showing made, the applicants are entitled, and should be authorized, to advance the rates as asked.

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 5th day of April, A. D. 1920.

CASE No. 279

In the Matter of the Application of the JORDAN AND BROWN TRUCK LINE, for permission to increase its rates.

This case being at issue upon petition on file, and having been duly heard and submitted, 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, JORDAN & BROWN TRUCK LINE, be, and is hereby, permitted to publish and put into effect on ten days' notice to the public and to the Commission, increased rates for the transportation of express and freight as set forth in the petition filed herein.

ORDERED FURTHER, That applicant shall file with the Public Utilities Commission of Utah and post at each station on its route, printed or typewritten schedules naming such increased rates, at least ten days before the effective date thereof.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 280

In the Matter of the Application of the GUNNISON TELEPHONE COMPANY, for permission to continue in effect the charge of $3.50 for telephone installations.

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.

By the Commission.

Dated at Salt Lake City, Utah, this 19th day of February, 1920.

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

281. **In the Matter of the Application of the PERRY ELECTRIC LIGHT & POWER COMPANY, for permission to increase its rates.**

PENDING.

282. **In the Matter of the Application of the OLD CAPITOL PETROLEUM, FUEL & IRON COMPANY, for a Certificate of Convenience and Necessity authorizing the construction of a railroad from Lund, Utah, to Cedar City, Utah.**

PENDING.

283. **In the Matter of the Application of the TOWN OF WELLINGTON, UTAH, for the erection of a depot by the Denver & Rio Grande Railroad.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 284

In the Matter of the Application of JAMES NEILSON, for permission to operate an automobile stage line between Salt Lake City and Brighton, Utah.

Submitted March 22, 1920. **Decided April 23, 1920.**

Horace H. Smith for petitioner.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above matter was heard March 22, 1920, at which time the petitioner appeared, with his counsel, and stated that he had operated a stage line between Salt Lake City and Brighton during the summer of 1919, until September 22, 1919, when he filed with the Commission a notice to the effect that the climatic conditions, as well as others, would not justify a continuance of said service, and also gave notice that he anticipated continuing the service in the spring of 1920.

It appeared that petitioner had rendered satisfactory service under the schedule and rates filed with the Commission for the season 1919. He also submitted a statement of the receipts and disbursements for the year 1919.

The records of the Commission show that a certificate of convenience and necessity was issued to the applicant under date of April 21, 1919, and that the service given under the direction of the Commission had been satisfactory and sufficient. It was testified that during the summer of 1920 there would be the usual traffic over said route, and that there will exist a necessity for such service as has been given heretofore.

The Commission, therefore, finds, that a certificate of convenience and necessity should be issued to the applicant, and that the rates and schedule heretofore filed with

the Commission should be used until modified or changed by the Commission.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

(Signed) HENRY H. BLOOD,
(SEAL) Commissioners.
Attest:

(Signed) T. E. BANNING,

ORDER

Certificate of Convenience and Necessity

No. 79

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of April, A. D. 1920.

CASE No. 284

In the Matter of the Application of JAMES NEILSON, for permission to operate an automobile stage line between Salt Lake City and Brighton, Utah.

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 he is hereby, 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, before beginning operation, shall post at each station on his route, a printed or typewritten schedule, which shall conform to the rates and charges now on file with the Public Utilities Commission of Utah; and shall also file with the Commission and post at each station, a schedule showing the arriving and leaving time of all cars.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 284

In the Matter of the Application of JAMES NEILSON, for permission to operate an automobile stage line between Salt Lake City and Brighton, Utah.

SUPPLEMENTAL ORDER

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 April 23, 1920, made and filed a report containing its findings:

IT IS ORDERED, That applicant, James Neilson, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to transport small packages of freight and express between Salt Lake City and Brighton, Utah.

ORDERED FURTHER, That applicant, before beginning such operation, shall post at each station on his route, and file with the Public Utilities Commission, a printed or typewritten schedule showing the rates and charges to be assessed for such service.

By the Commission.

Dated at Salt Lake City, Utah, this 8th day of July, 1920.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 285

In the Matter of the Application of WILLIAM A. ENGLE, to have certain assignments ratified, and for permission to increase his rates.

Submitted April 7, 1920. **Decided August 9, 1920.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed February 28, 1920, William A. Engle, operating an automobile stage line between Price and Sunnyside, and between Price and Hiawatha, jointly with Mr. James T. Johnson, asks permission to dissolve the partnership and to segregate the operations of the said William A. Engle and James T. Johnson.

In the dissolution of this partnership, William A. Engle seeks to take over the operation of that portion of the line between Price and Sunnyside, which line is to be operated under the name of the Anchor Auto Line, and said James T. Johnson to take over the operation of the line between Price and Hiawatha.

In the same application, said William A. Engle asks permission to increase his fares between Price and Sunnyside to $2.50 one way, and $4.25 round trip.

Accompanying the application was a copy of the agreement entered into between said William A. Engle and said James T. Johnson, dissolving partnership.

In the application, petitioner sets forth that public convenience and necessity will be best served by a division of the operation of these lines. In support of his application for increased rates, petitioner sets forth the increased price in labor, gasoline, tires, equipment, repairs, and other charges entering into the operation of automobile stage lines.

The case was heard at Price, April 7, 1920, after due notice had been given to the public. There were no protests.

In this case the Commission finds that public convenience and necessity will best be served by permitting

separate and distinct stage lines to operate between Price and Sunnyside and between Price and Hiawatha, and the application for permission to so establish these operations should be granted.

A careful study has been made of the revenues of the line operating between Price and Sunnyside, and it appears that the revenues at this time are sufficient to take care of necessary expense and depreciation and yield a reasonable return upon the investment.

An order will be issued granting to William A. Engle the right to operate between Price and Sunnyside, and to James T. Johnson, the right to operate between Price and Hiawatha. The application for increased fares will be denied.

(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 9th day of August, A. D. 1920.

CASE No. 285

In the Matter of the Application of WILLIAM A. ENGLE, to have certain assignments ratified, and for permission to increase his rates.

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 William A. Engle and James T. Johnson be, and they are hereby, permitted to dissolve the partnership heretofore existing in the operation of the stage lines between Price and Sunnyside and Price and Hiawatha.

ORDERED FURTHER, That said William A. Engle be, and he is hereby, authorized to continue the operation of the stage line between Price and Sunnyside, Utah, assessing fares which shall not exceed those in effect during the operation of the partnership between Johnson and Engle.

ORDERED FURTHER, That said James T. Johnson be, and he is hereby, authorized to continue the operation of the stage line between Price and Hiawatha, Utah, assessing fares which shall not exceed those in effect during the operation of the said partnership.

ORDERED FURTHER, That the application for permission to increase fares between Price and Sunnyside, Utah, be, and the same hereby is, denied.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 286

In the Matter of the Application of the SOUTHERN UTAH TELEPHONE COMPANY, for permission to increase its exchange rates.

Submitted April 2, 1920. **Decided May 6, 1920.**

E. H. Snow for petitioner.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing at St. George, Utah, March 24, 1920, upon the petition of the applicant, there being no protests or opposition to the granting of the application with the exception that the service rendered in certain sections was attacked.

The testimony submitted was to the effect that the Southern Utah Telephone Company was organized in 1904; that at such time the purpose of the organization was to install a means of communication between the towns and settlements in Utah's "Dixie," more for the matter of convenience than for the purpose of an investment. It was at the time the Desert Telegraph line was being abandoned in southern Utah, and the wires and poles were purchased and converted into a telephone system. For some time, for the lack of means, it was a simple medium of communication. At the time of the incorporation, stock was sold, and the money received therefrom was put into the system. Extensions and improvements have been made, until there exists a telephone system covering about 180 miles of line, with about 185 customers.

The rates under which the Company now operates are as follows:

Residence telephones	$1.00 per month
Business telephones	2.00 per month
Installation charge	2.00

The rates asked to be allowed are as follows:

Residence telephones, party lines	$1.50 per month
Business or private line telephones	3.00 per month
Installation charge	3.00
In exchanges having less than 100 subscribers — residence telephones	2.00 per month

From the report made by the Commission's accountant upon the statements filed by the petitioner, it appears that the amount of $12,613, as a total investment, represents only the investment in pole lines, drops, etc. Telephones and switchboards installed, have not been capitalized, nor have organization or overhead expenses, labor costs in connection with construction and other legitimate capital charges. It is probable, therefore, that the actual investment would be at least $15,000. No provision has been made for depreciation.

It further appears that the manager has been paid the nominal salary of $40 per month. No lineman has been employed by the Company, yet it is apparent that such an agent of the Company is necessary in order to keep the line in a condition to give satisfactory service.

Testimony was to the effect that the salaries of the operators are extremely low in comparison with salaries paid by other service corporations, and that for the lack of necessary money to hire sufficient employees, Sunday service has not been given.

Statement was made to the effect that for five years past but four to five per cent dividends had been paid upon the investment, and that all other earnings had gone into the improvements of the Company's plant.

There is no question but what the Company is entitled to an increase of rates. A lineman should be employed and Sunday service should be given. These additional necessary expenses could not possibly be taken care of without an increase in revenue; and, if possible, some provision should be made for depreciation so that the Company's system might be kept in such reasonably good condition that satisfactory service might be given to the subscribers.

It was evident from the testimony that the service is not as good as it should be, and that the conditions surrounding the giving of such service, together with a lack of funds, are largely responsible for such service, which no doubt gives rise to the many complaints made.

The question of unlimited use of party lines was gone into, and the evidence was to the effect that individual calls would amount to as high as 30 a day in some instances, most of which, of course, as is found elsewhere, are for the purpose of unnecessary conversation and social dialogues.

It would appear from the complaints made by the subscribers at Hurricane that the exchange was not satisfactory, that the exchange at that point would be much more desirable if it could be installed in a place outside of a public store, and some one employed to spend his entire time, or sufficient of the same, to strictly look after and take care of the business. The complaints that telephone communications had been made public, were more general than specific. However, there can be no question but what a telephone communication, no matter what its nature might be, should be private, and not made public.

Under the conditions existing it would appear a desirable thing for a change to be made at Hurricane and the telephone exchange moved to a private place where the subscribers could receive a service without giving rise to the numerous complanits which were made at the hearing by those who represented that section of the country.

There can be no question of the desirability of installing a Sunday and holiday service. This telephone system covers a large area of territory, extending over long distances. But for the telephone, the people are secluded and have difficulty in communicating with the outside. Emergencies are as apt to arise on Sunday as any other day in the week, and emergencies, after all, are the occasions to be met more than anything else by the means of the telephone.

The question of limited service on party lines is one that the Commission has for its consideration in the application of the Mountain States Telephone & Telegraph Company now pending before it, and upon which no decision has been rendered. This question as it pertains to this case will be held for further consideration.

The Commission has under consideration the question of prescribing an accounting system for telephone utilities, and in due course this petition will be required to adapt its accounting practice to the standard classification. Meantime, further investigation will necessarily be made of the Company's accounts with a view of segregating items from expense items.

It is clear to the Commission that in order to improve the service and place the Company in a position to meet the demands upon it, the petition should in the main be

granted, as a temporary measure of relief, pending more thorough investigation.

We, therefore, find that petitioner should be permitted to file a new schedule of rates and charges which shall not exceed the following:

	Per Month
For Residence telephones in exchanges having 100 or more subscribers	$1.50
For Residence telephones in exchanges having less than 100 subscribers	2.00
For Business telephones, all exchanges	3.00
For Installation charge, actual cost of labor performed, but not to exceed	3.00

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 May, A. D. 1920.

CASE No. 286

In the Matter of the Application of the SOUTHERN UTAH TELEPHONE COMPANY, for permission to increase its exchange rates.

This case being at issue upon petition on file, and having been duly heard and submitted, 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, on ten days' notice to the public and to the Commission, rates which shall not exceed the following schedule:

	Per Month
For Residence telephones in exchanges having 100 or more subscribers	$1.50
For Residence telephones in exchanges having less than 100 subscribers	2.00
For Business telephones, all exchanges	3.00
For Installation charge, actual cost of labor performed, but not to exceed	3.00

IT IS FURTHER ORDERED, That the application of petitioner for permission to limit the number of calls, be held for further consideration by the Commission.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 287

In the Matter of the Application of J. T. JOHNSON, owner of the "Arrow Stage Line," for permission to operate between Hiawatha and Mohrland, Utah, and for permission to increase rates.

Submitted April 7, 1920. **Decided August 10, 1920.**

J. T. Johnson for Arrow Stage Line.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

In an application filed March 2, 1920, J. T. Johnson, operator and owner of the Arrow Stage Line, operating between Price and Hiawatha, with principal place of business at Price, Carbon County, Utah, alleges that public convenience and necessity require the extension of its stage line from Hiawatha to Mohrland, for the reason that there is no adequate service between these points now being offered to the public, and that future public convenience and necessity require and will continue to require such service.

Petitioner further alleges that the cost of operations has greatly increased, and asks that he be permitted to discontinue selling round trip tickets, and that the following schedule of rates be instituted:

$2.00, from Price to Hiawatha.
1.00 from Hiawatha to Mohrland.
1.00, from Mohrland to Hiawatha.
2.00, from Hiawatha to Price.

After due notice of hearing to the public, the application was heard, April 7, 1920, at Price, Utah. There were no protestants. At this time applicant presented revenues and costs for the months of February and March, 1920.

It appeared from an analysis of these statements that revenues were ample to take care of all necessary and legitimate expenses in connection with the operation of this line;

but it was the contention of the petitioner that substantial decreases in traffic would occur during the summer months, thus creating deficits. A subsequent careful check of revenues and expenses has been made by this Commission, and it does not appear that such falling off in traffic has occurred, although there have been some increases in expenses.

After a consideration of all material facts, the application, insofar as an increase in rates is concerned, will be denied. The request to extend the line from Hiawatha to Mohrland, will be granted.

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. 87

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of August, A. D. 1920.

CASE No. 287

In the Matter of the Application of J. T. JOHNSON, owner of the "Arrow Stage Line," for permission to operate between Hiawatha and Mohrland, Utah, and for permission to increase rates.

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. T. JOHNSON, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Hiawatha and Mohrland, Utah.

ORDERED FURTHER, That before beginning operation, applicant shall file with the Commission his schedule of fares between Hiawatha and Mohrland.

ORDERED FURTHER, That the application for permission to increase fares from Price to Hiawatha, be, and the same hereby is, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 288

In the Matter of the Application of W. E. OSTLER, for permission to increase his rates for passenger service.

Submitted January 23, 1920. **Decided April 3, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, February 24, 1920, W. E. Ostler, operating a stage line between Silver City, Utah, and Eureka, Utah, asks authority to increase his fares and charges for transporting passengers between these points from 25 cents each way to 50 cents each way, and 75 cents round trip.

Petitioner alleges that the present rate was established during 1914 and based upon the prices prevailing at that time for labor, material, gas, oil and other items entering into the cost of rendering service. Since 1914, it is alleged, prices for these supplies, etc., have advanced from 50 to 100 per cent. In operating his stage line upon schedule, petitioner runs his cars approximately 2100 miles per month, and alleges that his revenues average $270 per month, and that his expenses average $200, leaving but $70 for his time, labor and investment. Petitioner estimates that the proposed rates will yield approximately $410 per month.

On January 23, 1920, a hearing was held at Mammoth, Utah, on Case No. 254, at which time petitioner herein appeared and offered evidence to support his application.

The conditions in this case are similar to those in CASE No. 254, as to operating conditions, etc., and after consideration of all the facts, the Commission is of the opinion that relief should be granted petitioner, but fares should not be increased to a point which will compel traffic to seek other means of transportation. It appears that an increase in the one way fare from 25 cents to 35 cents, and round trip fare from 50 cents to 65 cents will provide petitioner such revenues as are required.

The Commission, therefore, finds:

1. That petitioner, W. E. Olster, should be permitted to publish and put into effect increased passenger fares between Silver City and Eureka, Utah, which should not exceed the following schedule:

Between Silver City and Eureka, One Way.....35 cents
Between Silver City and Eureka, Round Trip.....65 cents

2. That such increased fares should be made effective upon not less than ten days' notice to the Commission and to the public, such notice to be given by posting at each station and filing with the Public Utilities Commission of Utah, a printed or typewritten schedule naming such increased charges, and showing the effective date thereof.

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 3rd day of April, A. D. 1920.

CASE No. 288

In the Matter of the Application of W. E. OSTLER, for permission to increase his rates for passenger service.

This case being at issue upon petition on file, and having been duly heard and submitted, 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, W. E. OLSTER, be, and he is hereby, permitted to publish and put into effect on ten days' notice to the public and to the Commission, fares for the transportation of passengers between Silver City and Eureka, Utah, which shall not exceed 35 cents one-way, and 65 cents round trip, per passenger.

ORDERED FURTHER, That applicant shall file with the Public Utilities Commission of Utah and post at each station on his route, printed or typewritten schedules naming such increased fares, at least ten days before the effective date thereof.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 289

In the Matter of the Application of the SALT LAKE, GARFIELD & WESTERN RAILWAY COMPANY, for permission to increase its excursion fares between Salt Lake City and Saltair.

Submitted March 23, 1920. **Decided March 29, 1920.**

Joel Richards for petitioner.
John Berry, protestant.

REPORT OF THE COMMISSION

By the Commission:

The Salt Lake, Garfield & Western Railway Company, the applicant in this case, is a public service corporation, organized and existing under and by virtue of the laws of the State of Utah, operating a line of railway between Salt Lake City and Saltair Beach, Utah, with its principal place of business at Salt Lake City, Utah. By its General Traffic Manager, Joel Richards, the Company petitions this Commission for authority to increase, on less than statutory notice, its excursion and commutation rates and fares between Salt Lake City and Saltair Beach, as published in its Local Passenger Tariff No. 3, P. U. C. U. No. 3, set forth in Exhibit "A", which exhibit is made a part of the petition.

Petitioner alleges that the rates and fares now in effect and on file with the Public Utilities Commission of Utah, were fixed and established some twenty-seven years ago, when the said railway was first put in operation; that said rates and fares were just and reasonable at the time they were fixed, and under conditions then existing; but that, while such rates and fares have remained stationary, all of the elements of cost of rendering transportation service have greatly increased and are continuing to increase. The petitioner further alleges that the present revenues are entirely inadequate to pay operating expenses, taxes and interest, without allowing any return on the invested capital; that for the year 1919 the net income was only $16,769.19, includ-

ing miscellaneous operating income from Saltair concessions of $41,085.53, and, without taking into consideration this income from the Beach property, the railway operation showed a deficit of $24,316.34 for the year. Petitioner further alleges that the increased fare asked for in this petition is only on the basis of 1 1-6 cents per mile, while the rate charged on nearly all of the railroads in the United States is about 3 cents per mile.

The application was protested orally by John Berry, a resident of Sandy, Utah, who alleged that the present round-trip fare of 25 cents for the twenty-nine mile ride was sufficiently high; that any further increase would add an undue burden upon the patrons of the resort, and would deny to many of them the privilege of visiting Saltair Beach. Mr. Berry also protested any increase on account of the alleged poor accommodations offered workmen traveling between points on this railroad on trains other than excursion trains, alleging that much time is lost on mixed freight and passenger trains through the switching of cars to industries along the line. He also asked that the train leaving Salt Lake City at 7:20 a. m. be scheduled to leave at somewhat later time, alleging that a later departure would greatly accommodate patrons of the line.

The Salt Lake, Garfield & Western Railway Company has its eastern terminus in Salt Lake City, running thence in a general westerly direction to Saltair Beach, a distance of about 14.4 miles, at which point is located Saltair Beach resort. This resort depends almost entirely upon traffic over the said line of railway for its patronage, and is at present owned and operated by the said railway. The Railway Company, however, is engaged in a general freight and passenger business during the entire year, while the excursion traffic incident to travel to the above named resort is a summer traffic of but few months duration. The railway has recently been electrified, and the public will be served in the future by this method of rendering service rather than by steam trains as heretofore.

Exhibit "B" shows results of operations for the years 1918 and 1919. For 1918 the net deficit is shown to be $6,122.53, and for 1919 the net income is given as $16,769.19. There are included for both years, revenues and expenses for the operation of Saltair Beach resort. For the year 1918 an arbitrary Beach resort revenue of $10,000 is shown. Testimony was to the effect that this revenue was approximately $14,000 or $15,000. For the year 1919 it was $63,000. It was testified that 1919 was a very favorable year, the excursion traffic being unusually heavy.

Whether or not revenues and expenses of Saltair Beach resort should be included under operating income, and, if so included, whether they should be considered in determining a rate base for railroad rates and fares, is a question upon which commissions appear to be somewhat divided. Under the Interstate Commerce Commission system of accounting for electric railroads of this class, it would be proper to include revenues and expenses of a resort of this character in the operating income statement of the railroad. It appears, however, in view of the fact that this carrier is engaged in a general transportation business, both freight and passenger, as well as excursion business to the resort, and the further fact that the freight business contributes a substantial proportion of the revenue, (about 30 per cent for the year 1918) that revenues and expenses of the resort should not be considered in arriving at a rate base for excursion traffic. If they were taken into account, it might result in patrons of the railroad being charged high fares in order that less might be demanded from purchasers of amusements at the resort; or visa versa. Insofar as possible each type of operation should be self-sustaining. In line with the above, revenues and expenses of the resort have been segregated from the operating revenues and expenses of the railroad. With these segregations the net deficit from railway operations alone is, for the year 1919, $12,465.72.

The Commission has already passed upon the adequacy of the freight revenues of this carrier, and it is evident that it must look to passenger traffic for the additional revenues required to insure the proper operation and maintenance of its line of railway. Testimony was to the effect that if increases were granted in excursion and commutation fares as set forth in the tariff made a part of the petition, an increase of approximately $42,500 per year would be realized, on the basis of volume of passenger business done in 1919.

The Commission is well aware of the great increase in the cost of operation during the past two or three years, and it appears that there is no immediate prospect of relief. Examination of railroad operating revenues and expenses show that some relief should be granted. Even if the very unusual volume of traffic of 1919 continues, the increases asked for will serve only to wipe out the deficit and leave for return on the investment represented by the capital stock, about six per cent. After full consideration of the issues, and in view of the needs of the Company, and the better service to be given the public through the heavy expenditures made for electrifying the line, we are disposed

to grant the application and allow the proposed new rates to become effective April 1, 1920.

The matter relative to service and schedule of trains, as complained of by Mr. Berry, is held for further investigation.

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 29th day of March, A. D. 1920.

CASE No. 289

In the Matter of the Application of the SALT LAKE, GARFIELD & WESTERN RAILWAY COMPANY, for permission to increase its excursion fares between Salt Lake City and Saltair.

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 applicant be, and it is hereby, authorized to publish and put in effect increased excursion and commutation fares as set out in the application and exhibits accompanying same.

IT IS FURTHER ORDERED, That such increased fares may be made effective April 1, 1920.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 290

In the Matter of the Application of WALTER G. BARNES, representing the Vernal-Uintah Basin Stage Company, for permission to operate an automobile stage line between Vernal, Utah, and Helper, Utah.

Submitted March 19, 1920. **Decided April 5, 1920.**

Walter G. Barnes for applicant.
Dan B. Shields for Duchesne Transportation Co.
Irving Clawson for Anderson and Bottom.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter came on for hearing March 19, 1920, after due notice given.

It appeared from the representation made by Walter G. Barnes, applicant herein, that he was engaged in the automobile business at Vernal, and had had some experience in transporting passengers and baggage incident to the general stage and transportation line; that he was well equipped to take care of the business of transportation, and urged one reason for favorable consideration on the part of the Commission that he was engaged in the transportation of passengers some two or three years ago, but that the Commission found there was not sufficient traffic for two service corporations and gave the preference to the Duchesne Stage & Transportation Company.

There appeared Dan B. Shields, representing James S. Frontjes, manager of the Duchesne Transportation Co., who objected to a certificate of convenience and necessity being issued to the applicant herein, for the reason that this Commission had issued its certificate of convenience and necessity to the said Duchesne Transportation Company, under date of July 23, 1919; (Case No. 190) that since said time the Company had given satisfactory service; that there was not sufficient business for an additional service such as is contemplated in the application herein.

Mr. Barnes acknowledged that there was not sufficient business for two companies, and stated that he wished the exclusive right, or none at all.

It appears by the records of the Commission, as well as some letters written to the Commission, that the service given by the Company now operating, has been reasonably satisfactory and that there is not sufficient cause to revoke said certificate, and that the only action for the Commission to take at this time is to deny the application.

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 5th day of April, A. D. 1920.

CASE No. 290

In the Matter of the Application of WALTER G. BARNES, representing the Vernal-Uintah Basin Stage Company, for permission to operate an automobile stage line between Vernal, Utah, and Helper, Utah.

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

CASE No. 291

In the Matter of the Application of the EASTERN SAN JUAN TELEPHONE COMPANY, for a Certificate of Convenience and Necessity, authorizing the construction of a telephone line between Monticello and the Utah-Colorado State Line, in San Juan County, Utah.

Submitted June 3, 1920. **Decided September 1, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed March 13, 1920, the Eastern San Juan Telephone Company represents that it is a corporation organized and existing by virtue of the laws of the State of Utah and is engaged in operating a telephone system for the transmission of messages within this State; that it has obtained from the County Commissioners of San Juan County, Utah, a franchise authorizing said Company to build, construct, maintain and operate a telephone line over and along the public highways of said County, and petitions the Commission for permission to exercise the rights granted by said franchise. Copy of the articles of incorporation, and copy of the franchise referred to above, have been filed with the Commission.

The matter was investigated at Monticello, June 3, 1920, by F. M. Abbott, a representative of the Commission.

The proposed system embraces a line approximately 20 miles in length, extending from Monticello on the west to the Colorado-Utah State line on the east, and is designed to furnish telephone service to farmers and others along the line who have been unable to secure such service heretofore. No protests were made to granting the application.

At present the Redd Bayless Telephone Company operate a telephone line from Blanding to Delores, through Monticello, approximately 140 miles. This line is used primarily for long distance service and is not so located or constructed to care for the needs of the people which the proposed line will reach.

Within the past few years the land lying east of Monticello has been developed and is now a growing agricultural district with need of telephone facilities.

The applicant in this case is financially able to properly construct and operate a telephone line through this district, the necessary funds already having been subscribed and the greater portion of the material now being on the ground. The line will be of standard construction and proper clearances will be observed.

After this case was heard and submitted, the Commission addressed the Redd Bayless Company to ascertain if that Company would undertake to acquire the property of the applicant and construct and operate the line. Redd Bayless Company advised that it offered no objection to applicant entering the field to render local service, and had entered into negotiations with applicant with a view of acquiring its property. The Commission feels that action on this application should not longer be delayed, awaiting results of the negotiations between applicant and the Redd Bayless Telephone Company.

After consideration of the case the Commission finds:

1. That the application should be granted.

2. That construction should proceed with due diligence and the line placed in operation at a date as early as consistent with good workmanship.

3. That applicant should construct said line in conformity with the rules heretofore prescribed by the Commission.

4. That before beginning the operation of its system, applicant should file its schedule of rates and charges, as required by law and the rules of the Public Utilities Commission of Utah.

An appropriate order will be issued.

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

Attest:
(SEAL)

(Signed) T. E. BANNING,
Secretary.

ORDER

Certificate of Convenience and Necessity

No. 88

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 1st day of September, A. D. 1920.

CASE No. 291

In the Matter of the Application of the EASTERN SAN JUAN TELEPHONE COMPANY, for a Certificate of Convenience and Necessity, authorizing the construction of a telephone line between Monticello and the Utah-Colorado State Line, in San Juan County, Utah.

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 EASTERN SAN JUAN TELEPHONE COMPANY, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain a telephone line between Monticello and the Utah-Colorado State Line, in San Juan County, Utah.

ORDERED FURTHER, That the work shall proceed with due diligence, and that said line shall conform to the rules prescribed by the Public Utilities Commission of Utah governing such construction.

ORDERED FURTHER, That before beginning the operation of its telephone line, applicant shall file with the Commission a schedule of its rates and charges.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 292

In the Matter of the Application of the UTAH TRANSPORTATION COMPANY, for permission to increase its rates for passenger service between Milford and Beaver, Utah.

Submitted June 14, 1920. **Decided June 21, 1920.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Applicant herein asks permission to discontinue the sale of the round trip ticket for $3.50 and collect $2.00 each way.

Hearing was held at Beaver, Utah, May 22, 1920. Notice of said hearing had been duly published in the local papers at Milford and Beaver. The patrons were represented by Mr. J. F. Tolton.

The petitioner claimed the right to change his present schedule upon the grounds that the revenues from the giving of said service are not adequate; that the round trip ticket had given considerable inconvenience and was prejudicial to the giving of the service; that the price of materials and labor had advanced and is still advancing to the extent that the service could not be given under the rates heretofore charged.

A statement showing the results of operation of Hudson Car No. 2, was filed, showing:

Value of Car	$1,800.00	
Receipts—January, February, March and April, 1920		$1,766.08
Expense for the same months:		
Operator	$ 592.62	
Gas and Oil	282.30	
Tires	380.18	
Depreciation	100.00	
Repairs	254.05	
Office Expenses	60.00	
Taxes	5.00	
License	5.00	$1,679.15
Net Profit		$ 86.93
Average Profit per Month		$ 21.73

The amount of depreciation as set out in the statement would seem to be contrary to the testimony of the petitioner, who gives but two years for the life of a car. The road between Milford and Beaver is above the average for country roads, and the operation over such road during most of the year can be performed without a great deal of difficulty, and the depreciation of the car over such roads would be much less than upon other country roads in southern Utah.

It would appear that with proper handling the life of a car on this route would be at least three years, with some salvage value at the end thereof. If the life of the car is extended, and the depreciation charge decreased, which would seem reasonable, the results would not necessarily be different to any appreciable extent than those given in the statement of the applicant.

The charge to "tires," amounting to $380.18, would seem to be excessive in that the purchase price of tires is shown in the month they are bought, instead of distributing the cost over a longer period of time.

It would be difficult to ascertain what would be the increased earnings under the change asked for, for the reason that there is no information showing the number of return tickets sold. It is contended by the applicant that one reason for making the change requested in the petition, is for convenience, or to assist in simplifying the method of keeping check of the revenues of the Company, and avoiding, many time, disputes with passengers.

It would appear, after a careful examination of the statement filed with the Commission, and a consideration of the conditions and circumstances surrounding this service, that the advance asked for should not be allowed until a test can be made of the operations, and a record kept of the number of round trip tickets sold. The applicant has for some time been giving the advantage of the return trip to the public. How many have availed themselves of this opportunity is not shown.

The matter of inconvenience, contended for by the applicant, could, and should be, avoided by adopting the method of selling return tickets, and marking the date of their limitation thereon. The tickets should be collected at the time the service is rendered.

In order that the Commission might be more fully informed as to the operations under the system now practiced, and in order to give the applicant a proper opportunity of further presenting his case, a test of the operation will be ordered for the month of July, and a report of the same made to the Commission.

For the present, the application will be denied. An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

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

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of June, A. D. 1920.

CASE No. 292

In the Matter of the Application of the UTAH TRANSPORTATION COMPANY, for permission to increase its rates for passenger service between Milford and Beaver, Utah.

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 pending a report of the operations for the month of July, 1920, 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

CASE No. 293

In the Matter of the Application of E. DEXTER and W. E. KNOX, for permission to operate an automobile stage line between Helper, Utah, and National, Utah.

Submitted July 15, 1920 **Decided August 5, 1920.**

REPORT OF THE COMMISSION

By the Commission:

The application of E. Dexter and W. E. Knox, filed with the Commission, March 16, 1920, for permission to operate a stage line between Helper and National, Utah, was docketed for hearing at Price, Utah, July 15, 1920, at 2 p. m.

The applicants failed to put in appearance at the hearing to show that public convenience and necessity require the operation of such a stage line, and the case should, therefore, 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 5th day of August, A. D. 1920.

CASE No. 293

In the Matter of the Application of E. DEXTER and W. E. KNOX, for permission to operate an automobile stage line between Helper, Utah, and National, Utah.

This case being at issue upon petition on file, and having been duly heard and submitted, 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

CASE No. 294

In the Matter of the Application of KENDALL GIFFORD, for permission to operate an automobile freight line between Lund, Utah, and points east of LaVerkin, Utah.

Submitted March 25, 1920. **Decided April 5, 1920.**

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

This matter was set for hearing at St. George, Utah, March 24, 1920, at which time the petitioner failed to appear. It could not be learned why he did not appear, but it could be reasonably assumed that it was on account of the condition of the roads, which were almost impassable.

At the hearing there was present Mr. George R. Lund, representing Marshall and Milne, who hold a certificate of convenience and necessity to operate a freight line between Lund and St. George, along part of the route contemplated by the petitioner herein, who stated to the Commission that there was no objection to the issuing of the certificate asked for provided the applicant did not carry freight from any intermediate points between Lund and points east of Hurricane, but would handle freight destined only to the towns named in the petition.

Mr. Lund also represented Bradshaw and Hinton, who have permission to operate a freight line between Lund and Hurricane. He stated that there was no objection to issuing the certificate provided the applicant confined his operations to the points stated in his application.

The Jordan and Brown Truck Line, operating a freight line from Lund to Cedar, also stated to the Commission that they had no objection to the granting of the petition if the service would not interfere with their operations between Lund and Cedar.

It appears from the petition that the applicant has been operating a freight line in the past, giving a limited service to the shippers in the towns mentioned, which service was apparently satisfactory. A petition signed by the people of

the towns mentioned, attached to the application herein, would seem to clearly indicate that there is a necessity for the establishing of such a service, and that the applicant is able and willing to give such service. Under the showing, a certificate of convenience and necessity 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. 77

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 5th day of April, A. D. 1920.

CASE No. 294

In the Matter of the Application of KENDALL GIFFORD, for permission to operate an automobile freight line between Lund, Utah, and points east of LaVerkin, Utah.

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, KENDALL GIFFORD, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile freight line between Lund and points east of LaVerkin, 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

CASE No. 295

In the Matter of the Application of J. C. DENTON, for permission to operate an automobile stage line between Garfield and Saltair.

Submitted April 27, 1920. **Decided June 2, 1920.**

E. O. Leatherwood for petitioner.
Paul Ray for protestants.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, March 29, 1920, J. C. Denton, a mechanic, employed by the Utah Copper Company, at Arthur, Utah, seeks authority to operate an automobile stage line between Garfield, Utah, and Saltair, Utah, alleging that at the present time there is no regular means of transportation between these points, and that public convenience and necessity require the operation of a stage line for the transportation of passengers.

The case was heard before the Commission's Examiner, Mr. F. M. Abbott, at the Commission's office in Salt Lake City, Utah, April 27, 1920, at 10 o'clock a. m.

The application was protested by Smedley Brothers, operating a stage line between Magna and Garfield and Garfield Depot, and by Mr. H. M. Booth, who formerly operated the Magna-Garfield Line.

In support of his application, Mr. Denton testified that there were many people at Garfield who desired to take advantage of the attractions offered at the Saltair Resort, which is located on the Great Salt Lake, approximately four miles from Garfield; that in the absence of an established stage line such parties were required to secure such conveyance as was possible to enable them to make the trip, and that most people desiring to go to Saltair wish to make the trip in the evening.

Mr. Denton testified that he had, or was in a position to secure, all equipment necessary to properly care for the

traveling public, and, if the cars used upon the regular schedule were insufficient to handle all who presented themselves for transportation, that he could and would secure sufficient cars to properly transport such passengers, and presented the Commission with several letters, vouching for his reliability and knowledge of automobile driving and ability to properly care for the traveling public.

Smedley Brothers and H. M. Booth, in protest to the granting of the application, set forth the fact that they are, and for some time past have been, engaged in operating an automobile stage line between Magna and Garfield and the Garfield Depot, and to grant this application would permit competition with their line between Garfield and the depot, and that they were equipped to properly handle all of the business, and that parties residing at Magna who desire to go to Saltair would, if this application was granted, be required to leave their line at Garfield and board the cars operated by this petitioner.

The Salt Lake, Garfield and Western Railway Company has recently completed a line of electric railroad from a point near the depot in Garfield to their main line between Salt Lake City and Saltair, and will, in the future, be prepared to operate electric cars for the transportation of passengers between Garfield and Saltair. No testimony was introduced to show whether such a line would be operated during the present season.

The Commission is of the opinion that the showing made is insufficient to warrant the establishing of a stage line for the transportation of passengers between Garfield and Saltair, as such traffic can be best served by a means of transportation more in the nature of a taxicab service, where passengers may, at their option, secure such transportation facilities as more nearly meet their requirements.

In denying this application, it is not the intent of the Commission to deprive petitioner of the right to transport passengers by automobile between Garfield and Saltair; but such transportation should be as outlined above, more in the nature of a private than a public utility service.

An order will be issued denying this application.

(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 2nd day of June, A. D. 1920.

CASE No. 295

In the Matter of the Application of J. C. DENTON, for permission to operate an automobile stage line between Garfield and Saltair.

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

CASE No. 296

In the Matter of the Application of LANE J. BERTELSEN, for permission to operate an automobile stage line between Marysvale and Richfield, Utah.

Decided June 2, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, March 31, 1920, Lane J. Bertelsen asks authority to operate an automobile stage line for the transportation of passengers between Marysvale, Utah, and Richfield, Utah.

Investigation was conducted by Special Investigator, F. M. Abbott, who went to Marysvale for that purpose, May 12, 1920.

Applicant advised that conditions now existing were such that a line such as he contemplated could not be successfully operated, the present train service being sufficient to care for the needs of the public.

The recommendation made by Mr. Abbott that the application be dismissed will be adopted by the Commission, and an order 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 2nd day of June, A. D. 1920.

CASE No. 296

In the Matter of the Application of LANE J. BERTELSEN, for permission to operate an automobile stage line between Marysvale and Richfield, Utah.

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

CASE No. 297

In the Matter of the Application of BRUCE WEDGWOOD and FRED A. BOYD, for permission to operate an automobile freight line between Fillmore and Delta, Utah.

Submitted April 24, 1920. **Decided May 10, 1920.**

C. W. Boyd for petitioners.
Wm. N. McBride and P. M. Payne for protestants.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Hearing in the above entitled matter was held at Fillmore, Utah, April 24, 1920, upon the application of the petitioners and a number of protests, among which was one from P. M. Payne, the present operator of the stage line between Delta and Fillmore, Utah.

Testimony was given by the applicants to the effect that they were experienced in the operation of automobile service, and were prepared to put on sufficient equipment to take care of the tonnage from Delta to Fillmore. A petition signed by the business men of Fillmore was introduced, favoring the application.

After the testimony of the applicants was presented, protestant, P. M. Payne, submitted contracts and agreements between himself and the principal shippers, giving to said P. M. Payne the exclusive right and privilege of hauling any and all freight for the term of one year from the date of the contract, which contract was entered into April 19, 1920. The presentation of such contracts was somewhat of a surprise, especially in view of a former endorsement and petition in favor of the application herein. An explanation was given by some of the signers of the contracts, detailing the grounds upon which they had evidently changed their minds.

It was evident that the act of the shippers in giving the exclusive right to the protestant, P. M. Payne, would

remove any necessity for installing a service by other parties. The applicants subsequently appeared at the office of the Commission and asked that their petition be dismissed without prejudice to them.

Under the showing it would appear that the only thing to do in this case would be to dismiss the application without prejudice.

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

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

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of May, A. D. 1920.

CASE No. 297

In the Matter of the Application of BRUCE WEDGWOOD and FRED A. BOYD, for permission to operate an automobile freight line between Fillmore and Delta, Utah.

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, dismissed without prejudice.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 298

In the Matter of the Application of HARRY DRAGATES, for permission to operate an automobile stage line between Price and Ferron, Utah, via Huntington, Castle Dale, Orangeville, and intermediate points.

Submitted July 15, 1920. **Decided August 6, 1920.**

REPORT OF THE COMMISSION

By the Commission:

The application of Harry Dragates, for permission to operate an automobile stage line between Price and Ferron, Utah, via Huntington, Castle Dale, and intermediate points, was docketed for hearing at Price, July 15, 1920, at 2 p. m.

Mr. Dragates was not at Price at this hour, and the hearing was continued until 7:30 p. m. Upon the arrival of the applicant at Price he was notified to be present at that hour, but failed to appear to show necessity for the operation of such line. The application should, therefore, 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 the 5th day of August, A. D. 1920.

CASE No. 298

In the Matter of the Application of HARRY DRAGATES, for permission to operate an automobile stage line between Price and Ferron, Utah, via Huntington, Castle Dale, Orangeville, and intermediate points.

This case being at issue upon petition and protest 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 it is hereby, dismissed.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 299

In the Matter of the Application of the HYRUM CITY MUNICIPAL ELECTRIC PLANT, for permission to increase its rates.

Submitted June 18, 1920. **Decided November 13, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 2, 1920, Hyrum City, a municipal corporation of the State of Utah, asks authority to make the following increases in the rates charged for electric energy, within the corporate limits of Hyrum:

LIGHTING

Schedule No. 1—Flat Rates.

Present:		Proposed:	
1 Light per month	$ .50	1 Light per month	$ .60
2 Lights per month	.75	2 Lights per month	.90
3 Lights per month	1.00	3 Lights per month	1.20
Each additional light	.20	Each additional light	.25

LIGHTING

Schedule No. 2—Meter Rates.

Per K. W. H., per month	$ .07	Per K. W. H., per month	$ .09
Minimum Charge	1.00	Minimum Charge	1.00

GENERAL POWER

Schedule No. 5—Meter Rates.

Per K. W. H., per month	$ .03	Per K. W. H., per month	$ .04
Minimum Charge per H. P. per month	.50	Minimum Charge per H. P. per month for motors of 5 H. P. or less	.50

DOMESTIC

Schedule No. 8—Flat Rate.

Elec. Flat Irons, per month	$ .25	Elec. Flat Irons, per month	$ .50

Outside the corporate limits of Hyrum City:

LIGHTING

Schedule No. 2—Flat Rates.

1 Light per month	$ .50	1 Light per month	$ .65
2 Lights per month	1.00	2 Lights per month	1.00
		Each additional light	.35

GENERAL POWER

Schedule No. 7—Meter Rates.

Per K. W. H., per month	$ .04	Per K. W. H., per month	$ .06

LIGHTING

Schedule No. 4—Meter Rates.

Per K. W. H., per month....$ .10	Per K. W. H., per month....$ .12

DOMESTIC

Schedule No. 9—Flat Rates.

Electric Washing Machines per month .....$ .25	Electric Washing Machines per month .....$ .35
Electric Irons, per month.... .25	Electric Irons, per month.... .60

Flat rates named herein are designed to be temporary only.

The application was docketed for hearing at Hyrum, June 18, 1920, due notice being given. Notice of hearing was published in the "South Cache Courier," a weekly newspaper published in Hyrum City. Special Investigator, F. M. Abbott, conducted an investigation on the date named. No protest was made by residents of Hyrum or consumers served by the municipal plant.

Hyrum City secures its electric energy from a hydro-electric plant located three miles east of the City. Water is diverted from Blacksmith Fork through a built-up ditch, a distance of one-half mile, and is delivered under a vertical head of 18 feet. The plant has an installed capacity of 100 K. W., generating at 4,000 volts. During low water periods, additional power is obtained from the Utah Power & Light Company under contract for break-down service.

The system was constructed about 20 years ago by private parties, and was purchased by the City some eight years later at a cost of $6,000. The present book value of plant and property is given as $38,943.91. Bonds amounting to $10,500 and bearing 6 per cent interest are outstanding.

The system has been well maintained, and no heavy replacement costs are confronting the City at this time. No depreciation reserve has been set up, nor has any provision been made for retiring bonds.

A financial statement furnished by applicant shows a deficit of $1,186.02 during 1918, and $1,027.70 during 1919. It is estimated that with the proposed schedule in effect a deficit of $793.62 will accrue in 1920.

The statement of earnings and expenses in 1918 and 1919 includes depreciation at the rate of 7½ per cent on a value of $37,448.21 in 1918, and $37,416.87 in 1919; and bond interest amounting to $630 per annum.

The laws of Utah provide that interest on bonds issued by municipalities for lighting plants shall be secured by

taxation, and it appears that this item is not properly chargeable to operating expenses.

The physical condition of the plant and property does not appear to warrant a depreciation charge in excess of 5 per cent.

Adjusted on the above basis the balance sheet for 1918 will show a net return of $380.82, and for 1919 a net return of $537.73. Using the estimated expenses for the year 1920, and applying the same depreciation basis, we find that under the proposed schedule a net return of $809.97 may be expected. Based on present rates a deficit of $849.85 may be anticipated, if no increase in the nmuber of users or the amount of power sold is taken into consideration.

As before stated, break-down service is now required to care for the demands upon the system, during low water season, and extensive development does not appear possible.

The charge for lighting has heretofore been upon a flat rate, which practice tends to a waste of energy and a financial loss to the producer. It is the intention of applicant to install meters covering this class of service, which will doubtless reduce the K. W. H. consumption for lighting purposes, thereby increasing the energy available for power purposes.

The cost of operation has increased rapidly since 1915, but the increase in commercial power sold has also increased sufficiently to provide revenues for advanced costs.

Municipal lighting plants are primarily constructed and operated to furnish the residents of municipalities with electric energy at minimum cost. To secure funds to construct such plants and the necessary distribution lines, bonds against the City, and secured by the property within the city limits, are issued and sold, the terms, limits, etc., of such bonds, being fixed by the Constitution of the State. It is apparent, therefore, that a municipality owning and operating such a system should not contract to furnish power to industries and individuals outside its corporate limits to such an extent that it is unable to provide the necessary energy to meet the reasonable demands within its corporate limits.

The evidence before the Commission appears to show that the applicant has maintained its system in a generally good physical condition, and that the revenues from present rates have been more than adequate to care for operating expenses in the past. The principal increase in such expenses appears to be an item of $1,440, incurred in securing break-down service from the Utah Power & Light Company. This appears necessary to provide power for various industrial concerns, power to the extent of 50 H. P. being fur-

nished a pea vinery, 30 H. P. to two beet dumps, 23 H. P. to the creamery, 20 H. P. to a flour mill, and power in smaller amounts to other industries.

The Commission is of the opinion that users of lighting service should not be required to bear the burden of supplying power to commercial industries.

Some relief appears necessary, and it will be afforded by permitting certain increases in the energy charge for power rather than by an increase in lighting rates.

The Commission, therefore, finds:

1. That the application of Hyrum City for permission to increase its flat and meter rate for lighting, both within and without its corporate limits, should be denied.

2. That the application of Hyrum City for permission to increase its flat rate for washing machines, electric irons and other domestic use, should be denied.

3. That applicant, Hyrum City, should be permitted to publish and put into effect rates for power which shall not exceed the following:

Within the limits of Hyrum City.....3½c per K. W. H.
Outside the limits of Hyrum City.....5 c per K. W. H.

4. That applicant should annually set aside as a depreciation reserve, an amount equal to 5 per cent of the value of the property used and useful in rendering electric service to the public.

5. That such increases should be made effective December 1, 1920, upon five days' notice to the public and to the Commission.

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 the 13th day of November, A. D. 1920.

CASE No. 299

In the Matter of the Application of the HYRUM CITY MUNICIPAL ELECTRIC PLANT, for permission to increase its rates.

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 rates for power which shall not exceed the following:

Within the limits of Hyrum City.....3½c per K. W. H.
Outside the limits of Hyrum City.....5 c per K. W. H.

ORDERED FURTHER, That the application for permission to increase all other rates be, and it is hereby, denied.

ORDERED FURTHER, That such increases be made effective December 1, 1920, upon five 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

CASE No. 300

In the Matter of the Application of the IRON COUNTY TELEPHONE COMPANY, for permission to increase its rates.

Submitted July 31, 1920. Decided November 11, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 2, 1920, the Iron County Telephone Company asks permission to increase its exchange rates and toll charges for telephone service, alleging that the present rates and charges do not yield sufficient revenues to meet increased cost of operation, and provide funds for necessary improvements; that the present rates are those which have been in effect for a number of years and are based on pre-war conditions. The book value of applicant's plant is stated to be $23,961.63.

Applicant states that its net income in 1919 amounted to $1,564.54, and that of this amount $21.50 was deducted as a miscellaneous charge, $1,140.56 as dividends, $402.48 being appropriated to surplus. Certain improvements to property and increases in the salaries paid employees are contemplated, which will, according to applicant's estimate, increase expenses $3,462.00, without a proportionate increase in revenues.

The following statement sets forth the present and proposed rates:

EXCHANGE SERVICE

Cedar City and Parowan

	Present Rate Per Month	Proposed Rate Per Month
Business—		
Individual Line	$3.25	$3.25
Two-party Line	2.25	2.75
Multi-party Line	1.50	2.25
Extension Set	.75	1.00
Residence—		
Individual Line	2.25	2.50
Two-party Line	1.75	2.25
Multi-party Line	1.25	1.75
Extension Set	.50	.75
Rural Grounded	1.75	2.00
Rural Metallic	....	2.25
One-line Exchanges	1.25	1.25

A discount of 25 cents, when rental is paid on or before the 15th day of the month, will be allowed, as has been the practice in the past.

Multi-party lines have not been limited as to the number of subscribers in the past, and applicant now desires to establish a limit of five subscribers to each such line.

Applicant also asks permission to establish the following charges:

Extra users	50% regular rate
Desk and hand sets, per month	$ .15
Service connection	3.50
Outside move	3.50
Inside moves	Cost of labor and material
Change of name	$1.50

Telegraphic Communications:

For day and night messages of ten words, the established three-minute telephone rate; for extra words,

2 cents each. For day letters of fifty words, one and one-half times the night letter rate.

An amended application, filed July 12th, asks the following rate for night letters:

> For night letters of fifty words or less, the ten-word message rate shall be charged, and for each ten words or fraction thereof in excess of fifty words, one-fifth of the ten word message rate shall be added.

The rates desired for rural service were also amended by eliminating the words "grounded" and "metallic."

A report charge of 10 cents is desired when party called cannot be found or refuses to talk, when initial rate is not over 50 cents.

A charge of 5 cents per call to be made non-subscribers.

Toll charges to be based on mileage. The proposed toll charges are in some instances reductions, but generally result in advances.

The application was set for hearing June 1, 1920, at Cedar City, but was continued until July 27, 1920, due notice being given. On the last named date, representatives of the Commission went to Cedar City to conduct the hearing.

No protests were made, and applicant, due to a misunderstanding, was not prepared for a hearing. An investigation was, therefore, made as to the necessity for the increased rates.

The Iron County Telephone Company was organized in February, 1908, with a capitalization of $10,000. Five thousand two hundred ninety-three and a half shares, par value $1.00, were disposed of at par. In January, 1912, 1,588.05 shares were issued as a stock dividend, being 30% of the outstanding stock. In 1914 and 1915, 2,623.10 shares were sold at par plus $20.00, making a total of 9,504.65 shares outstanding, for which $7,945.60 was actually received by the Company.

Dividends have been paid as follows:

1911 to 1916, inclusive	10%
1917 to 1919, inclusive	12%

The balance sheet for the year follows:

Assets.

Plant and Equipment	$17,912.62
Real Estate	6,049.01
Other Property	3,039.64
Due from Subscribers and Agents	2,122.90
Material and Supplies	1,285.81
	$30,472.77

Liabilities.

Capital Stock	$ 9,504.65
Notes Payable	3,100.00
Accounts Payable	1,632.19
Depreciation Reserve	8,981.58
Surplus	7,254.35
	$30,472.77

The balance sheet shows a depreciation reserve and surplus amounting to $16,235.93 to have accrued since organization. This sum is not now available, as it has been used in additions, betterments and extensions.

The Company now faces the necessity of rebuilding many of its lines, increasing its operating force and expenses, and for this purpose asks additional revenues amounting to approximately $2,682.00 per year.

In discussing depreciation, the Commission, in Case No. 137, in re Brigham City, said:

> "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. Depreciaion is both actual and latent; so that it is necessary to create a fund to make replacements 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 is 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."

In the present case applicant has received from its revenues in the past, sufficient funds to enable it to set aside a surplus and depreciation reserve of $16,235.93, which, as before stated, is not now available to make necessary replacements, and applicant should, therefore, replace in the reserve fund the amount borrowed from it for additions and betterments. By so doing, funds will be made available to care for the depreciation, and make necessary replacements, and no increase in rentals should be permitted to assist in securing funds for this purpose. A depreciation fund should be provided from operating revenues to care for this item in the future.

Operating expenses of this Company have increased during the past few years, due to abnormal conditions prevailing generally. There does not appear sufficient evidence to show that such increased expenses have exceeded increased revenues, and no increases in rentals should be permitted to defray such increased costs.

The increases sought in toll charges and in charges for transmitting telegrams, appear to be more in the nature of adjustments than revenue measures, and while resulting in increases in some instances, such increases are slight, and appear justified.

The question of a charge for installation, moving and change of name is now being considered by the Commission in another case, and pending decision thereon, such charges will not be granted in the present case.

The charge sought for joint user service, where additional listing in the Company's directory is required, appears reasonable, as does the extra charge for desk and hand sets.

The Commission, therefore, finds:

1. That the application for increased rental charges, charge for installation, moving and change of name, and 5-cents charge for non-subscribers, should be denied.

2. That applicant should be permitted to establish the toll, telegraph, and night message rates set forth in its application.

3. That applicant should be permitted to assess an extra user charge of 50 per cent of the regular rate where an extra listing in its directory is required, and 15 cents per month additional for desk and hand sets, and a report charge of 10 cents when party cannot be found or refuses to talk, when initial rate is not over 50 cents.

4. That applicant should set aside an amount equal to 10 per cent of the value of its property as a depreciation fund, annually, until such time as the Commission shall determine whether such an amount is adequate or otherwise.

An appropriate order will be issued.

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

(Signed) T. E. BANNING,
Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the the 11th day of November, A. D. 1920.

CASE No. 300

In the Matter of the Application of the IRON COUNTY TELEPHONE COMPANY, for permission to increase its rates.

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 establish the toll, telegraph and night message rates set forth in its application; and also permitted to assess an extra user charge of 50 per cent of the regular rate where extra listing in its directory is required; 15 cents per month additional for desk and hand sets; and a report charge of 10 cents when party called cannot be found, when initial rate is not over 50 cents.

ORDERED FURTHER, That the application for permission to increase all other charges be, and it is hereby denied.

ORDERED FURTHER, That applicant shall file with the Commission schedules naming such increased rates at least ten days before the effective date thereof.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 301

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity authorizing it to exercise the rights and privileges conferred by franchise granted by Juab County, Utah.

Decided October 4, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Commission, April 2, 1920, the Utah Power & Light Company, a public service corporation organized and existing under and by virtue of the laws of the State of Maine, and doing business in Utah, under and by virtue of the laws of the State of Utah relating to foreign corporations, represents that it is the owner of extensive hydro-electric generating plants and transmission and distribution lines within the State of Utah; that it has recently acquired from the County of Juab, Utah, a franchise authorizing it to serve said County and its inhabitants with electricity for light, heat, power and other purposes; that public convenience and necessity require, and will continue to require, the applicant to exercise the privileges granted in said franchise, and asks that the Public Utilities Commission of Utah grant applicant a certificate of public convenience and necessity authorizing it to construct, operate and maintain electric light and power lines as permitted in the franchise issued by the County of Juab, March 13, 1920, a certified copy of which is attached to and made a part of the application.

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

1. That the application should be granted.

2. That all electric light and power lines, together with all the necessary or desirable appurtenances for the purpose of supplying electricity to the said County, should

be constructed in conformity to and in compliance with the rules and regulations heretofore adopted by this Commission governing such construction, said rules and regulations being set forth in the Bureau of Standards' Circular No. 54.

3. That applicant should proceed with due diligence in the construction of its system as authorized herein.

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. 93

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the the 4th day of October, A. D. 1920.

CASE No. 301

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity authorizing it to exercise the rights and privileges conferred by franchise granted by Juab County, Utah.

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, UTAH POWER & LIGHT COMPANY, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain electric light and power lines as permitted in the franchise issued by the County of Juab, March 13, 1920.

ORDERED FURTHER, That the light and power lines, and all appurtenances, be constructed in conformity to and in compliance with the rules and regulations heretofore adopted by the Commission governing such construction.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 302

In the Matter of the Application of the UTAH-POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity to exercise the rights and privileges conferred by franchise granted by the City of Eureka, Utah.

Decided October 4, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Commission, April 3, 1920, the Utah Power & Light Company, a public service corporation organized and existing under and by virtue of the laws of the State of Maine, and doing business in Utah, under and by virtue of the laws of the State of Utah relating to foreign corporations, represents that it is the owner of extensive hydro-electric generating plants and transmission and distribution lines within the State of Utah; that it has recently acquired from the City of Eureka, Utah, a franchise authorizing it to serve said City and its inhabitants with electricity for light, heat, power and other purposes; that public convenience and necessity require, and will continue to require, the applicant to exercise the privileges granted in said franchise, and asks that the Public Utilities Commission of Utah grant applicant a certificate of public convenience and necessity authorizing it to construct, operate and maintain electric light and power lines as permitted in the franchise issued by the City of Eureka, March 5, 1920, a certified copy of which is attached to and made a part of the application.

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

1. That the application should be granted.

2. That all electric light and power lines, together with all the necessary or desired appurtenances for the purpose of supplying electricity to the said City, should be construct-

ed in conformity to and in compliance with the rules and regulations heretofore adopted by this Commission governing such construction, said rules and regulations being set forth in the Bureau of Standards' Circular No. 54.

3. That applicant should proceed with due diligence in the construction of its system as authorized herein.

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. 94

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of October, A. D. 1920.

CASE No. 302

In the Matter of the Application of the UTAH-POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity to exercise the rights and privileges conferred by franchise granted by the City of Eureka, Utah.

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, UTAH POWER & LIGHT COMPANY, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain electric light and power lines as permitted in the franchise issued by the City of Eureka, March 5, 1920.

ORDERED FURTHER, That the light and power lines, and all appurtenances, be constructed in conformity to and in compliance with the rules and regulations heretofore adopted by the Commission governing such construction.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 303

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity authorizing it to exercise the rights and privileges conferred by franchise granted by the Town of Millville, Utah.

Decided October 4, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Commission, April 9, 1920, the Utah Power & Light Company, a public service corporation organized and existing under and by virtue of the laws of the State of Maine, and doing business in Utah, under and by virtue of the laws of the State of Utah relating to foreign corporations, represents that it is the owner of extensive hydro-electric generating plants and transmission and distribution lines within the State of Utah; that it has recently acquired from the City of Millville, Utah, a franchise authorizing it to serve said City and its inhabitants with electricity for light, heat, power and other purposes; that public convenience and necessity require, and will continue to require, the applicant to exercise the privileges granted in said franchise, and asks that the Public Utilities Commission of Utah grant applicant a certificate of public convenience and necessity authorizing it to construct, operate and maintain electric light and power lines as permitted in the franchise issued by the City of Millville, January 23, 1920, a certified copy of which is attached to and made a part of the application.

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

1. That the application should be granted.

2. That all electric light and power lines, together with all the necessary or desirable appurtenances for the purpose of supplying electricity to the said City, should be con-

structed in conformity to and in compliance with the rules and regulations heretofore adopted by this Commission governing such construction, said rules and regulations being set forth in the Bureau of Standards' Circular No. 54.

3. That applicant should proceed with due diligence in the construction of its system as authorized herein.

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. 95

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of October, A. D. 1920.

CASE No. 303

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity authorizing it to exercise the rights and privileges conferred by franchise granted by the Town of Millville, Utah.

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, UTAH POWER & LIGHT COMPANY, be, and is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain electric light and power lines as permitted in the franchise issued by the City of Millville, January 23, 1920.

ORDERED FURTHER, That the light and power lines, and all appurtenances, be constructed in conformity to and in compliance with the rules and regulations heretofore adopted by the Commission governing such construction.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 304

In the Matter of the Application of LLEWELYN JONES and EDWARD J. WENTZELL, for permission to operate an automobile stage line between Price and Vernal, Utah, via Helper and Duchesne.

Submitted July 16, 1920. **Decided August 6, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 1, 1920, Llewelyn Jones and Edward J. Wentzell ask authority to operate an automobile stage line between Price and Vernal, Utah.

The case was docketed for hearing at Price, at 10 a. m., July 16, 1920, at which time the attorney for the applicants moved for dismissal, and the case will, therefore, 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 5th day of August, A. D. 1920.

CASE No. 304

In the Matter of the Application of LLEWELYN JONES and EDWARD J. WENTZELL, for permission to operate an automobile stage line between Price and Vernal, Utah, via Helper and Duchesne.

This case being at issue upon petition and protests 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 it is hereby, dismissed.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 305

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.

Submitted May 11, 1920. **Decided May 24, 1920.**

Dan B. Shields for petitioner.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, April 12, 1920, Alex Gibson asks authority to operate an automobile stage line for the transportation of passengers and express between Salt Lake City and the Cardiff Mine, in the South Fork of Cottonwood Canyon, Salt Lake County, Utah.

Petitioner alleges that during the years 1918 and 1919 he was engaged in the operation of a stage line between these points, under authority granted by the Public Utilities Commission of Utah.

Petitioner asks that he be permitted to charge the following fares:

From Salt Lake City to Cardiff Mine.....$2.25 one way
From Cardiff Mine to Salt Lake City..... 1.50 one way
Between Salt Lake City and Cardiff Mine.. 3.25 round trip
Children one-half of adult fare.

For the transportation of express and light articles, petitioner asks permission to charge:

On Shipments weighing 100 lbs. or under..... 2 c per lb.
On Shipments weighing over 100 lbs. ..... 1½c per lb.

The Commission's records indicate that petitioner has heretofore operated a stage line for the transportation of passengers between Salt Lake City and Cardiff Mine during

the months when weather and road conditions would permit, suspending operations, after due notice, when winter weather closed the road to automobile traffic.

The rates proposed in the present case represent an advance of 25 cents over those charged in previous years, for the trip from Salt Lake to Cardiff Station, and for the round trip between those points.

Hearing on the petition was held by F. M. Abbott, special examiner for the Commission, at the office of the Commission, on May 11, 1920. There were no protests.

The Special Examiner's report, filed May 21, 1920, shows that costs of operation of automobile stages have advanced, due principally to higher prices now in effect for gasoline and tires. The financial results of operation during 1919 were carefully investigated by the Examiner, who recommends that the advance be allowed.

It was shown that no advance is contemplated in the rates charged for hauling articles weighing less than 100 pounds, and that a reduction from former rates is contemplated on shipments weighing over 100 pounds.

The Commission is inclined to accept the recommendation of the Examiner that the application be granted, and, being fully advised in the premises, it, therefore, finds:

1. That public convenience and necessity require the operation of a stage line for the transportation of passengers and express between Salt Lake City and the Cardiff Mine, and that this applicant should be permitted to establish such service.

2. That applicant, before beginning operations should file with the Commission, and post at each station on his route printed or typewritten schedules naming his rates, fares and charges, which rates, fares and charges shall not exceed the following:

Passenger Fares.

	Distance	Fare: Up	Down	Round Trip
From Salt Lake City				
To Maxfield Lodge	18	$1.50	$1.00	$2.50
Maxfield Mine	20	1.75	1.25	3.00
Pine Lodge	22	2.00	1.50	3.00
Cardiff Station	25	2.25	1.50	3.25

Children under twelve years of age, half fare.

Express Rates.

Between Salt Lake City and Ore Bins.....$1.50 per 100 lbs.

Between Salt Lake City and Cardiff Station:

On shipments of 100 pounds or over..... 2.00 per 100 lbs.
On shipments over 100 pounds..... 1.50 per 100 lbs.

3. That applicant should file with the Commission and post at each station on his route, printed or typewritten schedule showing the leaving time of his cars from each station.

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. 81

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 24th day of May, A. D. 1920.

CASE No. 305

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.

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 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 and the Cardiff Mine, in the South Fork of Cottonwood Canyon.

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

CASE No. 306

In the Matter of the Application of CHRIS ANDERSON and S. H. BOTTOM, for permission to operate an automobile stage line between Salt Lake City and Heber City, Utah, via Park City.

Submitted July 21, 1920. **Decided July 30, 1920.**

Clawson & Elsmore for petitioners.
Dan B. Shields for protestants.

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 12, 1920, Chris Anderson and S. H. Bottom, residing at Duchesne, Utah, seek authority to operate an automobile stage line between Salt Lake City and Heber City, Utah. Petitioners allege that there is no regular established stage operating between these points for the convenience of the traveling public.

The matter came on for hearing before the Secretary of the Commission, on April 29, 1920. Applicants were represented by Mr. Erwin Clawson, who advised that owing to the road conditions, neither Mr. Bottom nor Mr. Anderson were able to appear.

The application was protested by Howard Hout, operating a stage line between Salt Lake City and Park City, and E. J. Duke, operating a stage line from Park City to Heber City, protestants being represented by Dan B. Shields.

Upon stipulation, protestants introduced their evidence to show that such a line was not necessary for the convenience of the traveling public, it being understood that applicants might, at a future date, appear to present such evidence as they desired.

On June 26th, this matter was called to the attention of the attorney for applicants, who had not signified a desire to appear and present their side of the case formally.

At an informal conference during the early part of July, Mr. Anderson and Mr. Bottom advised the Secretary that they would not press their application provided satis-

factory arrangements could be made with Messrs. Hout and Duke to connect with their stage line arriving and leaving Heber, which would afford facilities for passengers between points in the Uintah Basin and Salt Lake City.

The protestants advised verbally that they would not make such changes in their time-card as would permit the connections desired by applicants.

A representative of the Commission personally investigated conditions under which this service is proposed to be given, and the necessity therefore, and from his report the Commission is convinced that no injury will be done the present stage operators by allowing the line to run through from Salt Lake to Heber City, and that public convenience and necessity require such operation; provided no passengers may be carried on said line from or to Park City or other intermediate 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. 86

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 30th day of July, A. D. 1920.

CASE No. 306

In the Matter of the Application of CHRIS ANDERSON and S. H. BOTTOM, for permission to operate an automobile stage line between Salt Lake City and Heber City, Utah, via Park City.

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, CHRIS ANDERSON and S. H. BOTTOM, 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 Salt Lake City and Heber.

ORDERED FURTHER, That this certificate does not authorize or grant applicants permission to transport passengers between Salt Lake City and Park City or other intermediate points.

ORDERED FURTHER, That applicants, before beginning operation, shall, as provided by law, file with the Commission and post at each station on their 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

CASE No. 307

In the Matter of the Application of A. T. SMEDLEY and W. E. SMEDLEY, for permission to operate an automobile stage line between Garfield and Saltair.

Submitted April 27, 1920. **Decided June 2, 1920.**

Paul Ray for petitioners.
E. O. Leatherwood for protestants.

REPORT OF THE COMMISSION

By the Commission.

In an application filed with the Public Utilities Commission of Utah, April 13, 1920, A. T. Smedley and W. E. Smedley, engaged in operating a stage line between Magna and Garfield, seek authority of this Commission to operate a stage line for the transportation of passengers between Garfield and Saltair, alleging that public convenience and necessity require such operation.

The application was protested by J. C. Denton, who, upon March 29, 1920, filed a similar application (Case No. 295).

The matter came on for hearing at Salt Lake City, Utah, Tuesday, the 27th day of April, 1920, before the Commission's Examiner, F. M. Abbott. Testimony was introduced to show that A. T. Smedley and W. E. Smedley had purchased an interest in the stage line operating from Magna to Garfield and from Garfield to the Garfield Depot, from the former owner and operator, H. M. Booth, and that at the present time applicants were engaged in operating this line.

Saltair, a resort located upon the Great Salt Lake, is approximately four miles from Garfield, and in the past there has been no method of transportation for passengers between these points, except by automobile. H. M. Booth operated a stage line between these points during 1919. From the testimony which was given, it appears that the only traffic between Garfield and Saltair is parties desiring to take advantage of the pleasures offered by the resort,

and that such traffic is irregular, being controlled largely by weather conditions, special attractions offered at the resort on different days, etc.

The Salt Lake, Garfield & Western Railway Company has recently completed a line from a point near the Garfield Depot to connect with its main line running from Salt Lake City to Saltair, over which it will, in the future, operate electric cars for the transportation of passengers. No testimony was introduced to show whether such operations would be carried on during the year 1920.

The Saltair season opens on May 29th and closes the first Monday in September. Before the opening of the season, and after its close, there is some traffic, on account of pre-season and post-season dances which are given at the pavilion located at Saltair. The traffic to and from these dances is naturally irregular.

Applicants testified that they were in possession of sufficient equipment to carry on the operations and render the public the service which it requires; that they had invested in cars and other facilities in the sum of $2,700.00, and were so situated that they could secure additional equipment from a garage owned and operated by Mr. Booth.

In his protest, Mr. Denton alleged that to permit the Magna-Garfield Stage Line operators to extend their line from Garfield to Saltair, would create a monopoly of the stage line business in and out of Garfield, to the detriment of the service given the public.

The Commission is of the opinion that the showing made is insufficient to warrant the establishing of a stage line for the transportation of passengers between Garfield and Saltair, as such traffic can be best served by a means of transportation more in the nature of a taxicab service, where passengers may, at their option, secure such transportation facilities as more nearly meets their requirements.

In denying this application, it is not the intent of the Commission to deprive petitioners of the right to transport passengers by automobile between Garfield and Saltair; but such transportation should be as outlined above, more in the nature of a private than a public utility service.

An order will be issued denying this application.

(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 2nd day of June, A. D. 1920.

CASE No. 307

In the Matter of the Application of A. T. SMEDLEY and W. E. SMEDLEY, for permission to operate an automobile stage line between Garfield and Saltair.

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

CASE No. 308

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to increase its rates on milk and cream, and charges for passenger mileage book.

ORDER

Upon motion of the applicant:

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 3rd day of September, A. D. 1920.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 309

In the Matter of the Application of THE PULLMAN COMPANY, for permission to increase its rates within the State of Utah.

Submitted April 29, 1920. **Decided June 29, 1920.**

Frederick C. Loofbourow for petitioner.

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 14, 1920, amended April 20, 1920, the Pullman Company, an Illinois Corporation, authorized to do business within this State, alleges that it is suffering from very material increases in the expense of maintenance and operation of Pullman sleeping and parlor cars; that in the year 1919 such expense was more than 33 per cent greater than for the year 1917, and will be further increased for the year 1920; that the said increase in the cost of operation per car per annum is caused by the increase in wages granted Pullman employes during the period of Federal control, which increase averaged about 75 per cent; and to the increased cost of material, which has ranged from 100 per cent to more than 200 per cent; and that the Pullman Company at the present time is making contracts for delivery of articles necessary in the operation of Pullman cars, at prices considerably in excess of the prices which obtained ninety days prior to this application.

Petitioner alleges that it now finds it necessary, on account of the increased volume of traffic, to build six hundred new Pullman cars, and to rebuild approximately four hundred now existing Pullman cars; that the said construction and reconstruction of cars requires a large increase in capital investment; that the cost of constructing standard Pullman cars during the year 1915 was approximately $16,000 per car; that the construction of the same type of car at the present time under present cost conditions is from $32,000 to $35,000 per car.

Petitioner further alleges that the increased cost in operation, maintenance and construction above referred to, has not been offset or covered by increased rates since the period of Federal operation, commencing on January 1, 1918; that application was duly made to the Interstate Commerce Commission for authority to increase berth, drawing-room and compartment rates approximately 20 per cent, and establishing a minimum lower berth rate of $2.00, increasing all seat rates of 45 cents or less to a minimum of 50 cents, as well as cancelling certain rates for drawing-rooms and compartments in effect in certain sections of the United States, which were departures from the regular basis of rates for such rooms generally throughout the Pullman Company's service; that the Interstate Commerce Commission, on March 13, 1920, granted to the Pullman Company authority to place in effect certain supplements to its interstate tariffs, establishing such increased rates and making them effective May 1, 1920; that the said increase in rates consisted of an average increase of 25 per cent, as shown by the order of the Interstate Commerce Commission, known as Special Authority No. 49791, and by Special Supplement No. 1 to I. C. C. Tariff No. 22, and Special Supplement No. 37 to I. C. C. Tariff No. 24, and Special Supplement No. 110 to I. C. C. Tariff No. 28.

Petitioner alleges that the increased expense of operation, maintenance, construction and reconstruction heretofore set forth, applies uniformly to intrastate and interstate traffic.

The hearing on the above application was held April 29, 1920. There were no protestants. William Hough, Assistant Comptroller, a witness on behalf of the petitioner, testified relative to the increased expense of maintenance and operation and to the need of the Pullman Company for more revenue, and to the methods of allocating earnings and expenses to the various states and lines.

The following is a summary of operating revenues and expenses for the twelve months ending December 31, 1917, 1918, and 1919:

	1917	1918	1919
Sleeping Car Operating Revenue	$51,776,680.86	$49,967,146.77	$69,071,548.25
Revenue from Auxiliary Operations	762,382.22	555,087.40	786,989.42
Total Revenue	$52,539,063.08	$50,522,234.17	$69,858,537.67
Sleeping Car Operating Expense	$35,448,872.54	$40,593,069.54	$48,618,253.26
Expense Auxiliary Operations	746,293.99	567,761.43	752,960.78
Total Operating Expense	$36,195,166.53	$41,160,830.97	$49,371,214.04
Net Operating Revenue	$16,343,896.55	$ 9,361,403.20	$20,487,323.63
Sleeping Car Tax Accruals	3,874,708.53	1,598,547.25	1,293,511.12
Operating Income	$12,469,188.02	$ 7,762,855.95	$19,193,812.51
Additional Items Included in Standard Return:			
Rent from Cars	Dr. $ 5,245.26	Cr. $38,598.96	Cr. $92,243.08
Uncollectible Sleeping Car Revenue	Dr. 721.84	Dr. 743.09	Dr. 3,198.49
Income Corresponding to Standard Return	$12,463,220.92	$ 7,800,711.82	$19,282,857.10

Since January 1, 1918, the operating business of this carrier has been under Federal control, being conducted by the United States Railroad Administration. Revenues for 1918 and 1919 show results under Federal control. Had the operating business been conducted by the carrier itself, ex-

penses for 1919 must needs be modified. The modifications claimed were set forth by applicant in Exhibit 2, summarized as follows:

Operating Revenue during 1919			$69,071,548.25
Under private control the following changes would have been necessary:			
Payments to Railroads under their various contracts with the Pullman Company	Dr. $9,500,000.00		
Estimated Mileage Revenue	Cr. 400,000.00		9,100,000.00
Amended Operating Revenue			$59,971,548.25
Operating Expenses and Taxes		$49,911,764.38	
Would have been subject to the following changes:			
Charges from Railroads, covering heating, lighting, lubricating, and for water and ice furnished cars	$1,500,000.00		
Income and Profits Taxes	1,900,000.00		
Additional General Expense Items	250,000.00		
Deficiency in Maintenance nance (Estimate)	3,000,000.00	6,650,000.00	56,561,764.38
Amended Net Revenue			$ 3,409,783.87

The method of determining and allocating intrastate as well as interstate earnings to Utah is found to be reasonable. An analysis of the carrier's revenues as a whole will be considered.

In the exhibit showing amended revenues for the year 1919, had the property been under private control, there is set forth under "Operating Expenses and Taxes," income and profits tax $1,900,000; also deficiency of maintenance, $3,000,000. Income and profits taxes should be borne by the owners, not the patrons of the Company, and should be considered after net earnings have been determined. As regards deficiency of maintenance, Mr. Hough, witness for applicant, stated that applicant would be reimbursed by the Government in this sum. The exhibit showing records as made under Government control, should be corrected as regards the item of deferred maintenance. However, as a forecast for the year 1920, if revenues and expenses are the

same after the correction above stated, it would appear that the net revenue under the former rates would approximate $5,300,000. It was testified by applicant that the increase would yield to the property as a whole, after making allowances to the various railroads under their contracts, approximately $7,000,000 additional revenue. After making allowance for increased maintenance and operating expenses, the net revenue would approximate $12,000,000, exclusive of depreciation.

The capital account of the carrier as of December 31, 1919, is as follows:

Cost of Cars	$135,111,371.54	(7,636)
Real Estate	558,210.73	
Building and Fixtures	5,501,420.78	
Materials and Supplies	7,415,870.14	
	$148,586,873.19	
Our estimate of necessary Cash Working Capital is	2,500,000.00	
Total	$151,086,873.19	

This statement does not include any portion of the manufacturing plant, but includes a reserve for depreciation of approximately $58,000,000. This reserve, Witness Hough testified, was invested in the property. The business of this carrier is conducted in many states and the expenses incident to conducting its operations in this State, the Commission is convinced, are not out of line with the expenses elsewhere for this traffic, neither are they abnormal nor unreasonable, and it will be borne in mind that intrastate traffic must of necessity be handled in the same cars as is interstate traffic, there being no lines wholly within this State.

After full consideration of all material facts, the Commission finds that the rate asked for by petitioner gives only a reasonable return for the services rendered, and should be granted. This increase in rates will make the

general level conform to the interstate rates already granted by the Interstate Commerce Commission, the rates to be effective July 1, 1920.

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 29th day of June, A. D. 1920.

CASE No. 309

In the Matter of the Application of THE PULLMAN COMPANY, for permission to increase its rates within the State of Utah.

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 Pullman Company, be and it is hereby, authorized to publish and put into effect, increased rates which shall not exceed those named in Special Supplement No. 1 to P. U. C. U. No. 1.

ORDERED FURTHER, That such increased rates may be made effective upon one day's notice to the public and to the Commission.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 310

In the Matter of the Application of KIRKENDALL BROTHERS, for permission to operate an automobile stage line between Eureka and Payson, Utah.

Submitted May 6, 1920. **Decided June 16, 1920.**

C. F. Baker for petitioner.
Bert Lockhart for protestant.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, April 16, 1920, Kirkendall Brothers seek permission to operate an automobile stage line for the transportation of passengers between Eureka, Utah, and Payson, Utah, a distance of approximately 30 miles, charging a one-way fare of $2.00 and a round trip fare of $3.75 per passenger.

The necessity for the operation of a stage line between these points was investigated by Mr. F. M. Abbott, Special Investigator, on May 6, 1920.

Bert Lockhart, who, on April 22, 1920, filed a similar application, protested the granting of the privileges sought by the applicant in this case.

Applicants in this proceeding are at present engaged in operating an automobile stage line between Eureka and Mammoth, Utah, and desire to operate between Eureka and Payson in conjunction with their present line. This does not appear desirable, as to permit such action would place the stage line service into and out of Eureka in the hands of but one or two operators and tend to create a monopoly.

An order granting the application of Bert Lockhart has been issued by the Commission, and the petition herein will 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 16th day of June, A. D. 1920.

CASE No. 310

In the Matter of the Application of KIRKENDALL BROTHERS, for permission to operate an automobile stage line between Eureka and Payson, Utah.

This case being at issue upon petition and protest on file, and having been duly heard and submittted 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,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 311

In the Matter of the Application of WHITE & VALENTINE, for permission to operate an automobile stage line between Duchesne and Vernal, Utah.

Submitted July 16, 1920. **Decided July 31, 1920.**

L. A. McGee for petitioner.
Dan B. Shields for protestant.

REPORT OF THE COMMISSION

By the Commission:

In an application filed March 29, 1920, Nora White and William Valentine ask permission to operate an automobile stage line for the transportation of passengers between Duchesne and Vernal, via Roosevelt, charging the following fares:

From Duchesne to Roosevelt	$3.50
From Duchesne to Vernal	7.00

The case came on for hearing at Price before representatives of the Commission, at 10 a. m., July 16, 1920. The granting of the application was protested by the Duchesne Transportation Company, James S. Frontjes, Manager.

At the hearing it developed that this application was filed during the period when the roads between Duchesne and Vernal were in very poor condition, and the service being rendered by the stage line operating from Helper to Vernal was irregular, and considerable delay was caused to the traveling public for this reason. With the breaking up of winter weather and a general improvement in road conditions, the service being given by the present operators is much better.

Applicants testified that it was their desire to operate the line from Vernal at an hour which would permit them to connect with the stage for Helper at Duchesne, and also

to connect with the stage from Helper at Duchesne with passengers for Vernal.

It was also contended by applicants that cars used in said service deteriorated rapidly, and would not continue to operate satisfactorily when used upon a 115-mile run daily; also that the cars used by the present operators were not adaptable for this service, being clumsy, slow and uncomfortable. Applicants stated their desire to use touring cars upon the run between Duchesne and Vernal, if granted authority.

Some testimony was introduced by the applicants to show that residents of Duchesne and Vernal had complained that the stage service now being given was unsatisfactory, but the names of such residents or the dates of the complaints were not furnished.

Protestants admitted that during the month of March and for a portion of April, they were unable, on account of the road conditions, to make their trips upon the published schedule; but contended that with but two or three exceptions they were able to transport all passengers to their destination.

Testimony was introduced by the protestants to show that the equipment which they used is in good condition and affords passengers reasonable, safe and efficient service without any undue inconvenience or discomfort; that during the winter months they had expended a great deal of effort and money in keeping the road open, using teams over the summit where and when it was impossible to drive the cars through.

Testimony of protestants was that at the present time the trips are being made upon regular schedule, very little delay, if any, being encountered upon the trip, from either Helper to Vernal, or Vernal to Helper, and that no necessity exists for an additional line between Vernal and Duchesne.

After the consideration of all the facts submitted, the Commission is of the opinion that no necessity exists for the additional service applicants seek to give, and 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 its office in Salt Lake City, Utah, on the 31st day of July, A. D. 1920.

CASE No. 311

In the Matter of the Application of WHITE & VALENTINE, for permission to operate an automobile stage line between Duchesne and Vernal, Utah.

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 it is hereby, denied.

By the Commission.

(Signed) T. E. BANNING,

(SEAL) Secretary.

312. OPHIR HILL CONSOLIDATED MINING CO. and CLARK ELECTRIC POWER CO.,

Complainants,

vs.

UTAH POWER & LIGHT COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 313

In the Matter of the Application of SPENCER WILLIAMS, for permission to operate an automobile stage line between Park City and Hanna, Utah, via Kamas.

Submitted July 12, 1920. **Decided August 5, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 27, 1920, Mr. Spencer Williams, of Kamas, Utah, asks permission to operate an automobile stage line for the transportation of passengers between Park City and Hanna, Utah, via Kamas.

The matter was investigated at Kamas, May 19, 1920, by Special Investigator F. M. Abbott. At the investigation it developed that the present service between Park City and Kamas appeared to be sufficient, and Mr. Williams expressed a willingness to modify his application to read between Kamas and Hanna. He was requested to file an amendment to his application, and, under date of July 8th, advised that he does not desire at this time to operate such a stage line, as he has engaged in other business. The application should, therefore, 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 5th day of August, A. D. 1920.

CASE No. 313

In the Matter of the Application of SPENCER WILLIAMS, for permission to operate an automobile stage line between Park City and Hanna, Utah, via Kamas.

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 it is hereby, dismissed.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 314

In the Matter of the Application of the SOUTHERN UTAH RAILROAD COMPANY, for permission to dismantle its road and abandon its line of railroad in Carbon County, Utah.

Submitted August 4, 1920. **Decided August 19, 1920.**

B. S. Crow for petitioner.
N. V. Braffet for protestants.

REPORT OF THE COMMISSION

By the Commission:

On April 22, 1920, the Southern Utah Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of Utah, filed an application, asking permission to dismantle its railroad, tear up its trackage, and store for safe-keeping all of its personal property.

In its application, it is alleged that the Southern Utah Railroad Company, during the year 1908, completed and put into active operation, a line of railroad from Price, Carbon County, Utah, to Hiawatha, Carbon County, Utah, passing through stations designated as Gaylord, Millerton, Franklin, Castle Junction, and East Hiawatha, the line being constructed for the purpose of serving the coal mines of the Consolidated Fuel Company, situated at or near Hiawatha, Carbon County, Utah.

It is further alleged that in the year 1912, the Utah Railway Company was organized, and during the years 1913 and 1914, constructed a line of railroad which serves all of the territory and industries which were prior to that time served by the line of the Southern Utah Railroad Company; that practically all of the business formerly handled by the line of the petitioner was, during the years 1914, 1915 and 1916, diverted to the line of the Utah Railway; that in the spring of 1917, by reason of a violent and unusual flood, a railroad bridge of the petitioner over the Price

River was washed out, and the expense incident to repairing same was so great that the petitioner was unable to restore the line for service, and since that time no trains whatever have been operated over its line of rails.

Petitioner further alleges that its line of railroad is unable to compete with the Utah Railway, for the reason that the last named Company's track is laid with rails weighing ninety pounds per foot, while the regular weight of the rails upon petitioner's line is but sixty pounds per foot, and its sidings are laid with rails of forty pounds per foot, with a small part of its line having seventy-five pound rails.

After due notice, the case was heard at Price, on July 16, 1920. At the hearing, a protest was filed by R. W. Crockett, as Trustee of the Advocate Publishing Company of Price. On August 4th, protestant asked that his protest be dismissed.

The testimony at the hearing substantiated in every particular the facts set forth in the application. No testimony was introduced to show that a necessity exists for the continued operation of this line of railroad, and the physical condition of the property is such that it appears that it would be necessary to relay the entire main line with heavier rails, in order to permit the passage of the type of locomotives and cars at present being used by the coal handling railroads of Utah.

A physical examination of the property was made by the Commission's representatives, and the result of this investigation confirms the allegation and testimony of petitioner.

In view of the facts in this case, the Commission finds that the application should be granted, and the Southern Utah Railroad Company should be permitted to dismantle its line of railroad extending from Price, Carbon County, Utah, to Hiawatha, Carbon County, Utah, and remove all of its personal property pertaining thereto.

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 August, A. D. 1920.

CASE No. 314

In the Matter of the Application of the SOUTHERN UTAH RAILROAD COMPANY, for permission to dismantle its road and abandon its line of railroad in Carbon County, Utah.

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 petitioner, the Southern Utah Railroad Company, be, and it is hereby, authorized to dismantle its line of railroad extending from Price, Carbon County, Utah, to Hiawatha, Carbon County, Utah, and remove and store for safety, all its personal property.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 315

In the Matter of the Application of BERT LOCKHART, for permission to operate an automobile stage line between Eureka and Payson, Utah.

Submitted May 6, 1920. **Decided June 16, 1920.**

Bert Lockhart for petitioner.
C. F. Baker for protestant.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, April 22, 1920, Bert Lockhart seeks authority to operate an automobile stage line between Eureka and Payson, Utah, alleging that public convenience and necessity requires such operation.

An investigation was conducted at Eureka, May 6, 1920, by Special Investigator, F. M. Abbott.

Kirkendall Brothers, engaged in operating a stage line for the transportation of passengers between Eureka and Mammoth, filed a similar application, April 16, 1920. He later protested the granting of the petition in the present case.

The distance between Eureka and Payson is approximately 30 miles, and present service is given by the Denver & Rio Grande Railroad Company, which operates daily passenger service. This train arrives at Eureka in the evening and leaves in the morning, and does not appear to give the required service for commercial travelers and others who desire to reach Eureka, transact such business as they may have, and depart in the evening.

Petitioner desires to operate upon the following schedule:

Leave Payson	8 A. M.	Arrive Eureka	10 A. M.
Leave Eureka	6 P. M.	Arrive Payson	8 P. M.

It is set forth that such operations will enable parties who so desire, to make the round trip from Salt Lake and other points located upon the Salt Lake & Utah Railroad, to Eureka in one day.

The following fares are proposed:

	One Way	Round Trip
Between Eureka and Payson	$2.00	$3.50

There are a number of mines located between Eureka and Payson, on the proposed stage route, which will also be served by petitioner, and at which about 250 people reside who will be accommodated by a line such as is proposed.

The evidence tends to show that Mr. Lockhart is financially able to properly serve the public and care for such a stage line, and has had considerable experience in operating and repairing motor cars.

The protest of Mr. Kirkendall is based not on the ground that no necessity exists, but that he is already engaged in stage line operations, with Eureka as the terminus of his line, and that he is in possession of necessary equipment to care for his route, which should properly be connected with the Eureka-Mammoth line. It appears to the Commission that it would be inadvisable to confine the operation of all stage lines into and out of any city, to one such corporation or person, as such action might result in a monopoly of the stage business, and in the instant case there will be no competition between the operators of the Eureka-Mammoth and the Eureka-Payson stage routes.

The Commission, therefore, finds:

1. That public convenience and necessity requires the operation upon regular schedule of an automobile stage line between Eureka and Payson, Utah.

2. That the application should be granted.

3. That before beginning operations, applicant should file with the Commission and post at each station on his route, a printed or typewritten schedule showing arriving

and leaving time of his cars, and a schedule showing the rate of fare to be charged between all such 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. 83

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of June, A. D. 1920.

CASE No. 315

In the Matter of the Application of BERT LOCKHART, for permission to operate an automobile stage line between Eureka and Payson, Utah.

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

IT IS ORDERED, That applicant, BERT LOCKHART, 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 between Eureka and Payson, 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

CASE No. 316

In the Matter of the Application of W. B. MARKLEY, for permission to operate an automobile freight and express line between Salt Lake City and Tooele, Utah.

Submitted May 18, 1920. **Decided July 30, 1920.**

W. B. Markley for applicant.
Dana T. Smith for protestant.

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 30, 1920, W. B. Markley asks permission to operate an automobile truck line for the transportation of freight between Salt Lake City and Tooele, alleging that public convenience and necessity require such operation, as the present service given by the Los Angeles & Salt Lake Railroad Company results in delays to shipments, such service being given but three times each week, and further delay occurs in transporting such freight from the railroad warehouse to consumer's place of business.

Petitioner sets forth his intention to operate a daily service, delivering all shipments of 100 pounds or over direct to consumer's warehouse, charging for such service 25 per cent in excess of the present railroad freight rate.

The application was protested by the Los Angeles & Salt Lake Railroad Company.

The case came on for hearing, after due notice, May 18, 1920, before the Secretary of the Commission.

Applicant testified that certain business men of Tooele had expressed themselves as favorable to the operation of a truck line, and assured him of such business as they could give him.

The Commission has heretofore, in Case No. 198, granted permission for the establishing of a freight and express service between Salt Lake City and Tooele. So far as is known to the Commission the applicant in that case has failed to give the service. Whether this indicates that there was no demand for such service at that time, or that the

applicant was not financially able to carry on the business, is not clear to the Commission.

It would seem to be the duty of the Commission to satisfy itself that an applicant would, if granted the privilege, proceed in good faith to give the service to the public. The applicant in this case, while on the witness stand, declined to be specific as to how much he expected to invest in the business, who would be his associates, or as to the quantity of freight that he would be prepared to handle, contenting himself with a statement that he would invest what was necessary to carry on the business that came to him. Proof of his financial responsibility was lacking, as was also proof that the public, either in Salt Lake City or Tooele, demanded the kind of service he would be prepared to give. The applicant's statement on that point was merely that some Tooele merchants, whom he declined to name, had told him they would give him what business he was able to handle.

It was testified by protestants that the present freight service of the Los Angeles & Salt Lake Railroad is operated daily, except Sunday, shipments delivered in Salt Lake for Tooele being loaded in a set-out car which leaves Salt Lake the following morning, about 8:30 a. m., arriving at Tooele about 1:30 p. m., and freight may be received by the consignee the day of arrival.

No testimony or evidence was introduced by petitioner to show that the present service is unsatisfactory or inadequate to the needs of the public, or that public convenience requires additional service.

Upon consideration of the evidence, the Commission finds that applicant failed to show that public convenience and necessity required such additional service. The application should, therefore, be denied.

The Commission does not, in taking this action, wish to be understood as refusing to permit the hauling of freight by trucks in competition with railroads where it can be shown that the service would thereby be improved, or that the public demanded additional or different service, or where the service would be rendered with more dispatch or generally at cheaper rates. The denial of this application is based upon the failure to make a showing as to the need of

service in addition to that which is now being given; and as to applicant's financial preparedness.

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 30th day of July, A. D. 1920.

CASE No. 316

In the Matter of the Application of W. B. MARKLEY, for permission to operate an automobile freight and express line between Salt Lake City and Tooele, Utah.

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 it is hereby, denied.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 317

In the Matter of the Application of JAMES TURLOUPIS, for permission to operate an automobile stage line between Provo, Utah, and Heber City, Utah.

Submitted May 26, 1920. **Decided June 12, 1920.**

Russell G. Schulder for petitioner.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, May 6, 1920, James Turloupis seeks authority to operate an automobile stage line for the transportation of passengers between Provo, Utah, and Heber City, Utah, alleging that at present there is no service of this nature between said points. In his application, petitioner states that he desires to operate one round trip daily, leaving Provo at 8 a. m. for Heber City, and leaving Heber City at 4:30 p. m. for Provo.

The case was set for hearing at Salt Lake City, May 26, 1920, at 10 o'clock a. m., due notice having been given. No protests were filed or made in person.

Petitioner testified at the hearing that the present passenger service failed to meet the needs of the traveling public, as the train leaves Provo at night and returns in the morning, and commercial travelers and others who desire to make the trip to Heber City and return the same day are unable to do so and that the service he proposes to render will overcome this condition, as but two hours are required to reach Heber City from Provo by automobile. The distance between these points is approximately thirty-three miles, and a fare of $2.00 one way is proposed.

There is a pleasure resort in Provo Canyon, on the proposed route, known as Vivian Park, about twelve miles from Provo; and the Olmstead Power Plant is located about six miles from Provo on the same route. In addition, there are a number of summer homes in the canyon. It was testified that there would be some traffic to these intermediate points.

Petitioner stated that he would not care to be required to furnish transportation facilities to these intermediate points, as to do so would entail a hardship, but asked to be permitted to handle such passengers when such action would not interfere with through traffic.

He testified that at this time he is in possession of a seven-passenger, 1920, Buick car, and is financially able to secure additional equipment to properly care for the traffic.

In the light of the evidence the Commission finds:

1. That public convenience and necessity requires the operation of an automobile stage line for the transportation of passengers between Provo, Utah, and Heber City, Utah.

2. That petitioner herein should be permitted to operate such a line, but should confine his operations to through traffic only.

3. That petitioner should begin operations not later than July 1, 1920, and should at all times operate his line in conformity with the rules and regulations of the Public Utilities Commission of Utah.

4. That before beginning such operations, petitioner should file with the Public Utilities Commission of Utah, and post at each station on his route, a printed or typewritten schedule naming fares to be charged between Provo and Heber City, Utah, and also the time of arrival and departure of his 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. 82

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of June, A. D. 1920.

CASE No. 317

In the Matter of the Application of JAMES TURLOUPIS, for permission to operate an automobile stage line between Provo, Utah, and Heber City, Utah.

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 TURLOUPIS, 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 between Provo 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 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.

318. **MURRAY CITY, a Municipal Corporation,**

Complainant,

vs.

LOS ANGELES & SALT LAKE RAILROAD COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 319

In the Matter of the Application of JAMES R. BURBIDGE, for permission to operate an automobile freight and express line between Park City, Utah, and Kamas, Utah.

Submitted May 19, 1920. **Decided June 25, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed May 8, 1920, James R. Burbidge seeks authority to operate a truck line for the transportation of freight and express between Park City, Utah, and Kamas, Utah, alleging that public convenience and necessity require such operations.

The matter was investigated May 19, 1920, by Mr. F. M. Abbott, representing the Commission.

Kamas is located approximately 17 miles from Park City, the nearest railroad station, and such merchandise and supplies as are imported must move by truck or team from Park City, while outbound commodities are handled by team or truck to the railroad station. It appears that in the past this movement has been handled by private arrangements, and has not proven altogether satisfactory or sufficient, as teams or trucks are not available at all times.

Petitioner is in possession of a freight motor truck and has horses and wagon in reserve for use when it is impossible to operate the motor truck, which it is claimed will guarantee regular service.

The rate proposed is 40 cents per hundred for freight and 60 cents per hundred for express, which rates appear to be acceptable to the business men of Kamas. Petitioner has not filed an exhibit showing the classification of express and freight matter, but should be required to do so.

The Commission, after a consideration of the facts, finds:

1. That the petition should be granted.

2. That before beginning operation, petitioner should post at each station upon his route, and file with the Commission, a printed or typewritten schedule showing his rates and charges, and the leaving time of his trucks from such stations.

3. That petitioner should at all times operate his truck line in conformity with the rules and regulations of the Commission.

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. 84

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2t5h day of June, A. D. 1920.

CASE No. 319

In the Matter of the Application of JAMES R. BURBIDGE, for permission to operate an automobile freight and express line between Park City, Utah, and Kamas, Utah.

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 R. BURBIDGE, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile freight and express line between Park City, Utah, and Kamas, 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

CASE No. 320

In the Mater of the Application of the UTAH TERMINAL RAILWAY COMPANY, for a certificate of Convenience and Necessity authorizing the construction of a railroad in Carbon County, Utah.

Submitted June 14, 1920. **Decided July 9, 1920.**

L. R. Martineau, Jr., for petitioner.
W. D. Riter for Denver & Rio Grande Railroad Co.
H. R. McMillan for U. S. Fuel Company.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled matter came on for hearing, June 10, 1920, upon the application, together with a protest of the Denver & Rio Grande Railroad Company, and the opposition of the United States Fuel Company.

The allegations in behalf of the petitioner were to the effect that the Utah Terminal Railway Company is an organization of the State of Utah, organized for the purpose of constructing and operating a railroad, beginning at a connection with the Utah Railway Company, and thence up Spring Canyon to Standardville, a distance of about 3½ miles; that said Terminal Company is organized for the purpose of improving the transportation from some of the coal mines located in said Spring Canyon, Carbon County, Utah, which, when operated, will relieve the congestion of freight and thereby increase the output of the coal mines and give to the consumer a better and more certain delivery of coal; that the Peerless Coal Company, Spring Canyon Coal Company, and the Standard Coal Company join in asking that a certificate of convenience and necessity be issued to the said Utah Terminal Railway ompany; that they are producers of large amounts of coal and are greatly in need of additional transportation facilities for the shipping of coal to their consumers.

The contentions of the protestant, Denver & Rio Grande Railroad Company, are:

> First: That the Commission has no authority to act in the premises.
>
> Second: That there exists no real necessity for the construction and operation of additional railway service as is contemplated in the application.

The United States Fuel Company, and other companies on the line of the Utah Railway Company, opposed the granting of said application upon the ground that the Commission had no jurisdiction to issue a certificate, and for the further reason that it would interfere materially with the service they are receiving from the Utah Railway Company at the present time.

The evidence of the petitioner was that the mining corporations interested in the application were engaged in the production of coal in what is known as Spring Canyon, Carbon County, Utah; that a branch of the Denver & Rio Grande Railroad had been for some time, and at the present is, operating as a common carrier and engaged in freighting coal, and that the coal companies mentioned were shippers on said branch line; that for some time past, and during most all the time of each year, said Denver & Rio Grande Railroad has not given sufficient and adequate service in that the said coal mining companies were unable to obtain sufficient cars to take care of the tonnage offered, and that on account of such car shortage a considerable percentage of time was lost in the business of said coal corporations, and resulted at times in almost disorganizing their labor forces, at great cost and delay in the operation of said coal mines; that other and additional facilities are needed in order to take care of the present operation of the coal mines, as well as the growth of such business that can and should be reached if sufficient and adequate service could be furnished; that the construction of said railway will enable the petitioners to connect with the Utah Railway Company, which company can more fully take care of the needs of said coal companies in furnishing cars for the transportation of coal.

To the objection urged by the Denver & Rio Grande Railroad Company that the Commission is not authorized, under the present Federal law, to issue a certificate, but that the State Commission is relieved from such duty, for the reason that the Utah Terminal Railway Company will be

engaged in interstate traffic; the petitioners testified that they would not be engaged in interstate traffic under the certificate asked for, that they did not intend, nor was it their purpose, to transport any coal or other freight that did not begin and terminate within the State, and that before engaging in interstate business of any kind they would first obtain a certificate of convenience and necessity, if necessary, from the Interstate Commerce Commission, in keeping with the requirements of the Act of Congress, recently passed, pertaining to such matters; that they expected to still continue the shipping part of the output of their mines which was destined for points outside of the State of Utah, via the Denver & Rio Grande, until such certificate referred to was received from the Interstate Commerce Commission.

In the matter of whether or not this Commission still has jurdisdiction to issue certificates of convenience and necessity, we are called upon, for the first time, to pass upon the question as to the extent the Commission has been releived in such matters by the Federal authority under the so-called "Cummins' Act."

It appeared from the testimony that the shippers named herein have been engaged in interstate as well as intrastate trade. It is clear to the Commission that the authority to issue a certificate of convenience and necessity to construct a railroad which would engage in interstate business, belongs exclusively to the Interstate Commerce Commission. The question of authority of this Commission to issue a certificate of convenience and necessity to construct a railroad for the purpose of carrying on intrastate business only, is one upon which there may be some difference of opinion.

The attorney for the protestants urges that paragraph 18 of the recent Act of Congress, grants exclusive jurisdiction to the Interstate Commerce Commission, and is intended to relieve the carrier from the necessity of obtaining state authority in all cases of construction and operation of a railroad, with the exception given in paragraph 22. Paragraph 18 is as follows:

> "After ninety days after this paragraph takes effect no carrier by railroad **subject to this Act** shall undertake the extension of its line of railroad, or the construction of a new line of railroad, or shall acquire or operate any line of railroad, or extension thereof, or shall engage in transportation under this Act over or by means of such additional or extended line of railroad, unless and until there shall first have been ob-

tained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line of railroad * *."

It will be noticed that the provisions of said paragraph include carriers by railroads **subject to the Act.** The carriers by railroad subject to the Act are defined in paragraphs 1 and 2, making exceptions therein as follows:

"(2) The provisions of this Act shall also apply to such transportation of passengers and property and transmission of intelligence, but only insofar as such transportation or transmission takes place within the United States, but shall not apply —

"(a) To the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one state and not shipped to or from a foreign country from or to any place in the United States as aforesaid;"

The above paragraph would seem to exempt carriers engaged in transportation of passengers and freight wholly within one state, i. e., where the tonnage originates and terminates within the State.

It would further seem that if the Federal authority under the new Act has exclusive jurisdiction, save that as provided in paragraph 22, the intrastate authority has been entirely set aside. This, of course, involves two important questions:

First, the taking away of the authority of the State with reference to purely intrastate business, thereby affecting the intrastate traffic, and

Second, the interference with the State regulatory power as well as the question of eminent domain.

The question of extending Federal authority over a carrier wholly within the State and engaged in intrastate business would be, it occurs to this Commission, going farther than was really contemplated in the minds of the framers of the Act. The showing was to the effect that the contemplated railroad would be wholly within the State, and as a carrier would engage only in the transportation

of property wholly within the State; that it is asking permission to construct and operate as a carrier within the State and not beyond the same. Some reference was made in the testimony of the petitioners, however, that it might in the future engage in interstate business.

The contention of the petitioner as to the necessity of further and more adequate service was, under the showing, sustained. The conditions here would almost present a case that would come under the exception of paragraph 22, with the exception that it was the intention of the applicant to engage in general business, and probably furnish some of its own equipment.

We are of the opinion that a reasonable consideration of all of the matters submitted would justify the Commission in issuing a certificate of convenience and necessity to construct, operate and maintain a railroad as described in the petition, for the reason that there seems to be a necessity for more and additional convenience of transportation to take care of the coal industries represented by such application.

There would seem to be a necessity for more trackage in the district referred to in the petition, and inasmuch as the Denver & Rio Grande Railroad offered nothing to show it was prepared, and that it intended, to construct the additional trackage by double-tracking its line, or otherwise, it seems reasonable to permit the petitioner to put in the trackage itself. Primarily, the proposed construction is in the nature of an industry track or a plant facility, designed to improve operating conditions for the mines. These conditions are expected to be improved in two ways, by more trackage, and by better supply of cars, the expectation being that, as found desirable, the petitioner will purchase coal cars to be put into service in the Utah coal trade. It will, of course, be admitted that the more cars that are owned locally, the better, in general, will be the local supply of cars.

If it is granted that better service is needed, we have to consider how best to provide it. The testimony for protestants showed that one difficulty experienced arises from the inability of the Denver & Rio Grande Railroad to get back from connections the proper quota of cars. With the mines receiving service from two carriers, this condition should be materially improved, and the mines should be able to expand their operation, as it is doubtful if they could under existing trackage facilities and present car supply.

In the coal business, as well as in other lines of industry, there must be increased production if we are to stem the rising tide of high prices. The law of supply and demand

still governs prices, and, as applied to the coal trade, there must be less of lost time, whether occasioned by car shortage or otherwise, and there must be larger output, or the consumers will have to continue to pay high, and higher, prices for this necessary commodity. With an era of development in coal mining upon us, as testified in this case, there is every reason why the transportation facilities should increase proportionately to care for the additional tonnage.

The experience of transporting coal to consumers in the last few years has given force to the necessity of more adequate means of transportation, and while it has not, and will not be, the policy of this Commission to encourage a duplication of service, but rather to protect the service corporations from undue competition, however, there should be adequate means of transporting coal, so that the consumers may be taken care of.

In issuing a certificate in response to the application, it is not intended to violate or to interfere with any of the authority of the Interstate Commerce Commission, as provided in the Act of Congress above referred to, but under the showing made herein it would seem reasonable to conclude and decide that the Federal authority has not the exclusive jurisdiction in matters of this kind.

A certificate as contemplated herein, when issued by this Commission, will issue with the express understanding that there is no attempt in the same to authorize the applicant to construct or operate a railroad for the purpose of engaging in shipping coal or other freight outside of the State of Utah, but that its operations will be confined wholly within the State.

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

Certificate of Convenience and Necessity

No. 85

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 9th day of July, A. D. 1920.

CASE No. 320

In the Mater of the Application of the UTAH TERMINAL RAILWAY COMPANY, for a certificate of Convenience and Necessity authorizing the construction of a railroad in Carbon County, Utah.

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

IT IS ORDERED, That applicant, UTAH TERMINAL RAILWAY COMPANY, be, and it is hereby, granted a certificate of convenience and necessity, and is authorized to construct, operate and maintain, a single track standard gauge railroad, to connect Standardville, located in Spring Canyon, Utah, with the Utah Railway Company, for the purpose of engaging in intrastate business only.

By the Commission.

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

321. In the Matter of the Application of BRUCE WEDGWOOD and FRED A. BOYD, for permission to operate an automobile freight line between Salt Lake City and Ogden, Utah.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 322

In the Matter of the Application of MARTIN D. KORVER, for permission to operate an automobile freight line between Salt Lake City and Magna and Garfield, Utah.

ORDER

Upon motion of the applicant, 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 1st day of September, A. D. 1920.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MARSHALL & MILNE, for permission to increase their freight rates.

CASE No. 323

ORDER

It appearing that on May 17, 1920, Marshall & Milne filed a formal application for authority to increase their rates for the transportation of freight between Lund and St. George, and intermediate points, 25 cents per hundred, setting forth that increased operating costs made such advance necessary in order to enable petitioners to continue operations;

It further appearing that the case was docketed for hearing at St. George, on June 16, 1920, and subsequently postponed until July 28, 1920; and

It further appearing that the merchants, business men and shippers have filed with the Commission a strong recommendation that the application be granted; and

It further appearing that an emergency exists, and that such increases are immediately necessary:

IT IS ORDERED, That pending the hearing upon this matter, applicants, Marshall & Milne, be, and the same hereby are, authorized to publish and put into effect, on June 20, 1920, rates which shall not exceed $1.25 per hundred between Lund and St. George.

ORDERED FURTHER, That this approval shall not affect any subsequent proceeding relative to such rates.

By the Commission.

Dated at Salt Lake City, Utah, June 15, 1920.

(Signed) T. E. BANNING,

(SEAL) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 323

In the Matter of the Application of MARSHALL & MILNE, for permission to increase their freight rates.

Submitted July 28, 1920. Decided September 20, 1920.

George R. Lund for petitioners.

REPORT OF THE COMMISSION

By the Commission:

In an application filed May 17, 1920, Marshall & Milne, operating a freight truck line between Lund and St. George, Utah, ask permission to increase the rates charged for transporting "general freight" from $1.00 to $1.25 per hundred. No increase is sought on the following commodities:

Furniture, Plate Glass, Empty Cans, Long Water Pipe, Lumber, Shingles, etc., or ore.

A petition signed by sixteen business men of St. George, who patronize this line, recommending that the increase be granted, accompanied the application.

On June 15, 1920, upon representation by petitioners that an emergency existed and that increased rates were necessary in order to continue operation, the Commission issued an order permitting increased rates desired, pending further investigation and hearing. After due notice the case was heard July 28, 1920, at St. George, before the Secretary of the Commission.

Testimony of applicants was to the effect that the investment in the trucks in operation amounted to $6,220. During the first five months of 1920 one truck moved 192,508 pounds of freight, from which revenue amounting to $2,093.07 was received. The operating expenses amounted to $1,309.65, leaving $783.42 to cover depreciation, interest on investment, taxes, etc. The truck in question is shown as costing $2,850 new, and is rated as having a life

of four years, which will require a depreciation allowance of 25 per cent, or $712.50 annually.

The record of the other truck in service does not show such good results.

Applicants contended that revenues in addition to providing for operating expenses, depreciation and taxes, should yield a return on the investment and allow wages for the operators, which they have failed to receive in the past.

It is impossible to accurately forecast the additional revenue which the proposed increased rates will yield, as all freight moved is not subject to advanced rates. There appears no doubt that increased revenues are required if applicant is to continue rendering service, and the Commission, therefore, finds that the increases permitted in its order dated June 15, 1920, should remain in effect.

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 September, A. D. 1920.

CASE No. 323

In the Matter of the Application of MARSHALL & MILNE, for permission to increase their freight rates.

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 Commsision 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 increases permitted in the Commission's order dated June 15, 1920, remain in effect.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 324

A. L. FISH,

Complainant,

vs.

BAMBERGER ELECTRIC RAILROAD COMPANY,

Submitted June 7, 1920. **Decided July 1, 1920.**

A. L. Fish for complainant.
D. L. Stine for defendant.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled matter came on for hearing June 7, 1920, upon the complaint of A. L. Fish and the answer of the Bamberger Electric Railroad Company.

The plaintiff sets out that he is general manager of the Salt Lake Herald, and as such makes the complaint herein filed for the reason and upon the grounds that the defendant, being a common carrier operating between Salt Lake City and Ogden, refused the request of the complainant to ship copies of the Salt Lake Herald on a certain train at the regular rate of one-half cent per pound; that the defendant, on May 12, 1920, entered into a contract with the Salt Lake Tribune Publishing Company of Salt Lake City, to operate a train, daily, between Salt Lake City and Ogden and intermediate points; that said contract is discriminatory and clearly an attempt to prevent the Salt Lake Herald from furnishing adequate distribution service to its customers in Ogden and intermediate points; that said train is being operated as a regular train on daily schedule, at 4:50 a. m., and that the act of the defendant in refusing to carry the papers of the Salt Lake Herald is preferential.

Complainant asks the Commission to issue its order requiring the defendant to carry copies of the Salt Lake Her-

ald on the said train at the regular rate of one-half cent per pound.

Answering said complaint, the defendant, Bamberger Electric Railroad Company, admits the refusal of the request of the complainant to carry its papers upon the train referred to; admits that it has entered into a contract with the Salt Lake Tribune Publishing Company, and justifies its actions on the ground that the train referred to consists of one car which is a special service outside of any regular scheduled train; that the service given the Salt Lake Tribune Publishing Company is a special service in which a guarantee is made of payment for said service; that no service is extended for passengers, express or freight on said special train, which merely carried the papers of the said Salt Lake Tribune Publishing Company; that the consideration for such special service on the part of the Salt Lake Tribune Publishing Company is that it guarantees a shipment of newspapers for transportation on said special train, of a daily average of not less than 5,000 pounds, and agrees to pay the carrier for the use of said train a minimum rate of $25 per day; that said contract was entered into by the parties, and made subject to the approval and consent of this Commission, also subject to the approval and consent of the Interstate Commerce Commission; that the regular train of the defendant leaves Salt Lake City at 6 o'clock a. m., and arrives at Ogden between 7 and 7:10 a. m.; that said 6 a. m. train has given, and is giving service to the Salt Lake Herald and other newspapers, for the transportation of their papers, at the regular rate of one-half cent per pound, but that the train in question, leaving Salt Lake City between 4:50 and 5:00 a. m., is a special train, operated especially for the transportation of newspapers, and can produce no other revenue; that the charge of one-half cent per pound for the transportation of newspapers on this train would be an unjust and unreasonable rate without a minimum guarantee of 5,000 pounds; that there is no necessity for said train at such an early hour for the handling of passengers, freight, etc., and for that reason the service could not be rendered without such a guarantee as the Salt Lake Tribune Publishing Company makes, and without which the train could not be operated; that the defendant is willing to perform similar service and rent a similar special car to the Salt Lake Herald for the transportation of its newspapers, or to enter into a contract similar to that which complainant asks to be set aside by the Commission.

The defendant contends that the contract is not discriminatory and the service under it is not preferential, and that

no attempt has been made by the defendant to discriminate against the Salt Lake Herald or any other newspaper.

Complainant, in support of his contention, cites the case of the Memphis News Publishing Company vs. Southern Railway Company, et al., (110 Tenn. Reports, 864). The said case arose out of a refusal upon the part of the railway company to receive and carry upon its regular train, parcels containing newspapers. The company refused to carry the papers upon the grounds and for the reason that it had entered into a contract with another publishing company, the provisions of which prohibited the carrier from transporting any other newspaper on that special train. The contract referred to contains conditions by which the carrier agreed to operate a passenger train to carry thereon all newspapers of the Commercial Publishing Company, and to refuse to carry any other papers on said train. It was further agreed that the railroad might carry baggage, passengers, express and other freight, and that the said publishing company would be subject to any and all rules and regulations, and that said railroad should retain all earnings and revenues derived from the operation of said train; that the employees of the Commercial Publishing Company were to be under exclusive control of the railway company and amenable to the orders and instructions of its conductors.

The consideration on the part of the Commercial Publishing Company was that said company guaranteed the railway company a revenue from the operation of this train of $125 for each round trip, and to pay the railway company the difference between the gross earnings of each of these trips and said sum. The publishing company also agreed to indemnify the railway company against all demands, suits, judgments, etc. Thereupon the train was provided and put upon its schedule and so advertised.

The complaint in that case avers that in receiving and transporting the papers of the aforesaid Commercial Publishing Company on said train, thus enabling it to deliver its papers to the subscribers in that particular territory a short time after the publication thereof, and in refusing to receive and transport on the same terms, the papers of complainant, and thus deprive it of an oppotrunity to deliver its papers to its subscribers with equal promptness, the defendant railway company was granting, daily, to said Commercial Publishing Company, an undue, unreasonable and unlawful preference over the complainant, and, therefore, is guilty of unjust and illegal discrimination against the plaintiff and in favor of the said Commercial Publishing Company.

It would seem that the case just referred to is not in point in some material matters with the case we have under consideration. The train, in the case referred to, was a regular train; it was scheduled and published, and was carrying passengers, and articles of freight in general, but was apparently discriminating against one shipper without any offer to give similar or like service.

A contract which has for its purpose the giving of additional service to one set of customers and withholds the same from others, is no doubt discriminatory. In the case we are considering there is an offer upon the part of the carrier to make the additional special rates available to any one. In the case above referred to it was clearly discriminatory when it refused to carry the papers of the plaintiff, and for no reasonable cause. It resulted in giving advantage to the one publishing company, and withheld it from the other, while in the present case the showing strongly indicates that the privileges extended in the contract made between the Salt Lake Tribune Publishing Company and the Carrier, together with the rate and conditions therein, were intended to be published and filed with the Commission.

During the hearing the offer was made by the carrier to extend to the complainant the same privileges as were set forth in the contract with the Salt Lake Tribune Publishing Company.

It further appeared that the Salt Lake Tribune Publishing Company shipped a much greater tonnage of papers than the Salt Lake Herald Publishing Company, and that the said Herald, by its representative, Mr. Fish, felt it to be unfair for his company to guarantee one-half of the $25, for that reason. Such offer was based upon the consideration that the one car would handle the papers of both companies.

The carrier further offered to send out another car at the same time, transporting the papers of the Salt Lake Herald Publishing Company, but in that event it required a guarantee of $25 for the trip from Salt Lake to Ogden. Some testimony was given as to whether or not one car would be sufficient to carry the papers of both companies.

The service given under the contract by the use of the car in question, could hardly be considered a regular service. Such service is not advertised, or other business solicited for that special car. The filing of the contract with the Commission has the effect of notice to the public that such special service can be obtained by any person or corporation who desires to avail themselves of the same.

It is not such a rate, and conditions attached, as would be considered a basic rate on any and all regular trains of the carrier. It would appear to be a special rate and service for which a special consideration could be reasonably asked, for the reason that the shipper receives a special service, a service which requires the operation of a car outside of any regular time heretofore given or published to the public.

It was further contended by the carrier that it would be impracticable and prejudicial to the Company to operate a car or give service at that hour, unless a guarantee was made that would pay the carrier for such unusual service; that there had been no request for such service at that time of the day, until the Salt Lake Tribune Publishing Company asked for such service, and was willing to give the guarantee as specified in the contract.

The case of Fulton Company vs. Eastern Shore Development & Steamship Company, decided by the Maryland Public Service Commission, (P. U. R. 1916 B, 787) cited by the complainant, is a case which arose out of a refusal of the Eastern Shore Development Company to carry a Sunday edition on an early boat, from Annapolis to Claybourn, on which it carries only the papers, under exclusive contract, of the Baltimore Sun, for distribution on the eastern shores of Maryland. In this case the Commission held that there was a discrimination, but based its decision upon the refusal of the carrier to give to the plaintiff the same service under the same conditions; but further found that the plaintiff should not be allowed to have special advantages or privileges at the expense of the contracting shipper, and issued an order to the effect that carrier, if it elects to continue the present arrangements for the transportation of the Baltimore Sun on its early boat, must transport on the same boat, newspapers, delivered in bulk, by any other publisher, provided such publishers as may avail themeslves of the service, enter into a legal, binding agreement to the effect that they will, for not less than six months, pay the respondent company the sum of $15 for each shipment of 3,000 pounds or less, and the further sum of 50 cents for each 100 pounds in excess of 3,000 pounds; that if said arrangement is availed of by any other publisher, such order would of necessity abrogate the present arrangement between the carrier and the contracting shipper, under which the latter is required to pay $18 for its service, and would result in that company, likewise, paying $15 for the first 3,000 pounds or less, and 50 cents per hundred pounds in excess; but if the offer thus provided

is not accepted by the complainant, the arrangements now entered into will be perpetuated and continued for at least a reasonable time.

In view of the conditions under which this service is being given, together with the offer of extending a like service for the same consideration, we are of the opinion that the refusal to carry the papers of the complainant is not necessarily preferential or discriminatory, and we will not deny the right of the defendant to publish such a tariff providing for special service to any and all who desire to avail themselves of it, but we are inclined to the view that the principle of exclusive service should not be encouraged at the sacrifice of economical operation.

It is our opinion that the defendant should transport the complainant's papers in keeping with the following requirements:

In this case a guarantee is demanded of $25 per day for the operation of the special car, and is justified on the ground that the service so rendered is a special service, and that said amount is neecssary to make such service remunerative. The Commission is of the opinion that the guarantee is not an excessive charge, under the present conditions.

The special service that seems to be demanded by the publishers and which the defendant is willing to give is altogether aside and apart from the regular service rendered on passenger trains where the rate of 50 cents per hundred pounds has been established as the tariff charge. We have, therefore, two elements to consider in this proceeding. One is the regular charge that would be made were all the papers shipped on regular trains, and the other is a charge to compensate the Railroad Company for providing the special convenience demanded by the publishers. The total charge made against each publisher should combine these two elements.

Each publisher making use of the train should, therefore, pay at the tariff rate of 50 cents per 100 pounds for all papers shipped, and should in addition thereto pay an equal part of the total cost of the service in excess of the amount paid as tariff rate on the shipments made, settlements to be made on basis of average shipments during each

calendar month. Suitable contracts should be entered into for the purpose of protecting the earnings of the carrier.

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 1st day of July, A. D. 1920.

CASE No. 324

A. L. FISH,

Complainant,

vs.

BAMBERGER ELECTRIC RAILROAD CO.,

Defendant.

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, the Bamberger Electric Railroad Company, be, and is hereby, permitted to publish and put into effect a tariff naming rates and charges for special train service for the transportation of newspapers, which rates and charges should be available to all publishers who desire to take advantage of the same.

IT IS FURTHER ORDERED, That the defendant be, and is hereby, required to carry the publications of the complainant upon its special train now operated under a contract between defendant and the Salt Lake Tribune Publishing Company, on the following conditions and requirements:

That the tariff rate of 50 cents per 100 pounds shall be paid by each shipper for the actual weight of any and all shipments. Should the total amount shipped be less than 5,000 pounds, or the charges collected therefor be under the minimum charge of $25, the deficit shall be made up by the shippers on said train, on the basis of 50 per cent of such

deficit by each shipper. In the event complainant does not avail himself of the provisions and conditions above referred to, then the operation of said train may continue as heretofore operated under the contract.

IT IS FURTHER ORDERED, That suitable contracts in keeping with the above may be entered into between the shippers and the carrier for the purpose of protecting the minimum charge provided in its tariff.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 325

In the Matter of the Application for increases in revenues of Railroads in Utah.

Submitted August 21, 1920. **Decided August 24, 1920.**

APPEARANCES

For the Applicants:

Union Pacific Railroad Co.,
H. A. Scandrett.
Oregon Short Line Railroad Co.,
H. A. Scandrett,
George H. Smith,
John V. Lyle,
J. T. Hammond, Jr.
Denver & Rio Grande Railroad Co.,
Salt Lake & Utah Railroad Co.,
Tooele Valley Railway Co.,
Western Pacific Railroad Co.,
Deep Creek Railroad Co.,
Goshen Valley Railroad Co.,
Van Cott, Riter & Farnsworth.
Los Angeles & Salt Lake Railroad Co.,
St. John & Ophir Railroad Co.,
Dana T. Smith.
Utah Railway Company,
W. M. Bradley.
Southern Pacific Railroad Co.,
Salt Lake, Garfield Western Railway Co.,
Inland Railway Company,
Robert L. Judd.
Utah-Idaho Central Railroad Co.,
Bamberger Electric Railroad,
DeVine, Stine & Gwilliam.
Bingham & Garfield Railway,
Dickson, Ellis & Lucas.

For the Protestants:

Traffic Service Bureau of Utah,
H. W. Prickett.

REPORT OF THE COMMISSION

By the Commission:

The application of carriers, originally filed May 20, 1920, and amended and supplemented on various dates thereafter, asked for authority to make effective intrastate in Utah, increases in rates, fares and charges equal to the increases authorized by the Interstate Commerce Commission in its case, Ex-Parte 74, and to make such increases effective on less than stautory notice.

Protest was filed by the Traffic Service Bureau of Utah on behalf of the Salt Lake Commercial Club, and certain shippers.

The case came on regularly for hearing before the Commission at its office in Salt Lake City, Utah, August 11, 1920.

The applicants submitted their case on the record made before the Interstate Commerce Commission in Ex-parte 74, together with certain exhibits and a statement that an emergency exists in the railroad transportation situation, which demands immediate favorable action on the application. The carriers did not otherwise attempt to justify the increase of any particular rate, but advanced the theory that the proceeding should be considered by the Commission as an emergency revenue matter and not a rate case.

The protestants, however, presented evidence to support the contention that a horizontal increase of 25 per cent on all existing freight rates would produce conditions inimical to the welfare of important industries in this State, and particularly of the metal and coal mining industries. Protest also was made against applying the increase in passenger fares where such fares are now in excess of three cents per mile.

The rate situation in Utah is somewhat different from that in many other states, in that while the Commission has heard evidence in certain rate cases, it has had no opportunity owing to the intervening of Federal control, to make findings looking to the establishment of a rate structure applicable within this State. The freight rates and passenger fares now effective are in general based on those in existence before this Commission was formed.

Were it not that carriers urge so strongly, and with apparent candor, and probably not without reason, the emergency nature of these proceedings, the Commission would feel inclined to open the case for a full hearing on the entire rate structure, for the purpose of determining just

and equitable intrastate rates; but under existing circumstances it will be proper to authorize increases as asked, with some exceptions, and to later, as occasion arises in proceedings initiated by carriers, shippers or the Commission, to enter upon a full investigation of particular rates, either those herein authorized to be increased or those falling under the exceptions noted herein.

In making certain exceptions to the general authorization of increases herein, the Commission is not unmindful of the claim that unless the intrastate rates advance to the level of rates authorized in Ex-parte 74, a burden will be placed on interstate commerce, but it seems to the Commission that if intrastate rates in and of themselves are just and reasonable they cannot cast a burden on interstate commerce, and obviously cannot come within the provisions of Paragraph 4 of Section 13 of the amended Interstate Commerce Act; if they are not just and reasonable, they can be and should be promptly adjusted by this Commission on a proper showing, as provided by law.

This Commission in this proceeding sought to have a full and complete showing such as is contemplated by the Utah statute, upon which action could be legally taken. Testimony presented by the protestants showed that present rates on coal in Utah are comparatively higher than many rates on coal in other sections of Mountain-Pacific territory. In the case of ores, it was shown that the present rates are such as would, if increased as proposed, result in the closing of a number of mines and in seriously affecting the mining industry of this State in general. This would result in a curtailment of traffic and a reduction of carriers' revenues. Carriers were given opportunity to make such showing as would support the proposed increases on these commodities but having to do so, the Commission can act only on the record as made, and must therefore except coal and ore from the general advance.

This Commission feels that passenger fares that are now in excess of three cents per mile should not be increased at this time, the effect of this being to limit advances of passenger fares hereunder to 3.6 cents per mile. Nor does the Commission feel justified on the present showing in approving passenger fare increases on any of the electric lines. These lines serve a community purpose, and facilitate social and business intercourse that might be disturbed and curtailed by such increases as are proposed, to the possible injury of carriers and against the best interests of the public.

We therefore find:

1. That applicants should be granted authority to make effective intrastate in Utah, on one day's notice to the Commission and the public, increases in rates, fares and charges equal to the increase authorized by the Interstate Commerce Commission in Ex-parte 74, with the following exceptions:

(a) No increase to be permitted on present showing on rates now in effect on coal and ore moving wholly within the State of Utah.

(b) No increase to be made in the present minimum charge of $15.00 on carload shipments or in the present minimum of 50 cents on less than carload shipments; or in the present minimum 25-5 class scale; provided, that carriers which have not established the minimum charges and minimum class scale referred to herein may be permitted to do so.

(c) No increase to be permitted on passenger fares that are now in excess of three (3) cents per mile.

(d) No increase to be allowed on passenger fares on electric lines.

2. The action herein is on showing of an emergency at present existing in the railroad transportation situation, and is without prejudice to any future findings.

It is anticipated that carriers or shippers will initiate proceedings looking to necessary re-adjustments, which should be expedited in every way possible. The Commission expressly retains jurisdiction of all matters pending herein.

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 August, A. D. 1920.

CASE No. 325

In the Matter of the Application for increases in revenues of Railroads in Utah.

This case being at issue upon petitions 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 applicants herein be and hereby are authorized to publish and put into effect upon one day's notice to the public and to the Commission, increased rates, fares and charges to conform to the increased rates, fares and charges authorized by the Interstate Commerce Commission in Ex-parte No. 74, with the following exceptions:

(a) No increase to be made in the rates upon coal and ore moving wholly within the State of Utah;

(b) No increase to be made in the present minimum charge of $15.00 on carload shipments or the present minimum charge of 50 cents on less than carload shipments or in the present minimum 25-5 scale;

(c) No increase to be made in passenger fares now in excess of three cents per mile;

(d) No increase to be made in any passenger fares applying wholly within the State of Utah upon any electric line.

ORDERED FURTHER, That carriers which have not established the minimum charges and minimum class scale referred to herein are hereby permitted to do so.

ORDERED FURTHER, That the Public Utilities Commission of Utah expressly retains jurisdiction over all matters herein.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 325-A

In the Matter of the Application for increases in revenues of railroads in Utah—Utah Idaho Central Railroad Company.

Submitted October 27, 1920. .. Decided November 19, 1920.

REPORT OF THE COMMISSION

By the Commission:

Petitioner asks permission to alter, change and amend its local passenger tariff so as to permit it to charge and collect a one way fare of 10 cents and a round trip fare of 20 cents, between any two stations on its lines in the State of Utah. Present fares are 5 cents one way and 10 cents for the round trip between any two stations.

Petitioner alleges as reasons for desiring to make the change that it is possible for patrons of the railroad to defeat through published rates by making combinations of local rates that result in lower fares in some instances than the regular published fares; that the minimum one way fares on other electric lines in Utah are 15 cents one way and 25 cents round trip; that the present 5-cent one way and 10-cent round trip fares of the petitioner, generally apply between small stations where but few passengers use the trains, and that the present low minimum fare does not cover the cost of making the necessary stops.

The case was heard, after due notice to the public, at Ogden, Utah, on October 21, 1920. No protests had been filed with the Commission, and no one was present to protest personally.

Testimony in support of the petition was presented by witnesses for the petitioner, and the matter was taken under advisement.

Later a protest was received from residents of Providence, Utah, who alleged that they had not learned of the hearing until after it had been held. They asked that the case be reopened in order to give them a chance to be heard. This was done and another hearing was had at Salt Lake City, on October 27, 1920, when H. B. Campbell and George

M. Pickett appeared on behalf of the Town of Providence and its residents.

Testimony submitted by the protestants was to the effect that about sixty people residing at Providence made daily trips to and from Logan for business and social purposes and for attending school. Protestants contended that the distance of 1.8 miles between Logan and Providence was so short that it was felt the proposed increase of fares was not justified, especially in view of the regular and continuous nature of the traffic between these points.

The Commission feels that the nature of the service given by the petitioner is such as to justify higher minimum fares than have been charged. The fact that petitioner's trains will make stops at any station to pick up and discharge one or more passengers would seem to entitle it to a greater compensation than 5 cents for the transportation of a passenger a very short distance, or a distance that would bring him within the minimum.

It would seem that 10 cents for one way fare and 20 cents for round trip is justified by the conditions existing along the line of this railroad, and should, in general, be made the minimum rates.

The Commission is impressed, however, by the testimony presented by the representatives of the Town of Providence. So far as developed at the hearing, and so far as can be learned by investigation, the situation as regards the traffic between Providence and Logan has no counterpart elsewhere along the line. It appears proper, therefore, to make a special provision for the traffic between these points on account of the short distance and the regularity and volume of the traffic.

The Commission, therefore, finds:

1. That petitioner should be allowed to change, alter and amend its local passenger tariff so as to provide a minimum one way fare of 10 cents and a minimum round trip fare of 20 cents between any two stations on its line in Utah.

2. That petitioner should provide commutation fares applicable between Providence and Logan not to exceed 15 cents for each round trip, and that commutation books should be furnished and sold by petitioner to its patrons for use between these points, each book to contain 24 round trip tickets for use during any calendar month, and to be sold at a price not to exceed $3.60 for each book.

3. That the increased rates herein allowed may be made effective on five days' notice to the public and the Commission.

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 November, A. D. 1920.

CASE No. 325-A

In the Matter of the Application for increases in revenues of railroads in Utah—Utah Idaho Central Railroad Company.

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

IT IS ORDERED, That the application be granted, and that applicant, Utah Idaho Central Railroad Company, be, and it is hereby, authorized to publish and put into effect, increased minimum passenger fares which shall not exceed 10 cents one way and 20 cents round trip, between any two stations on its line in Utah.

ORDERED FURTHER, That petitioner shall publish and put into effect commutation fares between Providence and Logan which shall not exceed 15 cents per round trip, commutation tickets to be sold in books of 24 round trip tickets for use during any calendar month.

ORDERED FURTHER, That such increased rates may be made effective upon five days' notice to the public and to the Commission, publication naming such increased rates to bear upon the title page:

> "Issued on less than statutory notice under authority of Public Utilities Commission of Utah, order dated November 19, 1920, Case No. 325-A."

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 325-B

In the Matter of the Application for increases in revenues of railroads in Utah.

Submitted October 20, 1920. **Decided October 25, 1920.**

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

This is an application of the Salt Lake, Garfield & Western Railway Company, for permission to issue on one day's notice a supplement to its Local Passenger Tariff No. 3, increasing rates in Item No. 8, which item names regular one-way trip fares between the termini of the said Railway. The increase sought is 5 cents for the one-way fare.

Applicant states that the recent order issued by the Public Utilities Commission of Utah in Case No. 325, granting increases in intrastate rates, prevented the electric interurban railroads from increasing their passenger fares, and alleges that the other electric railroads in the State are charging for passenger traffic on the basis of 3 cents per mile, while applicant's present rate is slightly over 2 cents per mile, and state that the said increase, if granted, will result in a fare basis of slightly less than 2½ cents per mile.

Applicant further alleges that the increase is sought for the reason that during the winter months traffic to and from Saltair is limited, and that operations are conducted at a loss.

Applicant further alleges that the proposed increase will not affect any regular patrons of the Railroad who may desire to avail themselves of commutation rates, for the reason that no increase is sought in such rates.

A hearing was held in the Commission's office at Salt Lake City, October 20, 1920, at which time Mr. Joel Richards, a witness on behalf of the petitioner, testified as to revenues and expenses of applicant for the year ending August 31, 1920, as well as probable increase in revenues yielded by the proposed rate, it being shown that operations during the winter months are conducted at a loss; that, while the pro-

posed increase would reduce somewhat, it would not, by any means, wipe out such deficits; that the increases heretofore granted by this Commission have largely been absorbed through the increased operating expenses.

Previously in this case (No. 325) the Commission denied increases in passenger fares to electric interurban railroads, for the reason that it did not deem the showing sufficient and specific to warrant such increase. It did not stop, however, the carriers from making a further showing as to specific rates.

Upon the showing made by this carrier, and after full consideration of all material facts that may or do have any bearing upon the application of said Salt Lake, Garfield & Western Railway Company, it appears that the increase sought 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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 25th day of October, A. D. 1920.

CASE No. 325-B

In the Matter of the Application for increases in revenues of railroads in Utah.

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, Salt Lake, Garfield & Western Railway Company, be, and it is hereby, authorized to publish and put in effect on one day's notice to the public and to the Commission, rates between Salt Lake City and Saltair Beach, which shall not exceed the following:

Regular one-way trip fare, Salt Lake City to Saltair Beach	35c
Regular one-way trip fare, Saltair Beach to Salt Lake City	35c
Regular one-way trip half fare, Salt Lake City to Saltair Beach	20c
Regular one-way trip half fare, Saltair Beach to Salt Lake City	20c

ORDERED FURTHER, That publication bearing such increased rates shall bear upon the title page the following notation:

"Issued upon less than statutory notice by authority of Public Utilities Commission of Utah order in Case No. 325-B, dated October 25, 1920."

By the Commission.

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

326. **In the Matter of the Application of the UTAH LIGHT & TRACTION CO., for permission to remove from that portion of 11th West St. between 8th South St. and Indiana Ave., and from that portion of Indiana Ave. between 11th West and Cheyenne Sts., its rails, ties, poles, wires and all electrical and other equipment now by it installed thereon; and for a Certificate of Convenience and Necessity authorizing it to operate over and along 8th South St. from 11th West to Cheyenne Sts., Salt Lake City.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 327

In the Matter of the Application of B. J. DORTON, for permission to operate an automobile stage line between American Fork and Saratoga Springs, Utah, via Lehi.

Submitted June 7, 1920. **Decided July 1, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed May 22, 1920, B. J. Dorton asks permission to operate an automobile stage line for the transportation of passengers between American Fork and Saratoga Springs, via Lehi, Utah, charging $1.00 for the round trip, American Fork to Saratoga Springs, when not more than eight passengers, and 75 cents when more than eight passengers; and 75 cents round trip, Lehi to Saratoga Springs, when not more than 8 passengers, and 50 cents when more than eight passengers.

Petitioner further states in his application his intention to operate five round trips daily, on a regular schedule, holding his car for call at other times. Petitioner alleges that there is no regular service to and from Saratoga Springs, and no established charge by parties who have cars for hire and who transport passengers between these points.

On June 7, 1920, Mr. F. M. Abbott, Special Investigator of this Commission, went to Lehi to investigate the matter, due notice having been given.

Saratoga Springs is located approximately eight miles from American Fork, and four miles from Lehi, and is a resort on the northern and western side of Utah Lake, where many pleasure seekers visit to enjoy the bathing, fishing and other attractions.

In addition to applicant, several other parties have been conveying passengers to and from the Springs, operating cars for hire.

Applicant has one five-passenger Ford car, and arrangements whereby he claims to be able to secure a seven-passen-

ger touring car and a truck with a specially designed body, with a capacity of twenty people.

The resort is reported as being open all the year, and receiving the best patronage during the summer months when excursion parties are formed to enjoy its attractions.

Lehi is served by two steam and one electric railroads, all of which furnish transportation facilities between American Fork and Lehi. There does not seem to be any demand for exclusive service on the part of the general public, and there is no public necessity or demand at present for the establishment or operation of a stage line. The travel is irregular and many persons desire to go to the resort at such time as will best suit their pleasure and convenience. Such travel appears to be best served by permitting a taxicab or "for hire" service, which permits passengers to make arrangements most suitable to their individual needs and desires.

The application will, 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 1st day of July, A. D. 1920.

CASE No. 327

In the Matter of the Application of B. J. DORTON, for permission to operate an automobile stage line between American Fork and Saratoga Springs, Utah, via Lehi.

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

CASE No. 328

In the Matter of the Application of ELMORE ADAMS, for permission to operate an automobile stage line for the transportation of passengers and express, between Dewey, Tremonton and Garland, Utah.

Submitted June 22, 1920. **Decided July 7, 1920.**

REPORT OF THE COMMISSION

By the Commission:

In an application filed May 27, 1920, petitioner asks the Commission to issue an order authorizing the establishing of an automobile stage route between Dewey and Tremonton and Garland, in Box Elder County, Utah, alleging that public convenience and necessity require the giving of such service.

Investigation of the matter was held at Dewey, June 22, 1920, by F. M. Abbott, Special Investigator for the Commission.

Mr. Abbott's report, filed with the Commission June 29, 1920, shows that conditions existing at present in that district are very similar to the conditions that were found by the Commission in Case No. 166, decided July 10, 1919. At that time, R. L. Frost and Myron Bond had applied for permission to establish a stage route between the same points covered by this application, and their application was protested by this petitioner, who testified that the public was being well cared for under the system of transportation then in effect.

The Commission's Special Investigator recommends that, inasmuch as conditions have not changed, the order of the Commission in this case be the same as in Case No. 166, wherein the Commission found that public convenience and necessity did not require the operation of the proposed stage line.

The recommendations of the Special Investigator will be adopted as the finding of the Commission in this Case.

An appropriate order will be issued.

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

(SEAL)
Attest:

(Signed) HAROLD S. BARNES,
Assistant Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 7th day of July, A. D. 1920.

CASE No. 328

In the Matter of the Application of ELMORE ADAMS, for permission to operate an automobile stage line for the transportation of passengers and express, between Dewey, Tremonton and Garland, Utah.

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) HAROLD S. BARNES,
(SEAL) Assistant Secretary.

329. MURRAY CITY, a Municipal Corporation,

Complainant,

vs.

OREGON SHORT LINE RAILROAD COMPANY,

Defendant.

PENDING.

330. In the Matter of the Application of the UINTAH TELEPHONE COMPANY, for permission to increase it rates.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 331

BEAR RIVER VALLEY TELEPHONE CO,
Complainant,

vs.

UTAH POWER & LIGHT COMPANY,
Defendant.

ORDER

Upon motion of the complainant;

IT IS ORDERED, That the complaint in the above entitled matter be, and the same hereby is, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 7th day of September, A. D. 1920.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 332

GEORGE H. WATTS, et al.,

Complainants,

vs.

UTAH LIGHT & TRACTION COMPANY,

Defendant.

Submitted August 12, 1920. **Decided August 19, 1920.**

John E. Pixton for complainants.
H. F. Dicke for defendant.

REPORT OF THE COMMISSION

By the Commission:

In a complaint filed June 15, 1920, complainants herein ask that the defendant company be required to change its zone limit from 59th South Street to 64th South Street, in Murray City, Utah. The allegation is made in the complaint that the fixing of the zone limit at 59th South Street entails a hardship on the people residing within Murray City south of that point, in that they are required to pay two fares for a single passage to the center or north end of Murray, or two fares for a single ride within the limits of said City, and that they are required to pay three fares for a single passage from the south limits of Murray to Salt Lake City.

The defendant filed an answer to the complaint, and the case was heard August 12, 1920.

At the time of the hearing, the defendant company, by its Manager, H. F. Dicke, consented to the granting of the request of complainants for the changing of the zone limit to 64th South Street. He stated that the making of this change would effect the revenues of the Company but slightly, and it would undoubtedly be more satisfactory to the public.

He said, however, that if two fares had been demanded of, or paid by, the public for one ride wholly within Murray City, it was a mistake on the part of the Company's employees, because the Company had issued a bulletin which

was in the hands of all conductors, carrying into effect the order of the Commission, which was that not more than one fare could be charged for one ride within Murray City. Counsel for the complainants did not press this matter, and agreed to a full settlement of the issues in this case on the basis of changing the zone limit as requested.

The Commission is of the opinion, and, therefore, finds that this change should be made.

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 August, A. D. 1920.

CASE No. 332

GEORGE H. WATTS, et al.,

Complainants,

vs.

UTAH LIGHT & TRACTION COMPANY,

Defendant.

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 Utah Light & Traction Company be, and it is hereby, authorized to extend its zone limit in Murray City from 59th South Street to 64th South Street.

ORDERED FURTHER, That such change may be made upon one day's notice to the Commission and to the public, by publishing and filing with the Commission, a supplement to its local tariff naming such changed zone limit.

By the Commission.

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

333. In the Matter of the Application of the AMERICAN RAILWAY EXPRESS COMPANY, for authority to increase express rates and to change its classification.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 334

In the Matter of the Application of NEPHI CITY, for permission to increase its electric and water rates.

Submitted August 21, 1920. Decided September 30, 1920.

L. A. Miner for petitioner.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

Hearing in the above entitled matter was held at Nephi, Utah, July 10, 1920, upon the application filed, together with proof of publication of the notice of hearing. There were no protests or objections filed or made.

The petitioner, by its officers, asks that an order be made authorizing and directing it to take the proper steps necessary to increase the rates for light, power and water furnished to the inhabitants of Nephi City, upon the grounds that there are outstanding bonds amounting to $25,000, and that under the present rates charged the revenues are not sufficient to properly maintain said systems, and that it is impossible to set aside money for sinking fund to meet said bonds when the same shall be due; that the rates now charged for light, power and water are unreasonably low, and that it is absolutely necessary in order to preserve the systems above referred to and to meet the obligations, to raise the rates for said light, power and water.

The petitioner was informed by the Commission that the matter of municipal water rates was entirely within the jurisdiction of the City Council, and notwithstanding water corporations were made utilities under the Public Utilities Act, a construction of the Constitution of the State would seem to clearly indicate that such matter could not be taken from the jurisdiction and control of the city council of a municipal corporation where the city is given control of the water, and in this case it would appear that the control of water for domestic purposes is given to the

municipality, and such control undoubtedly contemplates the fixing of rates.

It was further held by the Commission, and the petitioner was so instructed, that the creating of a sinking fund with which to pay the bonded indebtedness, together with the interest thereon, could only be done by an annual assessment against all taxable property within the municipality.

It appeared from the testimony given that Nephi City, a municipality, had, a number of years ago, invested in a power plant for the purpose of furnishing light and power to the inhabitants thereof; that during said time there had been no depreciation fund created and that there was at the present time considerable necessity for replacing some parts of the system, and that there were no funds on hand to pay for such improvement.

It was further represented that the employees engaged in the care and distribution of the light and power, were not sufficient, and that the salaries paid for such service were unreasonably low.

The Mayor of Nephi testified that the plant was installed in 1903, and bonds to the amount of $11,000 were issued to pay for the same; that the rates fixed in 1903 have never been advanced. In 1918 the total receipts from said plant were $6,815.55, while the total disbursements were $7,731.92, making a deficit of $916.37. In 1919 the total receipts were $8,336.52, and the total disbursements $7,186.90, leaving a credit balance for the year of $1,149.62.

It was further claimed that the salaries paid to the operators of the plant were extremely low, the electrician and assistant electrician, and the lineman being paid respectively $115, $75 and $90 per month, and that in order to make such salaries reasonable it was proposed that the said salaries be raised to $150, $100 and $125 respectively.

The lineman heretofore read the meters and collected the bills, and upon the sugestion of the Commission that this method ought to be changed it is proposed to have the City Treasurer make the collections, and that he be paid for such work $20 per month; and that the Recorder be paid $15 a month for the work performed by him which belongs to the light and power division.

From the report of the City Recorder, who is the auditor of accounts of the electric plant, the cost of needed replacements is shown to be $9,639.50; that the total increase of labor necessary for the year will be $1,560.

The revenue for the year 1919 was $8,336.52. Under the proposed rates it would give $11,427.19. Out of this amount expenses amounting to $8,746.90, including advanced

wages, must be taken care of, leaving a balance of $2,680.29 to take care of replacements and depreciation.

It appeared from the testimony that a considerable amount of what should have been set up as a depreciation fund was used for the payment of interest on bonds. It would further appear that a considerable amount has been paid from the earnings from the operation of the plant for additional equipment.

The present rates, and the rates proposed to be charged, are as follows:

	Present	Proposed
Lighting Rate, per K. W. H.	7c	10c
Minimum $1.00 per month.		
Power Rates:		
Heating purposes, per K. W. H.	2c	3c
Power purposes	$2.00 per H. P. for first 10 H. P.	
	$1.60 per H. P. for all above 10 H. P.	

It clearly appears that the advances asked for should be allowed.

A municipally owned utility such as the electric light system of this applicant cannot and should not be operated for profit. The rates should, therefore, be so fixed that the consumers will be required to pay no more than is needed for operating expenses, maintenance and depreciation. It follows that whatever revenues are derived, in excess of current operating expenses and maintenance, must be reserved to replace worn out or obsolete property. The applicant's accounting system should be such as to show at all times the condition of this fund.

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 30th day of September, A. D. 1920.

CASE No. 334

In the Matter of the Application of NEPHI CITY, for permission to increase its electric and water rates.

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, NEPHI CITY, be, and it is hereby, permitted to publish and put into effect on five days' notice to the public and to the Commission, the increased rate set forth in the report attached hereto.

ORDERED FURTHER, That applicant shall file with the Commission, schedules naming such increased rates, at least five days before the effective date thereof.

By the Commission.

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

335. **TOWN OF MILFORD, a Municipal Corporation,**

Complainant,

vs.

TELLURIDE POWER COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 336

In the Matter of the Application of KHALIL SHURTZ, for permission to operate an automobile stage line between Escalante and Marysvale, Utah.

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 21st day of July, A. D. 1920.

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

337. **In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to increase its milk and cream rates.**

PENDING.

338. **In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue the operation between Salt Lake City, Utah, and Garfield, Utah, of trains Nos. 55, 56, 58 and 59.**

PENDING.

339. **HYRUM NEBEKER, et al.,**

Complainants,

vs.

UTAH & WYOMING INDEPENDENT TELEPHONE COMPANY,

Defendant,

PENDING.

340. **In the Matter of the Application of J. DAVID LEIGH and EDWARD DAVIS, for permission to operate an automobile freight and express line between Lund and Parowan, Utah, and for permission to increase rates.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 341

In the Matter of the Application of the BRADSHAW-HINTON TRUCK LINE, for permission to increase its rates and to change its name.

Submitted July 26, 1920. Decided September 20, 1920.

George R. Lund for petitioner.

REPORT OF THE COMMISSION

By the Commission:

In an application filed June 10, 1920, the Bradshaw-Hinton Truck Line, engaged in transporting freight, express and baggage between Lund, Utah, and Toquerville, LaVerkin and Hurricane, Utah, asks permission to make certain increases in the rate charged for the transportation between the above named points. The present and proposed rates are as follows:

	Present	Proposed
Trunks	$ 1.50 each	
All baggage and trunks, to 100 pounds in weight,..	.....	$ 1.50 each
Excess Weight	.....	1½c per pound
Pianos	10.00 each	$15.00 each
Tin cans	1.00 cwt.	1.50 cwt.
All glass	1.00 "	1.50 "
Lumber and piping	1.00 "	1.25 "
Furniture	1.00 "	1.25 " S. U.
All deliveries free.		All deliveries outside town limits, 10c per cwt. Minimum charge 25c.

Petitioners also ask that a new permit be issued in the name of the Hurricane Truck Line, the effect of this being to change the present name of Bradshaw-Hinton Truck Line.

After notice, the application was heard at Lund, Utah, by the Secretary of the Commission. There were no protests.

At the hearing petitioners asked permission to amend their application as follows:

Pianos	$1.50 per cwt.
Plate glass and glass containers	1.25 per cwt.
Minimum delivery charge	.25

Testimony was introduced showing the increased cost of oil, gas and supplies used in conducting the transportation line, and the extra expense incurred in handling the articles on which the advanced rates are desired.

Applicants were unable to introduce actual figures showing tonnage, revenues and expenses. The Commission must, therefore, consider all elements entering into the operation of such a freight line in determining if the increases should be granted.

The increased cost of operation is due to prevailing high prices of all commodities, which requires no discussion in this case.

The distance traversed by this line is approximately 60 miles, a portion of which is over mountain roads.

The articles on which advanced rates are desired, from their nature, require more care in handling, and in some instances extra equipment, as in the case of long piping, than the ordinary package shipment. Tin cans, boxed or crated, are bulky and fill the space capacity of a truck without loading it to weight capacity.

From the testimony it appears that the change in name is desired by reason of one of the partners wishing to dispose of his interest in this line. There appears no objection to permitting this change.

After consideration of the facts presented, the Commission finds:

1. That the application should be granted, and the increased rates sought should be made effective upon ten days' notice to the public and the Commission.

2. That applicants should be permitted to designate this freight line by the name of Hurricane Truck Line .

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 September, A. D. 1920.

CASE No. 341

In the Matter of the Application of the BRADSHAW-HINTON TRUCK LINE, for permission to increase its rates and to change its name.

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, Bradshaw-Hinton Truck Line, be, and is hereby, authorized to increase its freight rates as set forth in the report attached hereto, on ten days' notice.

ORDERED FURTHER, That applicant be permitted to change the name of the truck line from the Bradshaw-Hinton Truck Line to the Hurricane Truck Line.

ORDERED FURTHER, That applicant shall file with the Public Utilities Commission of Utah and post at each station, printed or typewritten schedules naming such increased rates, at least ten days before the effective date thereof.

By the Commission.

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

342. **O. A. SEAGER, et al.,**

Complainants,

vs.

UTAH POWER & LIGHT COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 343

In the Matter of the Application of E. H. ABRAMS, for permission to operate an automobile freight line between Price and points in the Uintah Basin.

Submitted August 31, 1920. Decided September 4, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed July 20, 1920, E. H. Abrams asks authority to operate an automobile truck line for the transportation of freight, between Price, Vernal, Duchesne and intermediate points in Utah.

After due notice the case was heard at Price, August 31, 1920, by Special Investigator F. M. Abbott. There were no protests to the granting of the application.

Applicant represented that he had made a survey of the needs of the territory which he desires to serve, and finds that public convenience and necessity require the operation of an established line for the transportation of freight between the points above named.

Testimony was introduced to show that applicant has at the present time, four trucks, ranging from two and one-half to five ton capacity, and one 10-ton trailer, and that he has sufficient capital available to properly maintain and operate such a line and secure such additional equipment as may be required.

Testimony was to the effect that applicant desired to establish at Myton, a warehouse to be used for storing freight delivered his line for shipment, and also to provide similar facilities at Vernal and Price.

On January 21, 1920, in Case No. 260, authority was granted to Mr. A. Boulais to operate a freight line between these points. However, Mr. Boulais has failed to file with the Commission his schedule of rates, charges, etc., as required in the Commission's order, and the Commission has been unable to locate him since the order was granted. He did not appear at the hearing.

Notice of hearing was sent to various business concerns located in the Uintah Basin, in order that they might be advised of the application should they desire to introduce any testimony either in favor of the application or to show that such service was not needed. None of the parties made any appearance at the hearing.

The Commission has in the past made investigations and studies of the needs of the towns located in the Uintah Basin, and which are dependent upon truck service from and to Price and Helper to supply them with the articles which it is necessary to ship into that territory, and to furnish an outlet for their products, and has found that public convenience and necessity require an established freight service.

After consideration of the facts presented in this application, the Commission finds:

1. That the application should be granted, and applicant, E. H. Abrams, should be granted authority to operate an automobile truck line for the transportation of freight between Price and Vernal and intermediate points.

2. That applicant should begin such operations at an early date, and notify the Commission when such operations begin.

3. That before beginning such operations, applicant shall file with the Commission, a schedule showing the rates and charges to be assessed, as well as a schedule showing the time of arrival and departure of his trucks from the various stations upon this 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. 91

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of September, A. D. 1920.

CASE No. 343

In the Matter of the Application of E. H. ABRAMS, for permission to operate an automobile freight line between Price and points in the Uintah Basin.

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. H. ABRAMS, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile freight line between Price and points in the Uintah Basin, 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 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

CASE No. 344

In the Matter of the Application of ERNEST W. CROCKER and L. C. OSBORNE, for permission to operate an automobile stage line between Salt Lake City and Pine Crest, in Emigration Canyon, Utah.

ORDER

Upon verbal motion of the applicants, 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 6th day of October, 1920.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 345

In the Matter of the Application of JOHN R. KIRKENDALL, for permission to operate an automobile stage line between Eureka and Payson, Utah.

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.

By the Commission.

Dated at Salt Lake City, Utah, this 5th day of October, A. D. 1920.

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

346. In the Matter of the Application of the WESTERN UNION TELEGRAPH COMPANY, for permission to increase rates.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 347

Clearance Permit No. 5

In the Matter of the Application of the UTAH SAND & GRAVEL COMPANY, for relief from the Commission's Tentative General Order governing clearances.

REPORT AND ORDER

By the Commission:

The applicant, Utah Sand and Gravel Company, in an application filed April 14, 1920, asks relief from the provisions of the Commission's Tentative General Order requiring an overhead clearance of 22 feet from the top of the rails of the spur track serving applicant's gravel loading bin, located upon the track of the Oregon Short Line Railroad at North Salt Lake.

The Commission having caused investigation to be made, finds:

That applicant is engaged in loading and shipping gravel by rail from its pit at North Salt Lake, and to facilitate the loading of cars desires to construct an overhead loading bin, the gravel passing through vertical chutes into open top cars, which are run under the bin by gravity, no locomotives passing under the bins. The method of loading prohibits the use of closed cars for gravel and there appears to be no other movement which would require the use of closed equipment on the spur in question.

The Oregon Short Line Railroad Company, which operates over this spur, offers no objection to a modification of the overhead clearance provided by the Commission, but recommends 16 feet 6 inches from the top of rail to bottom of bins.

IT IS THEREFORE ORDERED, Adjudged and Decreed, That applicant, The Utah Sand & Gravel Company, be, and it is hereby, granted relief from the Tentative General Order dated September 1, 1917, regarding clearances, insofar as

the same applies to overhead clearances, and is authorized to maintain an overhead clearance of sixteen (16) feet six (6) inches, at its gravel loading bin at its North Salt Lake plant.

ORDERED FURTHER, That no locomotives or box cars be permitted to pass under said bins where the above clearances are maintained.

The Commission reserves the right to issue any further orders as regards clearance that may be necessary to fully and adequately afford protection in the operation of this industry.

By the Commission.

Dated at Salt Lake City, Utah, this 6th day of August, 1920.

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

(SEAL)
Attest:

(Signed) T. E. BANNING,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 348

In the Matter of the Application of the KAMAS - WOODLAND TELEPHONE COMPANY, for permission to increase rates for telephone service.

Submitted September 23, 1920. Decided October 16, 1920.

E. R. Callister for petitioner.

REPORT OF THE COMMISSION

GREENWOOD, Commissioner:

The above entitled application came on for hearing at Kamas, Utah, September 23, 1920.

There were no written protests filed, but at the hearing there appeared a committee representing people of Oakley, who represented that the patrons at said place were opposed to any further advance for the reason that the service they were receiving was not worth the rate now charged, and that before they would consent to a further advance they demanded a more adequate and satisfactory service. They predicated their complaints upon inattention at the switchboard, overcharging on long distance calls, and too many patrons on one line.

It was claimed by the petitioner that an increase in the present rates was necessary to enable the Company to give to its patrons a better and more satisfactory service, and that the rates asked for would, in a limited way, furnish means necessary for such purposes.

Testimony submitted was to the effect that the operating revenues for the year 1919 amounted to $3,936.00. The operating expenses amounted to $4,921.00, leaving a deficit of $985.00. Under the proposed rates it is claimed the operating revenues for one year would amount to $5,292.00 while the operating expenses would be $4,921.00, as at present, leaving a credit balance of $371.00 to pay interest on the investment and provide a depreciation fund.

The physical value of the property used and useful in the giving of the service, as claimed by the petitioner, amounts to $18,554.88, a detailed account of which was

filed with the Commission. The valuation was predicated upon the present prevailing prices, which the Commission could not sanction and pass upon at this time, for the reason there has been no check made of the so-called physical valuation made by the petitioner. It would appear, however, that the amount of net revenue which would be realized from the advanced rates would not be sufficient to take care of, in any degree, a depreciation fund and provide a return on the investment, even at a very greatly reduced valuation.

If the valuation as contended for by the petitioner is reasonable, and an amount were allowed for depreciation and return on investment, it would require over $2,000 additional revenue to meet such charges.

The protestants from Oakley urgently represented that if an advance was allowed before the service was improved, the subscribers at that point would take their phones out. Notwithstanding such determination it would appear that the only thing for the Commission to do, under the showing, would be to allow the advance, and require the improvement asked for by the people at Oakley and Kamas to follow, the petitioner claiming that it is impossible for the Company to install the necessary improvements until revenue is obtained to pay for the same, and that it is the intention of said Company to put into practice such economies and improvements as would reasonably give adequate service to the public. It is to be hoped that the protestants at Oakley will give the applicant an opportunity to improve the service after the rates are advanced.

It might be well to here observe that there appears to be considerable prejudice and feeling against the management and the service. It would appear that the field in which the petitioner is operating is one that would naturally afford a desirable and profitable return on the investment, but in order to produce such results it is clearly necessary to make the changes and improvements which would no doubt result in added extensions, for it appears that there are a great many people who need such service that have yet failed to avail themselves of the same.

It was claimed that there was a practice somewhat prevalent in a number of people using their neighbor's telephone, which, of course, is unfair and could not under any circumstances be approved, for the reason that a service is being given for which there is no return.

Under the showing it would appear that the following rates should be authorized:

For each one-party business telephone within the Town of Kamas, a monthly charge of.....$5.00
For each one-party residence telephone within the Town of Kamas, a monthly charge of.....$3.50
For each four-party residence telephone within the Town of Kamas, a monthly charge of.....$2.75
For each business telephone outside the Town of Kamas, a monthly charge of $4.50
For each residence telephone outside of the Town of Kamas, a monthly charge of.....$3.00

An appropriate order will be issued.

(Signed) JOSHUA GREENWOOD,
Commissioner.

We concur:

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

(SEAL)
Attest:

(Signed) HAROLD S. BARNES,
Assistant Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of October, A. D. 1920.

CASE No. 348

In the Matter of the Application of the KAMAS - WOODLAND TELEPHONE COMPANY, for permission to increase rates for telephone service.

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, the Kamas-Woodland Telephone Company, be, and it is hereby, permitted to publish and put into effect, on ten days' notice to the public and to the Commission, rates which shall not exceed the following schedule:

	Per Month
For each one-party business telephone within the Town of Kamas	$5.00
For each one-party residence telephone within the Town of Kamas	3.50
For each four-party residence telephone within the Town of Kamas	2.75
For each business telephone outside the Town of Kamas	4.50
For each residence telephone outside the Town of Kamas	3.00

ORDERED FURTHER, That applicant shall file with the Public Utilities Commission of Utah, schedules naming such increased rates, at least ten days before the effective date thereof.

By the Commission.

(Signed) HAROLD S. BARNES,
(SEAL) Assistant Secretary.

349. In the Matter of the Application of LORENZO R. THOMPSON and JOHN S. FORSGREN, doing business as Brigham City Motor Transfer Service, for permission to operate an automobile freight and express line between Brigham City and Ogden, and intermediate points.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 350

In the Matter of the Application of ENOS E. WINDER, for permission to operate an automobile stage line between Anderson's Ranch and Springdale, and intermediate points.

Submitted September 11, 1920. Decided October 1, 1920.

George R. Lund for petitioner.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant herein requests authority to operate an automobile passenger line between Anderson's Ranch and Toquerville, LaVerkin, Hurricane, Virgin, Rockville and Springdale. It is set out in the application that it is proposed that the stage will leave Anderson's Ranch at 6:30 p. m., arriving at Springdale, after passing through the points above named, at 10 p. m. On the return trip the stage is scheduled to leave Springdale at 5 a. m. and arrive at Anderson's Ranch at 8:30 a. m.

This stage line will connect at Anderson's Ranch with the auto stage line now being operated by Marshall & Farnsworth between Cedar City and St. George. The rate proposed to be charged for the service is 10 cents per mile for each passenger. The service is proposed to be given every day except Sunday.

The case was heard at St. George, September 11, 1920.

The applicant, Enos E. Winder, a resident of Springdale, Utah, testified that at the present time there is no passenger service regularly given between the points covered by this application, except such service as is given by the National Park Transportation & Camping Company, which latter service is designed particularly to accommodate excursionists wishing to visit Zion National Park.

The applicant testified that he was able to supply equipment sufficient to give daily service, except Sunday, over this route. At the present time he is carrying the mail over this route under contract with the Government, and makes six round trips weekly. It was not his expectation

that he would interfere with the excursion traffic to Zion National Park if the petition was granted, his application more particularly covering local traffic of business men and residents of the towns served.

He testified that he was familiar with the operation of automobiles and was able to and would carry on the business, if permission is granted, in a safe, regular and proper manner.

No testimony was offered in opposition to the application.

There was present at the hearing, Mr. C. G. Parry, of Cedar City, Utah, Transportation Manager of the National Park Transportation & Camping Company, who made a statement covering the operations of his line into Zion National Park.

Subsequent to the hearing at St. George, investigation was made of the road from Anderson's Ranch through the towns mentioned in the application to the proposed terminus at Springdale. There appeared to be no particularly hazardous roads to traverse, and the population and business in the various towns and villages appeared to be such as to justify a continuous service being given. It can not be expected that there will be a very heavy traffic, and the testimony of Mr. Winder that perhaps two or three will be the average number carried daily, will, in all probability, be found correct.

It is apparent that some passenger service should be given throughout the year to the residents along this route. It is doubtful if this application, if granted, would interfere seriously or at all with the excursion traffic of the National Park Transportation & Camping Company, whose excursion parties are usually through passengers from Cedar City and beyond.

Mr. W. W. Wylie, who is in charge of Wylie's Camp in the National Park, and who is the chief party in interest in the National Park Transportation & Camping Company, was interviewed in regard to the matter, and expressed himself as being not particularly opposed to the granting of the application, provided service is given with regularity and safety, and so as not to interfere with his business.

After a full consideration of all the facts presented at the hearing, and after full investigation on the ground, the Commission finds:

1. That the application should be granted.

2. That before beginning operation applicant shall file with the Commission schedules of arrival and departure at the various stations, and the rates to be charged between all points; provided this order shall not be effective prior to October 10, 1920.

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. 92

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 1st day of October, A. D. 1920.

CASE No. 350

In the Matter of the Application of ENOS E. WINDER, for permission to operate an automobile stage line between Anderson's Ranch and Springdale, and intermediate points.

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, ENOS E. WINDER, 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 between Anderson's Ranch and Springdale, and intermediate points.

ORDERED FURTHER, That applicant, before beginning operation, shall post at each station on his route, a printed or typewritten schedule, which shall conform to the rates and charges set forth in the petition, and shall also file with the Commission and post at each station, a schedule showing the arriving and leaving time of all cars; provided this order shall not be effective prior to October 10, 1920.

By the Commission.

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

351. **DAVIS COUNTY, a Municipal Corporation,**

Complainant,

vs.

OREGON SHORT LINE RAILROAD COMPANY,

Defendant.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 352

In the Matter of the Application of J. T. JOHNSON, for permission to discontinue operation of the automobile stage line between Price and Hiawatha, and the application of STANISLAO SILVAGNI, for permission to operate said line.

Submitted August 10, 1920. Decided August 11, 1920.

REPORT OF THE COMMISSION

By the Commission:

An application was filed by J. T. Johnson, on August 7, 1920, for permission to discontinue operating a stage line between Price and Hiawatha, in Carbon County, State of Utah. On the same date, Stanislao Silvagni made application for permission to take over the operation of said line.

The two applications agree upon the statement of facts, which are to the effect that Mr. Johnson desires to dispose of his equipment to Mr. Silvagni for approximately $8,000, but that the transfer of equipment and the withdrawal of Mr. Johnson from the line, is to be conditioned upon the permission of the Commission being secured for Mr. Silvagni to conduct the business.

The case was set for hearing, August 10, 1920, at 2 p. m., at which time Arthur Brown and Clifford Callaway, residents of Price, Utah, appeared and protested the proposed transfer, and made application for a certificate of convenience and necessity to operate the said line.

At the opening of the hearing, discussion was had between the parties to the proceeding, and finally the protest of Arthur Brown and Clifford Callaway was withdrawn. This leaves before the Commission the question of permitting Mr. Johnson to discontinue service, and of issuing a certificate of convenience and necessity to the applicant, Stanislao Silvagni.

The interest of the Commission in the matter is largely that of seeing that the public receives the best possible service. From the testimony introduced it appears that Mr.

Silvagni is financially able to carry on the business, and that he is an experienced automobile driver and stage line operator. Exhibits were filed, consisting of a letter from the Mayor of the City of Price, recommending Mr. Silvagni as a man of integrity, honor and trustworthiness; and also a telegram from the Carbon County Bank, certifying the financial ability of the applicant.

The Commission having made full investigation of this matter, finds that the application of J. T. Johnson for permission to discontinue the service on the stage line between Price and Hiawatha should be granted, and that the application of Stanislao Silvagni for the issuance to himself of a certificate of convenience and necessity for the operation of a stage line between the two points mentioned, should also 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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of August, A. D. 1920.

CASE No. 352

In the Matter of the Application of J. T. JOHNSON, for permission to discontinue operation of the automobile stage line between Price and Hiawatha, and the application of STANISLAO SILVAGNI, for permission to operate said line.

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 granted, and that J. T. Johnson be permitted to discontinue the operation of the stage line between Price and Hiawatha.

ORDERED FURTHER, That Stanislao Silvagni be, and is hereby, authorized to continue the operation of the automobile stage line between Price and Hiawatha formerly operated by said J. T. Johnson.

ORDERED FURTHER, That said Stanislao Silvagni shall immediately file with the Commission, a schedule of his rates, fares and charges, and of the leaving time of his cars from each station, which shall conform to that at present in effect.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH.

CASE No. 353

In the Matter of the Application of J. C. DENTON, for permission to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depots.

Submitted August 19, 1920. Decided September 3, 1920.

E. O. Leatherwood for petitioner.
Paul Ray for H. M. Booth.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The applicant herein asks for permission to operate a stage line over the route designated, as successor to William Smedley and Alfred Smedley, who have hitherto operated between the points mentioned. The Smedley Brothers joined in the petition and request that a certificate issue to Mr. Denton.

H. M. Booth, of Garfield, Salt Lake County, Utah, filed a protest against the granting of a certificate to the applicant and also made a counter application in which he asks that the certificate issue to him.

Hearing was had on August 19, 1920.

The counter petitioner, H. M. Booth, and his brother, Jesse Earl Booth, have heretofore operated the lines covered in this application, which operation continued until January 23, 1920, when the Commission granted a certificate to William Smedley and Alfred Smedley, who had acquired certain automobiles formerly used in this service. Mr. Booth and his brother joined the Smedleys in asking the Commission to grant the certificate to them.

The Smedley Brothers have signified their desire and intention to discontinue the service, which leaves for consideration by the Commission the question as to whether a certificate shall now issue to the applicant, J. C. Denton, or to the counter applicant, H. M. Booth.

Both Mr. Booth and Mr. Denton testified as to their financial ability to equip the line with proper automobiles to give adequate service.

The investigations made by representatives of the Commission indicate that the proper course for the Commission at this time to pursue will be to grant the application of Mr. Denton and to deny the counter application of Mr. Booth.

The Commission is interested primarily in securing for the traveling public, regular, safe and convenient service, and the testimony in this case tended to show that the interests of the public would be best served by the issuance of the certificate as indicated hereinbefore.

It is understood that applicant will adopt the schedule of fares and charges hitherto in effect on these stage lines, and will make proper filings with the Commission showing said fares and charges, and also showing times of arrival at and departure from the various stations, and that he will conduct the business in a way to give the public adequate and proper service.

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. 90

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 3rd day of September, A. D. 1920.

CASE No. 353

In the Matter of the Application of J. C. DENTON, for permission to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depots.

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. C. DENTON, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depots, Utah.

ORDERED FURTHER, That applicant, before beginning operation, shall, as provided by law, file with the Commission and post at each station on its 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)

354. **In the Matter of the Application of GEORGE M. CANNON, for permission to operate an automobile stage line for the transportation of passengers, freight and express, between Salt Lake City and Farmington, Utah.**

PENDING.

355. **BAMBERGER ELECTRIC RAILROAD CO.,**

Complainant,

vs.

UTAH RAILWAY COMPANY, A. R. BALDWIN, Receiver of the Denver & Rio Grande Railroad Co., and LOS ANGELES & SALT LAKE RAILROAD COMPANY,

Defendants.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 356

In the Matter of the Application of B. F. KNELL, for a transfer of the Lund & Cedar City Transportation Company to his name, and permission to increase his fares between Lund and Cedar City.

Submitted September 11, 1920. Decided October 1, 1920.

E. H. Ryan for petitioner.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

Applicant herein asks for the permission of the Commission to increase its rates for the transportation of passengers between Lund and Cedar City, from $2.00 for each adult passenger, one way, to $2.50 for each adult passenger, one way, the rate for transportation of children under ten years of age, $1.00 each way, to remain as at present.

Hearing was had at Cedar City, Utah, September 11, 1920. There were no protests, written or in person. Proof of posting of notice of hearing was filed.

The testimony showed that B. F. Knell is at present the sole owner of the transportation line of the applicant. Mr. Knell testified that he had been operating between the points in question for the past ten years; that the route is 34 miles each way; that he has now in service, a 14-passenger Packard machine, and a Buick 7-passenger machine; that the Packard had been in service since March, 1920, and the Buick is a new machine with only one month of service. The value of his investment approximates $8,300.

Testimony was given as to the cost of operation and income. From the testimony it appeared that the annual income was $9,125, or $760.40 per month. The principal items of outlay, according to the testimony, consisted of:

General upkeep, including cost of tires, repairs, etc.	$328.00	per month
Gas and Oil	156.75	" "
Licenses	4.60	" "

One Driver, including board and lodging	150.00	"	"
Extras and accessories, including telegraphs and telephones, assistance on roads, etc.	35.50	"	"
Salary of Manager	150.00	"	"
Total	$824.85		
Gross Income	760.00		
Net Monthly Deficit	$ 64.45		

It will be observed that the monthly deficit shown is after allowing the salary of Mr. B. F. Knell, owner and manager of the line. In other words, the income shown is sufficient to pay operating expenses and general maintenance, and leave $85.55 per month as compensation for the manager, who himself drives one of the cars when required.

The applicant has never set up any reserve for depreciation, but gave testimony, the effect of which was that the automobiles he has used on this line have, on the average, depreciated 40 per cent a year.

No interest earning on the investment in automobiles is shown in the foregoing tabulation, and it is apparent that the items of interest and depreciation, if computed and charged against the income, would leave a very substantial monthly deficit, in excess of what it will be possible to cover by the granting of the application for increased fares.

In the light of the showing made there seems to be no course open to the Commission but to grant the application, which will be done.

The matter of transferring the Lund and Cedar City Transportation Company's right to operate this line to B. F. Knell, in his personal name, was considered at the hearing, and Mr. Knell withdrew his request for any change of name, thus leaving the business to be conducted by Mr. Knell as sole proprietor, in the name of Lund & Cedar City Transportation Company.

The applicant should at once, as of October 1, 1920, open such books of account as may be necessary in order to show accurately the number of passengers, adults and children, carried each way each day, and the total fares collected daily, and also to show in detail the various items of expenditures, so that the applicant and the Commission can

at any time ascertain the true financial condition of the business.

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 1st day of October, A. D. 1920.

CASE No. 356

In the Matter of the Application of B. F. KNELL, for a transfer of the Lund & Cedar City Transportation Company to his name, and permission to increase his fares between Lund and Cedar City.

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 is hereby, permitted to publish and put into effect on ten days' notice to the public and to the Commission, fares for the transportation of passengers between Lund and Cedar City, which shall not exceed $2.50 one way, for each adult passenger.

ORDERED FURTHER, That applicant shall keep such accounts as will show the number of passengers, adults and children, carried each way each day, and the total fares collected daily, as well as detailed account of his expenditures.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 357

MARSHALL & MILNE,

Complainants,

vs.

JOHN H. PETTY,

Defendant.

Submitted September 11, 1920. Decided October 4, 1920.

George R. Lund for complainants.
Charles Petty for defendant.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The complainants herein complain against the defendant and allege that they are engaged in the automobile truck and freight business between Lund, Utah, and St. George, Utah, and are operating under a schedule of rates approved by the Commission; that the defendant is operating a gasoline tank about twice a week between Lund, Utah, and St. George, Utah, and that this service is being performed by him in disregard of the law and of the rights of the complainants, and at a price about 20 per cent below the rates allowed by the Commission to the complainants for the transportation of gasoline.

Complainants ask that the defendant be restrained from hauling gasoline or any other kind of freight between Lund, Utah, and St. George, Utah, at any rate whatsoever.

The case was heard at St. George, September 11, 1920.

The Complainants' testimony was to the effect that during the time the defendant has been operating, about 25 per cent of their business had been diverted to defendant, resulting in a loss of from $75 to $100 a week; that if this amount is taken from the complainants' business it will interfere disasterously with the freight business generally between Lund and St. George, Utah, for the reason that complainants will not be able to give regular and satisfactory

service if the volume of business is seriously reduced; that at the present time when general freight is scarce, the hauling of gasoline for the various business houses along the route constitutes about 50 per cent of the business, and without the gasoline business it is doubtful if the service could be continued profitably.

The defendant testified that he did not haul freight of any kind for any one in St. George, or elsewhere along the route. His testimony was that he owned a gasoline tank, and that he purchased gasoline at Lund, Utah, at wholesale and conveyed it to Cedar City and to the various towns between that point and St. George, including the latter place, and also including the towns of Toquerville, LaVerkin and Hurricane.

He further testified that no one whom he supplies with gasoline is obligated to take it from them. He sells it to them at their place of business, measuring it on delivery. He further testified that he paid a license to sell gasoline in St. George, which license had been secured in the regular way from the City Recorder of that City. On return trips to Lund he had on some occasions purchased from growers in St. George and other contiguous districts, fruit of various kinds, which he hauled out to dealers along the line and sold to them. The selling price of gasoline he handled was, according to his testimony, based upon the cost at Lund, plus a reasonable profit for hauling.

It appears from the testimony presented that the defendant does not hold himself out as a common carrier for hire, and does not accept for transportation, or transport, any freight for the public or any portion of the public, for compensation. His operations appear to be entirely of a private character, and as such do not come within the jurisdiction of this Commission.

If it shall develop in the future that this defendant engages in the business of transporting freight for the public for hire over and along this route, it will be the duty of the Commission to take action to protect the rights of the complainants who are operating under the permission of the Commission.

Competition between private transportation agencies and common carriers is a matter of some concern to the Commission, which is interested in obtaining the best of service for the public, and to that end is in duty bound to protect in every proper way the interests of those operating under its jurisdiction. It is true that the operations of private carriers may, in this instance as in others, so materially reduce the business of the authorized transporta-

tion companies as to affect injuriously the service given to the public, so that in the end the public suffers by reason of the activities of those that are not under the jurisdiction of the Commission. But as stated hereinbefore, the defendant's operation of selling gasoline is a matter that the Commission cannot, under the law, control, and there is nothing the Commission can do but to dismiss the complaint.

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 4th day of October, A. D. 1920.

CASE No. 357

MARSHALL & MILNE,

Complainants,

vs.

JOHN H. PETTY,

Defendant.

This case being at issue upon complaint 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 complaint herein be, and it is hereby dismissed.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 358

BRADSHAW & HINTON,

Complainants,

vs.

JOHN H. PETTY,

Defendant.

Submitted September 11, 1920. Decided October 4, 1920.

George R. Lund for complainants.
Charles Petty for defendant.

REPORT OF THE COMMISSION

BLOOD, Commissioner:

The identical issues covered in this complaint are considered in full in the report issued today in the matter of Marshall & Milne, complainants, vs. John H. Petty, defendant, Case No. 357. This complaint differs from that in Case No. 357 only in that the defendant is charged in this complaint with conducting an automobile truck freight business between Lund, Utah, and Hurricane, Utah, while in Case No. 357 it was alleged the business was being conducted between Lund, Utah, and St. George, Utah. The Lund to Hurricane route is that covered by the complainants herein.

It was stipulated at the hearing, held at St. George, September 11, 1920, with the parties to this complaint represented that the testimony offered in Case No. 357 should be considered as the testimony in this case.

The issues being identical, the judgment of the Commission will be the same, and the complaint will be dismissed for the reasons stated in Case No. 357.

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 4th day of October, A. D. 1920.

CASE No. 358

BRADSHAW & HINTON,

Complainants,

vs.

JOHN H. PETTY,

Defendant.

This case being at issue upon complaint 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 complaint herein be, and it is hereby, dismissed.

By the Commission.

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

359. **In the Matter of the Application of GEORGE Q. RICH, for permission to operate a passenger, freight and express automobile service between Logan, Utah, and Bear Lake, Utah, via Logan Canyon.**

PENDING.

360. **FRANK QUIST, et al.,**

Complainants,

vs.

UTAH LIGHT & TRACTION CO.,

Defendant.

PENDING.

361. **In the Matter of the Application of JOSEPH F. HANSEN and B. W. DALTON, for permission to transfer to James H. Wade, interests in the automobile stage line between Price and Castle Gate, Utah.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 362

In the Matter of the Application of ALIX BENI, for permission to operate an automobile stage line for the transportation of passengers between Wattis, Utah, and Price, Utah.

Decided November 16, 1920.

REPORT OF THE COMMISSION

By the Commission:

In an application filed September 13, 1920, Alix Beni asks permission to operate an automobile stage line for the transportation of passengers between Price and Wattis, Utah.

The case was set for hearing at Price, Utah, October 15, 1920. The applicant did not appear to show that a necessity for such stage line existed, and the case should, therefore, 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 16th day of November, A. D. 1920.

CASE No. 362

In the Matter of the Application of ALIX BENI, for permission to operate an automobile stage line for the transportation of passengers between Wattis, Utah, and Price, Utah.

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 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.

363. In the Matter of the Application of V. C. JONES and ARTHUR BAILEY, for transfer of the Certificate of Convenience and Necessity heretofore issued to Albert C. Pehrson, to operate an automobile stage line between Price and Wattis, Utah.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 364

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.

Submitted October 5, 1920. Decided November 18, 1920.

F. S. Richards for petitioner.
W. H. Folland for Salt Lake City.

REPORT OF THE COMMISSION

By the Commission:

This is an application for increased rates for gas for illuminating, fuel and power uses in Salt Lake City, Utah. The petitioner, in an application filed September 23, 1920, alleges that the rates now in effect are inadequate and unreasonably low, and do not afford petitioner a reasonable return upon the value of its property devoted to the service of its customers, and are not sufficient to enable petitioner to obtain such new capital as is necessary from time to time to meet the demands of its customers for additions and extensions to its property used in performing the service.

Petitioner further alleges that the valuation heretofore made by this Commission of the Company's property, does not represent the actual present value thereof, and, therefore, asks that a revaluation of the petitioner's property be made, and that pending the hearing on this application, and decision and determination thereon, the petitioner be authorized to collect such increased rates as the Commission may fix and determine.

Hearing was held October 5, 1920. At the hearing the City of Salt Lake was represented by W. H. Folland, its attorney.

An important feature of the hearing was the presentation to the Commission of a revaluation of petitioner's property. In former proceedings (Case No. 87) an inventory and appraisal of the petitioner's property was presented by Hagenah and Erickson, of Chicago, based upon

average unit costs over a five-year period, 1913 to 1917, inclusive. Subsequently, in Case No. 233, the Company presented another appraisal as of 1917-1918, based upon increased unit costs due to war conditions. In the instant case, the highest revaluation figures presented were based upon unit costs reflecting the average level of labor and material prices which prevailed as of July 1, 1920. In each case the original inventory has been used, and the variation in the results is intended to show the advance in labor and material costs, the petitioner laying claim to the right to have its property evaluated at the present level of prices, which would result in increasing the valuation from $2,311,488.94, as found by the Commission in Case No. 233, to $4,241,399, exclusive of working capital and going concern value.

The petitioner presented testimony showing its financial needs in order to place it on a basis properly to give the service demanded by the public, its estimate being that a minimum increase of net earnings required was $197,280. Witnesses for the Company gave testimony that it would be impossible to finance its operations by the issuance of additional bonds to relieve its burden of floating debt, unless the full amount asked were granted; this for the reason that the provisions of the trust deed were such that the net earnings must be swelled by the addition of the $197,280 before new bonds could be issued. It was urged that there be made at this time a finding fixing the higher valuation for rate-making purposes asked for in the petition, and that then a rate of return be granted on the enhanced valuation, in order to provide the full volume of increased revenue alleged to be required.

The Commission can not, however, until further study has been made, fix anew the valuation of this petitioner's property. The question of valuation and of a reasonable return thereon will be held for later determination, and jurisdiction of this matter will be retained pending final action.

Meantime, the Commission feels that there is urgent necessity that financial relief be afforded the petitioner without delay if the utility is to continue to perform the important function of supplying light, heat and power to the community it serves.

In the Commission's decisions in former cases brought by this Company, there has been sufficient discussion of the financial difficulties of this utility. In each case emergency relief has been afforded to the extent only that the Commission felt was absolutely necessary. It has been un-

derstood and acknowledged throughout the various proceedings, that the Company was in desperate financial straits, and the relief given by the advanced rates and charges has been intended merely to bridge the difficulties in the hope that there would soon be a return to normal conditions.

Instead of declining prices, however, this petitioner, in common with the public generally, has been faced with steadily advancing costs of material, fuel supplies and labor, so that each increase allowed has been absorbed almost immediately by higher costs of materials and supplies used and labor employed in the providing of service to the public. Moreover, there has been an unfortunate and unavoidable lag between outlay by the Company and allowance of advanced rates by the Commission. This has resulted from the fact that the petitioner could not anticipate its forthcoming expenses, and could only petition for relief after the higher costs had been incurred. Increases, based upon additional costs, have been made effective considerable time after the initiation of the higher prices. This has forced the Company to finance the increased expenses incurred in the interim, with no opportunity for recovering the amount from consumers.

An instance of this is found in the wage award granted the works employees of the petitioner by a committee consisting of the present mayor of Salt Lake City, C. Clarence Neslen, F. E. Morris and W. H. Folland, which added $14,400 per year to the company's pay-roll. This wage increase became effective July 15, 1920, yet the Company will get no increased revenue with which to pay the additional outlay until after the effective date of this order.

The same conditions have prevailed following recent increases in cost of coal, gas, oil, etc.

A fair-minded consuming public will not object to paying for a service what that service costs. The public is entitled to know, however, that it is being treated fairly. With this in mind the Commission has, in the past, devoted much attention to this utility's financial condition, and has included in former decisons extended statements showing outstanding obligations, operating revenues and expenses, etc. These need not be repeated in detail here, but it will be proper to call attention to the fact that the financing of this Company is becoming progressively more difficult. The gross revenues are not sufficient to cover operating costs, provide for depreciation, and to pay bond interest and other capital charges.

Cash dividends on preferred stock ceased with the

end of 1917, payments thereafter being made in scrip until March 31, 1919, since which time preferred stockholders have received no dividend payments whatever. Holders of common stock have not been paid a dividend.

Mr. George H. Waring, financial witness for the petitioner, presented an estimate showing that it would require $101,358.56 more to pay general operating expenses during the year ended August 31, 1921, than it actually cost during the year ended August 31, 1920.

This estimate is found to be justified when checked by known increases since the date of the Commission's order in Case No. 233 (April 12, 1920). For instance, the actual increase in general taxes, 1920 over 1919, is $30,111. Coal has advanced 50 cents per ton at the mine, which for the 28,906 tons of gas coal carbonized during the year, makes a total increase of $14,453. A similar increase on fuel coal adds $3,502.50. Gas oil has advanced 3.843 cents per gallon, adding $13,381.86 to the cost of the 348,214 gallons used. The Company increased its shop payroll June 1, 1920, a total of $3,600 per annum, and the wage arbitrators awarded the works laborers an additional $14,400. Clerical help and collectors are to receive an increase totaling $12,000, and an additional $4,203.70 is being paid to superintendents, foremen and works clerk. The strike of employees some months ago cost the company $7,174.80, and an increase in franchise tax due to the city will amount to $340.00. These items total $103,166.86.

The Company commenced in June, 1920, the amortization of injunction suit expense at the rate of $8,400 per year, but inasmuch as most of this expense was incurred at an earlier date it could not be considered as added cost since our last order, notwithstanding its amortization as proposed is probably justifiable. But exclusive of that item the actual increases enumerated, amounting, as stated, to $103,166.86, are in excess of Mr. Waring's estimate of $101,358.56.

These costs have been forced upon the Company by conditions over which it had no control. Nor is it in a position to pass on the expense to others. Its only sources of revenues are sales of gas and residuals. The latter are governed by the law of supply and demand, and at this time sales are not possible at advances commensurate with increased costs. There remains solely the sale of gas from which to cover the greater outlay. The Company, therefore, has no possible recourse, but to appeal to the Commission. The Commission's duty is plain. The public needs the service, and should be willing to pay its cost, by such

increase in rates as is absolutely necessary to enable the utility to keep supplies on hand and labor employed to give the services required by the public.

By the decision of the Commission in Case No. 233 an increase of 20 cents per 1,000 cubic feet of gas was allowed. Based upon the sale during 1919, of 420,089,300 cubic feet of gas, it was estimated this increase would give the Company about $84,000 additional revenue, which the Commission found was at that time urgently needed. But, as has been shown, this total increase and approximately $20,000 additional has been swallowed up in extra and unexpected costs, so that now the Company is in worse condition than when Case No. 233 was decided, seven months ago.

The Company made sales of gas during the year ended August 31, 1920, amounting to 437,350,100 cubic feet. It estimates an increase of 26,241,000 cubic feet as being probable during the year ended August 31, 1921, thus making its estimate of gas sales for the coming year, 463,591,100 cubic feet. The estimated increase may or may not be realized. It doubtless would occur if the Company could be placed in a financial condition to make extensions as required to new customers.

Accepting as correct the Company's estimate of the output of gas, an increase of 22 cents per thousand feet will give an added return of $101,990, which is almost exactly the amount testified to by the petitioner's witnesses as being its additional annual costs. Such increase as is granted is intended by the Commission to be used to cover the specific increases enumerated herein, and the utility will be expected to apply the funds derived accordingly.

The Commission, therefore, finds:

1. That an emergency exists in the financial affairs of the petitioner, in that the present rates charged for gas to the consuming public in Salt Lake City are not sufficient to provide revenue for the payment of the expenses and costs giving the service.

2. That petitioner should be permitted an increase of rates which shall not exceed 22 cents per one thousand cubic feet of gas delivered.

3. That petitioner should file amended schedules naming such increased rates for gas effective on not less than five days' notice to the public and to the Commission.

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 November, A. D. 1920.

CASE No. 364

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.

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

IT IS ORDERED, That applicant be, and it is hereby, authorized to publish and put into effect increased rates which shall not exceed the following:

	Gross Per Thousand	Net Per Thousand
First 2,000 cubic feet per month.....	$1.62	$1.52
Next 20,000 cubic feet per month.....	1.52	1.42
All over 22,000 cubic feet per month..	1.42	1.32

ORDERED FURTHER, That such increased rates may be made effective for gas delivered on and after November 26, 1920.

ORDERED FURTHER, That publication naming such increased rates shall bear upon the title page thereof, the following notation:

"Issued on less than statutory notice under authority of Public Utilities Commission of Utah order, dated November 18, 1920, Case No. 364."

By the Commission.

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

365. **In the Matter of the Application of the UTAH-WYOMING INDEPENDENT TELEPHONE COMPANY, for permission to increase its rates.**

PENDING.

366. **In the Matter of the Application of JOHN R. KIRKENDALL, for permission to change his schedule and to abolish round trip rates, between Mammoth and Eureka, Utah.**

PENDING.

367. **In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to cancel Class "D" rate upon household goods, carloads, within the State of Utah.**

PENDING.

368. **In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to publish and make effective, rules for determining value on ore, as provided in Tariff No. 111-D.**

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CASE No. 369

In the Matter of the Application of J. W. ARNOLD, for permission to operate an automobile freight and express line between Salt Lake City and Murray, Midvale and Sandy, Utah.

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 12th day of November, 1920.

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

370. In the Matter of the Application of the BAMBERGER ELECTRIC COMPANY, for permission to abolish the Callahan Crossing.

PENDING.

371. **In the Matter of the Application of HAROLD BAXTER, for permission to operate an automobile stage line between Helper and Vernal, via Duchesne, Utah.**

PENDING.

372. **In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to increase its passenger rates, fares and charges.**

PENDING.

373. **G. B. MORRISON PIE COMPANY,**

Complainant,

vs.

UTAH POWER & LIGHT COMPANY,

Defendant.

PENDING.

APPENDIX I.

Part 2.—Informal Cases.

Case No.

1 G. B. WINTLE VS. OREGON SHORT LINE RAILROAD COMPANY AND UTAH IDAHO CENTRAL RAILROAD COMPANY.

Mr. Wintle made a verbal complaint that the crossing at Honeyville was being blocked by trains of the Oregon Short Line Railroad, and that the Utah Idaho Central Railroad Company was not maintaining its track at Honeyville, as provided in the franchise granted that line. The question of blocking the crossing was referred to the proper officials, who arranged to have the practice discontinued. Investigation of the condition of the track of the Utah Idaho Central Railroad developed that no changes should be made at that time.

CLOSED.

2 MONSON LUMBER COMPANY VS. UTAH IDAHO CENTRAL RAILROAD COMPANY AND BAMBERGER ELECTRIC RAILROAD COMPANY.

Mr. Monson complained that L. C. L. shipments of lumber from Salt Lake City to Richmond, were not billed at the proper weights, which resulted in overcharges. Carriers were instructed to weigh such shipments and assess charges upon the actual weights only.

SATISFIED AND CLOSED.

Case No.

2½ JOHN ANDREWS VS. UTAH POWER & LIGHT COMPANY.

Mr. Andrews complained that the Utah Power & Light Company demanded an excessive deposit for rendering him electric service. Upon being advised of the rules of the Utah Power & Light Company governing such extensions, Mr. Andrews accepted service.

CLOSED.

3 WM. M. ROYLANCE COMPANY VS. AMERICAN RAILWAY EXPRESS CO.

Complainant alleged that the American Railway Express Company contemplated certain changes in the delivery limits at Provo and protested any changes being made therein. No application being received from the Express Company for authority to change such limits, and nothing further being received from complainants, the file was closed.

CLOSED.

4 JAMES S. FRONTJES VS. LOREN THOMPSON AND GUY DAVIS.

Complainant alleged that defendants were engaged in operating an automobile stage line over the route of the Duchesne Transportation Company without proper authority. Defendants were advised of the law governing operation of automobile stage lines, and discontinued service.

CLOSED.

Case No.

5 G. B. MORRISON VS. UTAH POWER & LIGHT COMPANY.

Transferred to formal docket, Case No. 373.

CLOSED.

6 UTAH FUEL COMPANY VS. OREGON SHORT LINE RAILROAD CO.

Complainants alleged that the State Industrial School, at Ogden, was suffering for the want of fuel, and asked the Commission to have movement of coal enroute expedited. This was done, and fuel was delivered to consignee the following day.

SATISFIED AND CLOSED.

7 FRANK T. BURMESTER VS. EARL HALE.

Mr. Burmester alleged that Earl Hale was operating an automobile stage line between Grantsville and Burmester, without proper authority. Mr. Hale was advised of the law governing operation of stage lines, and discontinued service.

CLOSED.

Case No.

8 LEIGH AND GREEN TRANSPORTATION COMPANY VS. EDWARD DAVIS.

Leigh & Green Transportation Company alleged that Mr. Davis was transporting freight over complainant's line without proper authority. Mr. Davis was advised of the law governing operation of automobile trucks, and discontinued service.

CLOSED.

9 MR. O. W. CHRISTENSON VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

Mr. Christenson complained that a charge of $3.50 for installation was demanded for furnishing him telephone service, although instruments were in place. This matter was called to the attention of the Telephone Company, who made the connection, assessing the regular charge for the change in name.

CLOSED.

10 SPRING CANYON COAL COMPANY VS. DENVER & RIO GRANDE RAILROAD AND OREGON SHORT LINE RAILROAD.

Complainants alleged that a shortage of coal existed at Garland, although several carloads were in transit, and requested the Commission to expedite movement. The matter was called to the attention of the railroad officials, who accorded the cars in question prompt service.

SATISFIED AND CLOSED.

Case No.

11 SPRING CANYON COAL COMPANY VS. DENVER & RIO GRANDE RAILROAD.

Complainants alleged that the Layton Sugar Company would be required to close operation if several cars of coal and coke enroute were not promptly delivered. The matter was taken up with the Denver & Rio Grande officials, who accorded the cars in question prompt movement.

CLOSED.

12 HYRUM ADAMS VS. UTAH POWER & LIGHT COMPANY.

Complainant alleged that the Utah Power & Light Company demanded a deposit to cover the cost of extension to furnish himself and others electric service. The matter was called to the attention of the defendants, and a satisfactory adjustment reached.

CLOSED.

13 JAMES FRONTJES VS. AREL CLEMENS.

Complainant alleged that Mr. Clemens was transporting passengers over the stage route operated by himself, in violation of the law. Mr. Clemens was advised of the law governing operation of automobile stage lines. No further information being received, the file was closed.

CLOSED.

Case No.

14 AUGUST STOKER VS. WESTERN UNION TELEGRAPH COMPANY.

Complainant alleged that defendant assessed an excessive charge for delivering a telegraph message. Investigation developed that charges were assessed in accordance with the published rates. Complainant was so advised.

CLOSED.

15 RICHARD BRIDGE VS. PROGRESS COMPANY.

Complainant alleged that defendant demanded an excessive deposit for constructing an extension to furnish him electric service. The matter was investigated, and satisfactory arrangement was made.

CLOSED.

16 W. A. CARTER VS. UTAH POWER & LIGHT COMPANY.

Complainant alleged that the Utah Power & Light Company demanded an excessive deposit before furnishing him with electric service. The matter was investigated, and satisfactory arrangement reached.

CLOSED.

Case No.

17 CITY OF MILFORD VS. TELLURIDE POWER COMPANY.

The City of Milford alleged that the rates charged by defendant company for power purposes were excessive. A formal complaint was later filed. (See Case 335.)

CLOSED.

18 J. E. CARDELL VS. BOUNTIFUL POWER & LIGHT COMPANY.

Complainant alleged that an unreasonable delay was encountered in securing service from defendant company. The matter was taken up with the defendants, and service rendered.

SATISFIED AND CLOSED.

19 WILLIAM MULLIGAN VS DENVER & RIO GRANDE RAILROAD CO.

Complainant alleged that the Denver & Rio Grande Railroad refused to deliver him car of emigrant movables, without payment of charges in excess of the published rates. Investigation developed that complainant paid the additional charges and received the shipment. The overcharge was promptly refunded.

SATISFIED AND CLOSED.

Case No.

20 MRS. H. FOSS VS. WESTERN UNION TELEGRAPH COMPANY.

Complainant alleged that a telegram addressed to her was not delivered by defendant. The complaint was later withdrawn.

CLOSED.

21 C. E. JONES VS. LOS ANGELES & SALT LAKE RAILROAD.

Complainant alleged that the shift train from Bingham to Salt Lake was delayed at Buena Vista for a southbound Los Angeles limited. The matter was taken up with the railroad officials, who advised that every effort would be made to have the trains operated on time, so as to avoid delays.

CLOSED.

22 W. B. WEDELL VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH CO.

Complainant alleged that defendant demanded that he pay a business rate for the telephone in his residence. Investigation developed that the telephone was used for business purposes and that a business rate was properly applied. Complainant was so advised.

CLOSED.

Case No.

23 J. H. HAMES VS. MOUNTAIN STATE TELEPHONE & TELEGRAPH CO.

Complainant alleged that he was unable to secure telephone service from defendant Company. Conditions surrounding the rendering of this service were investigated, and arrangements made whereby this service was furnished.

SATISFIED AND CLOSED.

24 GEORGE BURRELL VS. AMERICAN RAILWAY EXPRESS COMPANY.

Complainant alleged that defendant was holding a trunk at Salt Lake City, consigned to himself, at Green River, Wyoming, and would not forward it, although he had furnished information necessary to identify it as his property. The matter was called to the attention of the Express Company officials, who required further description. This was furnished, and the trunk forwarded, as requested.

SATISFIED AND CLOSED.

25 DAN B. SHIELDS VS. DENVER & RIO GRANDE RAILROAD COMPANY.

Complainant alleged that passengers over the Denver & Rio Grande Railroad were compelled to wait an unreasonable length of time for service at the baggage room of the defendant Company in Salt Lake City. The condition was reported to officials of that Company, who overcame the difficulty complained of.

SATISFIED AND CLOSED.

Case No.

26 MIDWEST DYE & CHEMICAL COMPANY VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

Complainant alleged that it was unable to secure telephone service without making a payment of $450.00 to cover the cost of the proposed extension.

PENDING.

27 NELS SORENSON VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH CO.

Complainant alleged that the Mountain States Telephone & Telegraph Company refused to furnish him telephone service. The matter was called to the attention of the officials of that Company, and arrangement was made to furnish the service desired.

SATISFIED AND CLOSED.

28 W. H. HOPKINS VS. UTAH GAS & COKE CO.

Complainant alleged that defendant threatened to discontinue his service, if the current bill was not paid within two days from date. Complainant was requested to meet with officials of the Gas Company and the Commission, in an informal conference to determine why such action had been taken. He declined to do so.

CLOSED.

Case No.

29 G. W. HARTS VS. UTAH LIGHT & TRACTION COMPANY.

Complainant desired the defendant Company to extend to children attending Sunday School at Mr. Harts' church, half fare rates. The defendant declined to do this without a formal order from the Commission. Complainant was advised that it would be proper for him to file a formal complaint. No complaint being filed, the case was closed.

CLOSED.

30 ARTHUR HAPES VS. OREGON SHORT LINE RAILROAD AND SALT LAKE & UTAH RAILROAD COMPANY.

Complainant alleged an unreasonable delay in delivery of shipment consigned to him from Woods Cross. The shipment was traced and was delivered consignee the following day.

SATISFIED AND CLOSED.

31 BAILEY & SONS VS. OREGON SHORT LINE RAILROAD.

Complainants alleged that the Oregon Short Line Railroad demanded them to maintain an excessive clearance at their industry in Salt Lake City. The matter was investigated, and, upon complainant being advised as to the requirements of the Commission with reference to clearance, the complaint was withdrawn and proper clearance maintained.

CLOSED.

Case No.

32 H. S. KLIENSCHMIDT VS. DENVER & RIO GRANDE RAILROAD.

Complainant alleged that he was unable to secure permission from the defendant Company to construct crossings for Sevier County Drainage District No. 5. The matter was called to the attention of the defendants, who granted the permission desired.

SATISFIED AND CLOSED.

33 WALTER HAMER VS. UTAH GAS & COKE CO.

Complainant alleged that he had been deprived of gas service for a considerable time, and could secure no relief from defendant Company. The matter was called to the attention of the officials of the Gas Company, who conducted an investigation and overcame the difficulty.

SATISFIED AND CLOSED.

34 D. W. PARRATT VS. MOAB-BLUFF STAGE LINE.

Complainant alleged that the Moab-Bluff Stage Line was not furnishing proper stage service between Moab and Monticello. The matter was investigated, and complainant advised of the conditions which existed at the time complaint was made.

CLOSED.

Case No.

35 UTAH NATIONAL GUARD VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

Complainant alleged that defendant Company demanded an excessive deposit to furnish telephone service to the National Guard at the State Fair Grounds. The matter was called to the attention of the Telephone Company officials, who arranged to furnish service by extending an existing line without requiring a deposit.

SATISFIED AND CLOSED.

36 E. D. SUTTON VS. DENVER & RIO GRANDE RAILROAD.

Telephone request was received, April 21st, asking that cars containing hay, for Park City, be moved without further delay. The matter was taken up with the Railroad officials, and the cars in question were diverted to the Union Pacific Railroad and delivered to Park City via that line, account inability of carriers to transfer to the Denver & Rio Grande Railroad.

SATISFIED AND CLOSED.

37 TELLURIDE POWER CO. VS. DENVER & RIO GRANDE RAILROAD.

Telephone request was received from the Telluride Power Company, April 24th, for assistance in securing a carload of coal for their Sevier Power PLANT. The Railroad was requested to expedite the shipment, and delivery was made April 28th.

SATISFIED AND CLOSED.

Case No.

38 E. D. SUTTON VS. DENVER & RIO GRANDE RAILROAD.

Telephone request was received, April 26th, for assistance in securing car at American Fork for cattle loading, destined to Park City. The Railroad Company was requested to furnish the equipment to properly care for this movement, which was done.

SATISFIED AND CLOSED.

39 B. E. TAYLOR VS. UTAH GAS & COKE COMPANY.

Communcation was received from the Utah Gas & Coke Company, requesting the Commission to issue an opinion regarding a disputed gas bill of complainant. There appeared no reason why the charges as assessed should not be collected, and relief was, therefore, denied.

CLOSED.

40 WILLIAM MALINO VS. UTAH GAS & COKE COMPANY.

Verbal complaint was received that complainant's gas bill for the period March 13th to 29th, was excessive. A check of the equipment used by the complainant was made, and nothing was found to indicate that the bill rendered was excessive. Complainant was so advised.

CLOSED.

Case No.

41 KAYSVILLE CO-OP. MERC. CO. VS. DENVER & RIO GRANDE RAILROAD AND BAMBERGER ELECTRIC RAILROAD CO.

Verbal request was made by complainant, April 27th, to have car of coal moved from Salt Lake City to Kaysville. The matter was taken up with the Denver & Rio Grande Railroad, who arranged delivery to the Bamberger Eelectric, April 29th, and the car was delivered to Kaysville, April 30th.

SATISFIED AND CLOSED.

42 WALLACE GROCERY CO. VS. UTAH POWER & LIGHT CO.

Telephone communication was received from complainant, advising that defendant demanded a deposit of $64.17 to furnish three phase service for a 3 H. P. motor. Complainant was advised that the power rates of defendant were under investigation, and that his complaint would be considered with the Power Company's application for revised rates.

CLOSED.

43 BINGHAM COAL & LUMBER CO. VS. DENVER & RIO GRANDE RAILROAD.

Telephone communication was received May 6th, asking that assistance be given in securing delivery of car of coal shipped from Storrs, April 23rd. The Railroad was requested to expedite the movement, and the car reached Bingham on the afternoon of the 6th.

SATISFIED AND CLOSED.

Case No.

44 SPRING CANYON COAL CO. VS. WESTERN PACIFIC RAILROAD CO.

Telephone call was received May 6th, from the Spring Canyon Coal Company, asking that five cars of coal for the Salt Lake Chemical Company be moved from Salt Lake City to Burmester. The matter was taken up with the Railroad, and the cars in question moved to destination May 7th.

SATISFIED AND CLOSED.

45 CLIFTON, APPLEGATE & TOOLE VS. UTAH POWER & LIGHT CO.

Telephone communication was received May 13th complaining that the power service used in the operation of a hot mixer at complainant's paving plant at Hibberd, was irregular. The matter was taken up with the defendants, and action taken to overcome interruptions in the future.

SATISFIED AND CLOSED.

46 HANCOCK & BARNES VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

Verbal complaint was received May 14th, alleging that telephone service at the new office of complainant would not be installed for one week. The matter was called to the attention of the Telephone Company, and the connection was made, May 15th.

SATISFIED AND CLOSED.

Case No.

47 W. W. WYLIE VS. SOUTHERN UTAH TELEPHONE COMPANY.

Communication was received, complaining that defendant refused complainant the use of its telephone line between Springdale and St. George. The matter was taken up with the Telephone Company, and information was received that the service was restored.

SATISFIED AND CLOSED.

48 FARMERS' CO-OPERATIVE MILLING COMPANY VS. MONROE TOWN BOARD.

Complainant alleged that the Town of Monroe was unable to furnish sufficient electric service to operate complainant's flour mill regularly.

PENDING.

49 T. A. BUSSMAN VS. UTAH POWER & LIGHT COMPANY.

Telephone complaint was received, May 28th, advising that defendant failed to render electric service at complainant's house, on Kensington Street between 8th and 9th South Streets, Salt Lake City. The matter was called to the attention of the Power Company, who arranged for prompt action.

SATISFIED AND CLOSED.

Case No.

50 ROYAL CAFE VS. UTAH POWER & LIGHT CO.

Verbal complaint was made, June 2nd, by Morris Wong, of the Royal Cafe, Ogden, that the light bills rendered by the defendant were excessive. Investigation developed the fact that the bills were rendered in accordance with the published rates, but that an error in calculation had been made. A corrected bill was rendered complainant.

CLOSED.

51 SANITARY MARKET VS. DENVER & RIO GRANDE RAILROAD.

Letter was received, January 22nd, complaining of minimum weight used on carload shipment of flour, Springville to Helper. Investigation developed that complainant was being overcharged, and refund was ordered.

SATISFIED AND CLOSED.

52 JOHN PETITTI VS. UTAH EASTERN TELEPHONE COMPANY.

Complainant advised that he had been unable to secure telephone service from defendant.

PENDING.

Case No.

53 E. KIMBALL VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH CO.

Communication was received, April 17th, from complainant, alleging that the Telephone Company assessed a charge of $1.00 for restoring service, when not actually disconnected. The matter was investigated, and complainant was advised as to the rules of the Company governing the charges for reconnection. He was also requested to furnish further information. No reply was received.

CLOSED.

54 STATE ROAD COMMISSION VS. UTAH POWER & LIGHT COMPANY.

Verbal complaint was received that the charges assessed by the defendant covering transformer losses were excessive. Investigation developed the fact that an error had been made in computing transformer losses, and complainant was requested to take the matter up with the defendant Company for adjustment. No further complaint was received.

SATISFIED AND CLOSED.

55 LYMAN J. PACKER, ET AL., VS. OREGON SHORT LINE RAILROAD COMPANY.

Communication was received from Lyman J. Packer, requesting additional passenger service on the Oregon Short Line Railroad between Brigham and Bakers, Utah. Investigation developed that the present conditions do not warrant additional service.

CLOSED.

Case No.

56 STATE ROAD COMMISSION VS. LOS ANGELES & SALT LAKE RAILROAD COMPANY, DENVER & RIO GRANDE RAILROAD, AND UTAH RAILWAY COMPANY.

Request was received, April 8th, from the State Road Commission, for reduced rates on sand and gravel, from Mount to Carbon County points. Reduced rates were later established from Salt Lake City via the Denver & Rio Grande Railroad.

SATISFIED AND CLOSED.

57 W. P. MONSON VS. UTAH LIGHT & TRACTION COMPANY.

Request was made by W. P. Monson, May 7th, for a change of schedule of cars operating on the 7th East Street and Wandamere line. The change requested was made by defendant, upon the matter being called to its attention.

SATISFIED AND CLOSED.

58 C. D. BURKHOLDER VS. IRON COUNTY TELEPHONE CO.

Complaint was received, July 19th, that a message addressed to complainant's firm was not properly delivered. Complainant was advised to be present at an informal hearing, July 27th, for the purpose of investigating the service rendered, but did not appear.

CLOSED.

Case No.

59 STATE ROAD COMMISSION VS. UTAH IDAHO CENTRAL RAILROAD CO.

Verbal request was made by the State Road Commission that grade crossings over the Utah Idaho Central Railroad at Hot Springs, north of Ogden, be eliminated. The matter was taken up informally, with the result that the crossings were eliminated, the Railroad Company bearing part of the cost.

SATISFIED AND CLOSED.

61 HEBER DRUG COMPANY VS. MOUNTAIN STATES TELEPHONE&TELEGRAPH COMPANY.

Communication was received, August 17, 1920, complaining that telephone service had been unsatisfactory, and that notice had been received that disconnection would be made if prompt settlement of bills was not made. On August 21st, complainant advised that satisfactory adjustment had been made, and withdrew the complaint.

SATISFIED AND CLOSED.

62 ALEX JOHANSEN, ET AL., VS. UTAH LIGHT & TRACTION CO.

On August 21st, a petition was filed, asking that street cars stop at Downington Avenue on 4th East Street. The matter was called to the attention of the defendant Company, and arrangements made to stop cars at the point desired, effective August 24th.

SATISFIED AND CLOSED.

Case No.

63 JOSEPH HODGES VS. UTAH IDAHO CENTRAL RAILROAD CO.

Letter was received, March 17th, from complainant, asking the Commission to assist him in securing refund of the value of a lost mileage book. Tariffs and rules governing the sale of mileage books of defendant do not provide for refund in case of loss. Complainant was so advised.

CLOSED.

64 PETER H. RILEY VS. GREEN RIVER MUNICIPAL LIGHT PLANT.

Communication was received, June 10th, from Peter H. Riley, of Green River, asking the Commission to assist him in securing a street light near his home. The matter was investigated and the city authorities advised that they were unable to comply with complainant's request, because of a lack of funds.

CLOSED.

65 F. B. DEVINE VS. UNION PACIFIC RAILROAD COMPANY.

Letter was received, July 10th, from complainant, asking the Commission to establish a grade crossing over the Union Pacific Railroad, near Emery, to allow a more convenient entrance into complainant's property. Investigation developed the fact that the crossing was not necessary, and, if constructed, it would tend to increase the hazard. Complainant was so advised.

CLOSED.

Case No.

66 WEBER COUNTY VS. UTAH POWER & LIGHT COMPANY.

Letter was received, July 16th, from the County Clerk of Weber County, alleging a violation of franchise provisions by defendant. The matter was called to the attention of the Power Company, and a copy of its reply was furnished complainants. No further complaint was received.

CLOSED.

67 C. J. HEATH VS. GARFIELD COUNTY TELEPHONE COMPANY.

Letter was received, May 30th, from C. J. Heath, complaining of the telephone service rendered by defendant, and requested that arrangements be made whereby he could be placed on a through line for night service. Investigation developed that the service desired by defendant could not be granted without his being placed on a toll line, which would interfere with that class of business. Complainant was so advised.

CLOSED.

Case No.

68 JOHN F. FLYNN VS. UTAH POWER & LIGHT COMPANY.

Communication was received from Mr. Flynn, complaining that the Utah Power & Light Company had increased the rates charged for operating his moving picture machine. Investigation developed that complainant had previously paid the rate specified in his contract, and, at the expiration of said contract, he was placed on the Company's standard schedule for that class of service.

CLOSED.

69 W. G. JENKINS VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

Complaint was received to the effect that defendant required complainant to pay the business rate for a residence telephone. Investigation developed that the phone was used for business purposes, and, therefore, the rates were properly assessed.

CLOSED.

70 C. J. FERNELIUS VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

Communication was received, alleging unsatisfactory service and failure of defendant to repair its line into Uintah, Utah. The matter was investigated, and complainant advised of the Telephone Company's reply. No further cemplaint was received.

CLOSED.

No. Case

71 W. F. TUCKETT VS. UTAH POWER & LIGHT COMPANY.

Complaint was made, August 17th, that defendant demanded excessive guarantee deposit for connecting complainant with lighting service. The matter was investigated and a satisfactory adjustment reached between the parties.

CLOSED.

72 T. EARL CLEMENTS VS. MARSHALL & MILNE.

Letter was received from T. Earl Clements, asking the Commission to assist him in locating a trunk which had been lost by defendant stage line. The trunk in question was located.

SATISFIED AND CLOSED.

73 PRICE CHAMBER OF COMMERCE VS. DENVER & RIO GRANDE RAILROAD.

Letter was received, complaining of the service accorded baggage from Salt Lake City to Price, via the Denver & Rio Grande Railroad. The matter was investigated, and arrangements were made to give the service desired.

SATISFIED AND CLOSED.

Case No.

74 R. HARDESTY MANUFACTURING COMPANY VS. OREGON SHORT LINE RAILROAD COMPANY.

Letter was received, October 23rd, complaining that shipment of flume from Woods Cross to Thistle, unloaded, was not returned, as per request of shipper. The Commission had the shipment traced, and the flume was returned, as requested, reaching Woods Cross, October 30th.

SATISFIED AND CLOSED.

75 SPRING CANYON AUTO LINE VS. MIKE GONIOTIS.

Complaint was received that defendant was infringing on the rights of complainant, in transporting passengers over its stage line. The matter was investigated, and defendant advised of the law. No further complaint was received.

CLOSED.

76 HOWARD HOUT VS. E. D. SUTTON.

Verbal complaint was made, August 27th, that defendant was transporting passengers over complainant's stage line between Salt Lake City and Park City. Mr. Sutton was advised of the provisions of the law, and no further complaint was received.

CLOSED.

Case No.

77 J. F. COOMBS, ET AL., VS. LOS ANGELES & SALT LAKE RAILROAD COMPANY.

Letter was received, September 21st, from J. F. Coombs, et al., Garfield, Utah, asking permission to reconsider the order in Case No. 325, increasing the commutation fares between Salt Lake City and Garfield. Mr. Coombs was advised that it would be proper to file a formal complaint. No further information was received.

CLOSED.

78 WILLIAM M. ROYLANCE COMPANY VS. DENVER & RIO GRANDE RAILROAD.

Letter was received, September 27th, complaining that the switching of the Denver & Rio Grande Railroad at Provo did not supply the needed service. Complainant was advised that formal complaint should be presented. No further information was received.

CLOSED.

79 WASATCH COUNTY SCHOOL DISTRICT VS. DENVER & RIO GRANDE RAILROAD.

Letter was received, October 26th, advising that fuel for the Heber School was being delayed, and that the school was being seriously interfered with, because of such shipments not arriving at destination promptly. The Railroad was asked to expedite movement of such shipments, and a car of coal was delivered, October 31st.

SATISFIED AND CLOSED.

Case No.

80 HARRELL DALTON VS. PEOPLES' TELEPHONE COMPANY.

Letter was received, November 10th, alleging an overcharge on a telephone call between Delta and Parowan. The matter was investigated, and a report received of the time subscriber was talking, from which it appeared that the charges were assessed correctly. Complainant was so advised.

CLOSED.

81 BAMBERGER ELECTRIC RAILROAD COMPANY VS. KAYSVILLE HIGH SCHOOL STUDENTS.

Complaint was made, November 11th, that students of the Kaysville High School were in the habit of riding between the Kaysville depot and the High School, at a hazard of life and limb. The matter was called to the attention of the High School authorities, who advised that steps would be taken to have the practice stopped.

SATISFIED AND CLOSED.

82 CEDAR LUMBER & COMMISSION COMPANY VS. DIXIE POWER CO.

Complaint was received from the Cedar Lumber & Commission Company, alleging that the charges made by defendant for electric service were excessive. A statement showing the scheduled rates, was furnished complainant, who was advised that formal action would be necessary in order to effect a change in such rates.

CLOSED.

Case No.

83 R. T. FORBES VS. DIXIE POWER COMPANY.

Complaint was made, November 15th, against the deposit required by defendant before rendering electric service. Complainant was advised that such deposit was assessed in accordance with the tariff provisions, and could not be waived.

CLOSED.

84 A. P. HANSEN, ET AL., VS. UTAH POWER & LIGHT CO.

Application was received from A. P. Hansen, representing citizens of Elwood, for an electric line from the Utah Power & Light Company to supply them with electric service.

PENDING.

85 TRAFFIC SERVICE BUREAU OF UTAH VS. DENVER & RIO GRANDE RAILROAD.

Letter was received from the Traffic Service Bureau, alleging that defendant refused payment of overcharge claim on shipment of scrap iron, Olmstead to Salt Lake City, for the Utah Junk Company.

PENDING.

Case No.

86 TRAFFIC SERVICE BUREAU OF UTAH VS. DENVER & RIO GRANDE RAILROAD

Letter was received, April 14th, from the Traffic Service Bureau, alleging that defendant refused payment of overcharge claim on carload shipment of salt, Burmester to Provo, for the Knight Woolen Mills. The matter was called to the attention of the defendant, who made payment of claim.

SATISFIED AND CLOSED.

87 DELBERT BOSH, ET AL., VS. UTAH POWER & LIGHT.

Letter was received from Delbert Bosh, President of the Town Board of Levan, asking that the Utah Power & Light Company extend its line in Juab County to serve Levan and other nearby communities.

PENDING.

88 DENVER & RIO GRANDE RAILROAD VS. LIVESTOCK SHIPPERS.

Letter was received, complaining that livestock shippers were in the habit of ordering more cars than required for their movement, and also before they were needed.

PENDING.

Case No.

89 MEADOWVIEW LAND & STOCK COMPANY VS. DENVER & RIO GRANDE RAILROAD.

Communication was received, August 6th, asking that a crossing be installed over the Denver & Rio Grande tracks near Riverton. Complainant was requested to file formal application. No further information was received.

CLOSED.

90 SOCIAL WELFARE LEAGUE VS. SALT LAKE, GARFIELD & WESTERN RAILWAY COMPANY.

Letter was received, August 10th, alleging inadequate passenger service between Salt Lake City and Saltair. Complainant was advised that a conference would be held at its convenience, and was requested to suggest an agreeable date. Nothing further was received.

CLOSED.

91 W. W. RAWSON VS. UTAH POWER & LIGHT COMPANY.

Communication was received, alleging poor service by the Utah Power & Light Company's gas plant at Ogden. The matter was called to the attention of defendant, and arrangements were made to install a temporary booster, until the permanent equipment could be secured, which would greatly improve the service.

SATISFIED AND CLOSED.

Case No.

92 N. J. FIBUSH VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH CO.

Letter was received, September 8th, alleging that defendant refused to assess a number-to-number rate on a call from Downey, Idaho, to Salt Lake City. Investigation developed that the call was placed "collect," and that the Company's rule does not allow number-to-number calls to be so placed. Complainant was so advised.

CLOSED.

93 BAMBERGER ELECTRIC RAILROAD COMPANY VS. HOLLEY MILLING CO.

The attention of the Commission was called to the insufficient clearance at the spur track serving the Holley Milling Company in Salt Lake City.

PENDING.

94 ARTHUR C. WILL VS. UTAH LIGHT & TRACTION COMPANY.

Complainant alleged insufficient and unsatisfactory service on the State Street car line.

PENDING.

Case No.

95 GLOBE MILLS VS. MOUNTAIN STATES TELEPHONE & TELEGRAPH CO.

Letter was received, October 10th, alleging unreasonable charge demanded by defendant for an extension of telephone line to serve the Globe Mills at Ogden. A check was made of the estimated charges, and complainant was advised that they appeared to be in accordance with the Company's rule.

CLOSED.

96 FRED FOULGER VS. BAMBERGER ELECTRIC RAILROAD COMPANY.

Letter was received, October 10th, alleging that defendant refused complainant reduced rate accorded conference visitors. Mr. Foulger purchased a one-way ticket at the regular rate, taking a receipt for same. The reduced rate was denied upon the return trip. Investigation developed that the Bamberger Electric had not authorized the certificate plan of excursion as the steam lines had done. Refund was secured of the fare in excess of the regular excursion rate.

SATISFIED AND CLOSED.

97 SMITH-FAUS DRUG COMPANY VS. AMERICAN RAILWAY EXPRESS COMPANY AND MARSHALL & MILNE STAGE LINE.

Complainant alleged unsatisfactory express service, Salt Lake City to St. George via defendants' lines.

PENDING.

Case No.

98 MRS. LOTTIE WOODS AND MRS. E. HARPER VS. UTAH LIGHT & TRACTION COMPANY.

Complaint was made, October 16th, that the conductor on the East First South Line had refused to honor transfers complainants had just received from the Ninth East Line. The matter was called to the attention of the Traction Company, and the excess fare refunded complainants.

SATISFIED AND CLOSED.

99 LYMAN R. MARTINEAU VS. AMERICAN RAILWAY EXPRESS CO.

Letter was received, asking that the delivery limits of defendant, in Salt Lake City, be extended.

PENDING.

100 E. A. LAWRENCE VS. UTAH GAS & COKE CO.

Verbal complaint was made, October 22nd, alleging that defendant refused to pay interest on deposits withdrawn within six months. The rule of the Company provided that interest would not be paid upon such deposits, but the franchise granted by Salt Lake City required interest to be paid, regardless of the time deposit remained with the Company. The rule in question was amended, and interest paid complainant.

SATISFIED AND CLOSED.

Case No.	
101	STATE ROAD COMMISSION VS. OREGON SHORT LINE RAILROAD CO. Complainant alleged rate on cement, Bakers to Tremonton, too high. PENDING.

The following cases reported as pending in 1918 have been closed:

LOS ANGELES & SALT LAKE RAILROAD CO.

Overhead Clearance: A check of the statement showing overhead crossings of electric conductors, was made by the Commission, for the purpose of determining whether or not same were hazardous, and correcting dangerous situations.

CLOSED.

GARFIELD SMELTING COMPANY

Lighting Service: Further investigation of the application of residents of Garfield, to have lighting service extended to them, developed that the Garfield Smelting Company was not operating as a public utility, and, therefore, the Commission would not have jurisdiction in the matter.

CLOSED.

The following cases reported as pending in 1919, have been closed:

LOS ANGELES & SALT LAKE RAILROAD CO.

Crossings: On October 8, 1920, the Commission ordered representatives of the Los Angeles & Salt Lake Railroad Company and the Utah-Idaho Sugar Company, to appear before it on October 19th, to show cause why they should not be prohibited from operating over the spur track of the Sugar Company where same crosses the tracks of the Los Angeles & Salt Lake Railroad near Spanish Fork, until the proper protective device was installed. On October 13th, the Commission was advised that the protective device would be in operation by the 15th. Investigation by the Commission developed that the work had been completed in a satisfactory manner.

SATISFIED AND CLOSED.

UNION PACIFIC RAILROAD COMPANY

Clearance: Investigation by the Commission developed that the Union Pacific Railroad Company had complied with the request of the Commission, in increasing the clearance and protecting the roadway by a stop-fence at the crossing of the State Highway at Devil's Slide, Utah.

CLOSED.

BAMBERGER ELECTRIC RAILROAD CO.

Crossings: The condition of other crossings of the Bamberger Electric Railroad in the vicinty of Hunter's Cut being under investigation (informal Cases Nos. 256 and 262), the file herein was closed.

SATISFIED AND CLOSED.

UTAH LIGHT & TRACTION COMPANY

Skip Stops: Arrangements were made to have cars of the Utah Light & Traction Company stop at the points requested by J. S. Wade, et al., and Mrs. Frank Corless, et al.

SATISFIED AND CLOSED.

APPENDIX I.

Part 3.—Ex Parte Orders Issued.

RAILROADS

During the period covered by this report, the Commission acted upon eighty-seven 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
Bingham & Garfield Railway Co.	1
Deep Creek Railroad Company	1
Denver & Rio Grande Railroad	28
J. E. Fairbanks	5
F. W. Gomph	5
Goshen Valley Railroad Company	1
J. E. Hannegan	2
F. S. Howard	1
Oregon Short Line Railroad Co.	4
J. A. Reeves	3
Salt Lake & Utah Railroad Co.	5
Salt Lake, Garfield & Western Ry. Co.	3
Salt Lake Route	12
Southern Pacific Railroad Co.	3
Uintah Railway Company	2
Union Pacific Railroad Company	1
Utah Idaho Central Railroad Co.	4
Utah Railway Company	1
Western Pacific Railroad Company	5

AUTOMOBILE STAGE LINES

The Commission issued eight ex parte automobile orders. These orders may be classified as follows:

Permission to change schedule, discontinue operation, etc.	7
Permission to make reduction in rates	1

ELECTRIC

The Commission issued two ex parte electric orders. These orders may be classified as follows:

Telluride Power Company	1
Utah Power & Light Company	1

TELEGRAPH

The Commission issued one ex parte telegraph order, authorizing the Western Union Telegraph Company to close its office at Ogden, at 1:30 a. m., instead of 4:30 a. m.

APPENDIX I.

Part 4.—Special Dockets—Reparation.

No.		Amount	
19	M. Deveraux vs. Utah Gas & Coke Co.....	$ 7.20	Granted
20	J. J. Broughall vs. Utah Gas & Coke Co.....	2.01	"
21	C. C. Crismon vs. Utah Gas & Coke Co.....	19.87	"
22	Mrs. C. W. Robb vs. Utah Gas & Coke Co.	2.06	"
23	U. S. Smelting, Refining & Mining Co. vs. Bingham & Garfield Railway Co.....	50.15	"
24	Utah State Prison vs. Utah Railway Co....	26.75	"
25	Motor Car Equipment Co. vs. Utah Gas & Coke Company.....	9.92	"
26	Merrill Keyser Co. vs. Los Angeles & Salt Lake Railroad Company	18.44	"

APPENDIX II.

APPENDIX II.

Part 1.—Grade Crossing Permits.

The Commission issued eleven 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
Ogden Union Railway & Depot Co.	1
Oregon Short Line Railroad Co.	3
Salt Lake & Utah Railroad Company	1
Salt Lake Terminal Company	1
West Cache Sugar Company	1
Western Pacific Railroad Company	1

APPENDIX II.

Part 2.—Certificates of Convenience and Necessity.

Twenty-nine certificates of convenience and necessity were issued, as follows:

Certificate No.	Case No.	Classification.
66	238	Automobile
68	241	"
69	260	"
70	268	"
71	253	Railroad
72	261	Automobile
73	269	"
74	265	"
75	243	"
76	273	"
77	294	"
78	271	"
79	284	"
80	276	Telephone
81	305	Automobile
82	317	"
83	315	"
84	319	"
85	320	Railroad
86	306	Automobile
87	287	"
88	291	Telephone
89	250	Electric
90	353	Automobile
91	343	"
92	350	"
93	301	Electric
94	302	"
95	303	"

APPENDIX II.

Part 3.—Clearance Permits.

The Commission authorized one company to maintain clearances less than those prescribed by the Commission in its Tentative General Order, as follows:

Permit No.	Name	Case No.
5	Utah Sand & Gravel Company.....	347

APPENDIX II.

Part 4.—Investigation and Suspension Dockets.

During the period covered by this report the Commission issued eight investigation and suspension orders, suspending the operation of tariffs filed by carriers and other public utilities, naming increased rates, fares and charges. These orders may be classified as follows:

I. & S. No.	Name	Disposition
11	Utah Light & Traction Co.	Case No. 267
12	Utah Power & Light Co.	Case No. 248
13	Pullman Company	Case No. 309
14	Utah Power & Light Co. (Steam)	Effective
15	Denver & Rio Grande Railroad	Vacated
16	Denver & Rio Grande Railroad	"
17	Oregon Short Line Railroad Co.	Effective
18	J. E. Fairbanks, Agent	"

APPENDIX III.

Part 1.—Court Decisions.

IN THE SUPREME COURT OF THE STATE OF UTAH

UNION PORTLAND CEMENT CO.,

Plaintiff,

vs.

PUBLIC UTILITIES COMMISSION OF UTAH,

Defendant.

THURMAN, J.

This is an application for a writ of prohibition prohibiting and restraining the Public Utilities Commission of Utah, (hereinafter called the Commission) from assuming or exercising jurisdiction to pass upon the reasonableness or unreasonableness of a certain contract described in the complaint. The complaint shows that plaintiff is, and at all times referred to has been, a corporation engaged in the manufacture of cement in Morgan County, Utah; that on or about the 23rd day of November, 1912, plaintiff entered into a contract with the Utah Power Company, a corporation organized and existing under the laws of the State of Maine and authorized to transact business in the State of Utah, whereby said Utah Power Company agreed to deliver to plaintiff at its place of business in said Morgan County electric power in any quantity which plaintiff might need, not exceeding three thousand electrical horsepower, for use in operating plaintiff's plant by motors and for the purpose of lighting plaintiff's premises; that in consideration of said electric power to be so furnished, said plaintiff agreed to pay said Utah Power Company at least two thousand dollars per month; that said contract was to remain in force for ten years and until terminated by either party upon six months' notice in writing to the other party; that thereafter, in the year 1914, the Utah Power & Light Company (hereinafter called the Power Company) took over said contract and assumed the obligations thereunder from the said Utah Power Company, and ever since said year has performed all the conditions of said contract; that said Power Company is also a corporation organized under the Laws of the State of Maine and is authorized to do business as a corporation in this State and is in good standing; that since the year 1913 the said Power Company and its predecessor in interest has been paid by plaintiff a yearly com-

pensation of about $60,000.00 for electrical power furnished plaintiff by said Power Company; that said contract has been fully performed and is now being performed by all the parties to the same and neither party to said contract is seeking to have the same set aside, annulled or modified; that at all times mentioned the said Power Companies and the plaintiff were authorized under the laws of this State and by their articles of incorporation to enter into said contract, and at the time it was entered into as above stated there was no constitutional provision or legislative enactment prohibiting or limiting the terms of such contract; that on February 27, 1917, the Utah Legislature passed an act entitled "An Act creating a Public Utilities Commission, defining public utilities, prescribing the powers and duties of the Commission," etc., which Act was, on the 8th day of March next following, approved by the Governor and thereafter became effective and is now in full force and effect; that said Commission, appointed under and in pursuance of said Act, on or about the 27th day of September, 1919, issued a certain order as follows:

> "Examination having been made by the Commission of certain special contracts entered into by and between the Utah Power & Light Company and certain of its customers, under which the said Utah Power & Light Company has been and now is giving service, furnishing energy for light and power purposes.
>
> "And it appearing from such examination that the rates, charges, facilities, privileges, rules and regulations provided in such special contracts, are not in accordance with the rates, charges, facilities, privileges, rules and regulations set out in the published schedules of said Utah Power & Light Company lawfully on file with this Commission, or with the provisions of contracts based upon such lawfully published schedules, entered into by and between the said Utah Power & Light Company and others of its customers, under which service is being concurrently given;
>
> "And it further appearing that said special contracts are discriminatory and preferential * * *
>
> "And it further appearing that the following named persons and corporations are parties to the said contract * * * Union Portland Cement Company * * *

"Now, therefore, upon motion of the Commission:

IT IS ORDERED, That for the purpose of making a full and complete investigation and inquiry into the provisions of such contracts, and each of them, and into all matters pertaining thereunto, the said Utah Power & Light Company and the persons and corporations above named, be notified and cited to appear before the Commission at its office, Room 303 State Capitol, Salt Lake City, Utah, on the 11th day of November, 1919, at 10 o'clock a. m., then and there to justify the continuing in effect of such special contracts, and the rates, charges, facilities and privileges granted thereunder, and to show the reasonableness and equity of such rates, charges, facilities and privileges, and further to show that they are not in contravention of the provisions of said Section 4789 of the Compiled Laws of Utah, 1917."

It is further alleged in the complaint that said order was duly served on the plaintiff; that said plaintiff thereafter, before any evidence was taken by said Commission under said order, appeared and filed a motion and demurrer objecting to the jurisdiction of said Commission to hear and determine the matter set out in its said order, for the reason that plaintiff's contract with said Power Company was entered into prior to the passage by the Legislature of said Act above referred to; that said motion and demurrer were overruled and denied on January 27, 1920, and said Commission then and there held that it had jurisdiction to hear and determine whether said contract was discriminatory, preferential or otherwise, and said Commission is now proceeding to take evidence. The complaint further alleges that said Commission is acting without authority to investigate the terms of said contract, and is without jurisdiction to enter an order changing or modifying the terms thereof, for the reason that said order or decree would be in violation of the Constitution of the United States providing that no state shall pass any law impairing the obligation of contracts, and is likewise in violation of a similar provision of the Constitution of this State.

It is further alleged that said contract between plaintiff and the Power Company was not entered into in pursuance of any ordinance or franchise granted by the State of Utah, or pursuant to any ordinance or franchise of any legal subdivision of said State; that plaintiff has no plain, speedy and adequate remedy at law and therefore prays that

an alternative writ issue and defendant be required to show why said writ should not be made permanent.

The alternative writ was issued and the defendant, by the Attorney-General of the State, thereafter appeared and moved to quash the writ and dismiss the proceeding upon the ground that it appears upon the face thereof that the facts stated are wholly insufficient to justify the issuance of either an alternative or permanent writ, or to constitute a cause of action against the defendant.

The motion to quash challenges the jurisdiction of the court to hear or determine the issues presented by the complaint or to proceed further in the case.

At the hearing on the motion the representatives of divers persons and corporations not parties to the record but interested in the questions involved were permitted to appear as friends of the court, participate in the proceedings and file briefs in support of their respective contentions.

Many interesting questions have been presented for our consideration, some of which are of far-reaching importance and under ordinary circumstances would require of the court its most painstaking and deliberate consideration. Instructive briefs have been filed by all the attorneys appearing in the cause, evincing a conscientious desire on their part to assist the court in arriving at correct conclusions concerning the questions presented. The court, however, is of the opinion that it is not only unnecessary but, under the circumstances, would be unwise at this time to enter upon a discussion of the question of jurisdiction raised by the motion to quash, for, in any event, the court is of the opinion the writ should be denied as it appears on the face of the complaint that plaintiff has a plain, speedy and adequate remedy for the grievance of which it complains. Other considerations, though not of controlling importance, tend to influence the court not to discuss at this time the question of jurisdiction raised by the motion to quash. Recent decisions of the Supreme Court of the United States which have been called to our attention seem to go very far towards solving the question of jurisdiction in cases of this kind. We especially refer to the case of Kansas City Bolt & Nut Co. v. Kansas City Light & Power Co., decided without opinion on the 22nd day of March, 1920, since this cause was submitted. The case was appealed from a decision of the Supreme Court of Missouri, a report of which will be found in 275 Mo. 529, 204 S. W. 1074. The judgment of the Missouri court was affirmed. The case, in its main features, is identical in principle with the case at bar. It is not necessary at this time to review the case.

By this action it is sought to arrest the proceedings of the Commission in its attempt to consider and pass upon the effect of a certain contract existing between plaintiff and the Power Company fixing the rate to be charged by said Company for electric power furnished plaintiff at its place of business in Morgan County, Utah. The Commission was proceeding under and in pursuance of certain provisions of the Public Utilities Act found in Comp. Laws, Utah, 1917, Secs. 4788 and 4789 which read as follows:

> "4788. Except as in this section otherwise provided, no public utility shall charge, demand, collect, or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such products or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals, and charges so specified, nor extend to any corporation or person any form of contract or agreement, or any rule or regulation, or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; **provided**, that the Commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.
>
> "4789. No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person, or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service. The Commission shall have the power to determine any question of fact arising under this section."

Coming, now, to the question of remedy. Comp. Laws, Utah, 1917, Sec. 7408, limiting the functions of the writ of prohibition, says:

> "It may be issued by the Supreme Court, * * * to an inferior tribunal, or to a corporation, board, or

person, in all cases where there is not a plain, speedy, and adequate remedy in the ordinary course of law."

High on Extraordinary Legal Remedies, (3d. ed.) at page 708, says:

> "The appropriate function of the remedy is to restrain the exercise of unauthorized judicial or quasi-judicial power, which is regarded as a contempt of the state or sovereign, and which may result in injury to the state or to its citizens. Three conditions are necessary to warrant the granting of the relief: First, that the court, officer or person against whom it is sought is about to exercise judicial or quasi-judicial powers; second, that the exercise of such power is unauthorized by law; third, that it will result in injury for which no other adequate remedy exists."

The same author in the same connection also says: "Being an extraordinary remedy, however, it issues only in cases of extreme necessity."

2 Spelling on Extraordinary Relief, at page 1395, defines the nature and function of the writ:

> "The writ of prohibition is that process by which a superior court prevents an inferior court or tribunal from usurping or exercising a jurisdiction with which it has not been vested by law. It is an extraordinary writ, because it only issues when the party seeking it is without other adequate means of redress for the wrong about to be inflicted by the act of the inferior tribunal."

Such is the doctrine of the common-law and also the doctrine prevailing in this jurisdiction, at least so far as any question raised in this case is concerned.

The Legislature of this State in the Public Utilities Act has undertaken to provide a remedy for all questions finally determined by the Commission. Comp. Laws, 1917, Sec. 4834, reads as follows:

> "Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may apply to the Supreme Court of this State for a writ of certiorari or review (hereinafter referred to as a writ of review) for the

purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the Commission to certify its record in the case to the Court. On the return day, the cause shall be heard by the Supreme Court, unless for a good reason shown the same be continued. No new or additional evidence may be introduced in the Supreme Court, but the cause shall be heard on the record of the Commission as certified to by it. The review shall not be extended further than to determine whether the Commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or the State of Utah. The findings and conclusions of the Commission on questions of fact shall be final and shall not be subject to review. Such questions of fact shall include ultimate facts and the findings and conclusions of the Commission on reasonableness and discrimination. The Commission and each party to the action or proceeding before the Commission shall have the right to appear in the review proceedings. Upon the hearing the Supreme Court shall enter judgment either affirming or setting aside the order of decision of the Commission. The provisions of the code of civil procedure of this State relating to writs of reviews shall, so far as applicable and not in conflict with the provisions of this title, apply to proceedings instituted in the Supreme Court under the provisions of this section. No court in this State (except the Supreme Court to the extent herein specified) shall have jurisdiction to review, reverse, correct, or annul any order or decision of the Commission, or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the Commission in the performance of its official duties; **provided**, that the writ of mandamus shall lie from the Supreme Court to the Commission in all proper cases."

As will be seen, the remedy provided is by certiorari or writ of review, and it cannot be denied that the last sentence of the section above quoted undertakes to make the remedy exclusive except that "the writ of mandamas shall lie from the Supreme Court to the Commission in all proper cases."

It is not necesssary in the present case to enter upon a discussion of the question whether the Legislature in view of the provisions of the State Constitution could entirely dispense with the remedy by writ of prohibition as to all questions arising before the Commission. That question can be solved whenever an emergency arises which requires its solution. The Court is not attempting to evade its responsibility. It has found by experience that moot questions, or questions not necessary to be determined in the disposal of a case, ordinarily would better be deferred until the determination of the question becomes necessary in the administration of justice.

The question with which we are now concerned is, is the remedy provided by the Legislature, set forth in the section above quoted, plain, speedy and adequate? If it is we have no discretion and the writ prayed for should be denied.

The matter complained of by plaintiff is that the Commission is attempting to exercise jurisdiction over and concerning a certain contract between plaintiff and the Power Company, which said contract is inviolable under both the Federal and State Constitutions prohibiting the passage of any law impairing the obligation of contracts. Assuming this to be true, plaintiff's complaint fails utterly to show that its rights under the contract are in immediate jeopardy, or that it will or can be subjected to any sacrifice or serious inconvenience by allowing the proceeding to take its course until the Commission finally makes its findings and conclusions. Even in plaintiff's brief there is no contention that plaintiff will suffer any loss or that any right that it has will be imperiled in the slightest degree by waiting until the findings and conclusions of the Commission are announced. Furthermore, counsel appearing as friends of the Court in their discussion of this question have ably and elaborately shown that plaintiff has another plain, speedy and adequate remedy provided by the Legislature. To this contention plaintiff has failed to make any reply or to otherwise explain to the Court why the remedy referred to is not sufficient.

Referring to the statute, Sec. 4834, it will be noted that the remedy provided by the Legislature is not new in this jurisdiction. Both in substance and in form it is the same writ of certiorari or review provided by our code of civil procedure. It cannot, therefore, be contended that the remedy is new or unheard of, or that it is any other than one with which the people of Utah, and especially the courts and members of the bar, are already familiar. The remedy

provided by the Legislature expressly provides for the protection of rights under the constitutions of this State and of the United States. It is one of the remedies known to the law, the existence of which defeats the remedy of prohibition. Campbell v. Durand, 39 Utah, p. 126. See also Carrigan v. Bowman, 40 Utah 94, which, in principle, is strikingly in point. Plaintiff in that case was charged with the violation of a city ordinance of Salt Lake City. He demurred to the complainant, among other things, on the ground that the Court was without jurisdiction for the reason that the ordinance upon which the complaint was founded was unconstitutional. The Court overruled the demurrer, took the defendant's plea and set the case for trial. Defendant then applied to the District Court for a writ of prohibition. In that Court the defendant, who was the City Judge, demurred to the complaint raising both the question of remedy and sufficiency of facts. The District Court sustained the demurrer, entered judgment denying the writ and dismissing the proceedings. From that judgment the petitioner appealed. This Court, in the course of its opinion, at page 94, said:

> "Where the validity of a statute or ordinance is involved, we think the general and better rule obtains that a writ of prohibition will not be granted in advance of the trial or determination of the inferior court, where the question is presented, when a plain remedy by appeal is afforded, though it may be held that the higher court will, when the question is presented to it, determine that the statute or ordinance is invalid, and the inferior court without jurisdiction, unless it is made to appear that to require the applicant to pursue the remedy by appeal or writ of review will deprive him, or seriously embarrass him in the exercise of, some present right."

The case just reviewed is pertinent here on four distinct grounds: (1) The writ of prohibition may be denied in certain cases, even where the proceeding has not terminated in a final order or judgment; (2) it may be denied in such cases even though the proceeding is challenged on constitutional grounds: (3) it may be denied unless it is made to appear that to require the applicant to puruse the remedy by appeal or writ of review would deprive him, or seriously embarrass him in the exercise, of some present right; and, finally, (4) the writ will be denied where the petitioner has another plain, speedy and adequate remedy.

The court in that case also held, at page 95, that the delay and expense of an appeal ordinarily furnished no sufficient reason for holding that the remedy by appeal is not adequate or speedy. The same may be said as to the remedy by writ of review.

Besides this, it appears in the proviso at the end of Sec. 4788, above quoted, that the Commission in dealing with contracts apparently discriminatory and preferential as to rates, is not bound by hard and fast rules. It has the power, by rule or order, to establish such exceptions as are just and reasonable as to each public utility. The discretion thus conferred on the Commission to attempt to do justice in all cases, irrespective of the nature or provisions of any particular contract, or agreement, in all probability accounts for the attempt on the part of the Legislature to disperse with all such remedies as might interfere with the functions of the Commission until it has announced its final conclusions. The law as framed is in effect an announcement of the policy which the legislature deemed wise and expediant in this class of cases. It is the duty of the Court, unless prevented by fundamental principles binding alike upon both the Legislature and the Court, to give heed to the legislative policy thus announced and endeavor to give it full force and effect. In that regard the present case presents no difficulty whatever. The remedy provided by the Legislature in Sec. 4834 is sufficient. It is plain, speedy and adequate.

It is therefore ordered that the alternative writ heretofore issued herein be quashed and a peremptory writ denied, at plaintiff's costs.

We concur:

.....

.....

.....

.....

IN THE SUPREME COURT OF THE STATE OF UTAH

THE OGDEN PORTLAND CEMENT CO.,

Plaintiff,

vs.

PUBLIC UTILITIES COMMISSION OF UTAH,

Defendant.

THURMAN, J.

This case was filed, argued and submitted at the same time as was the case of Union Portland Cement Company v. Public Utilities Commission of Utah, recently decided by this Court. The cases are identical in principle, the parties were represented by the same attorneys and it was stipulated that the decision in one case should be controlled as to the other. Upon the authority of the case referred to, it is ordered that the alternative writ heretofore issued be quashed and a peremptory writ denied, at plaintiff's cost.

We concur:

.....

.....

.....

.....

IN THE SUPREME COURT OF THE STATE OF UTAH

MURRAY CITY,

Appellant,

vs.

THE UTAH LIGHT & TRACTION CO., and the UTAH POWER & LIGHT CO.,

Respondents.

GIDEON, J.

The defendants separately demurred to the complaint on the ground that the same does not state a cause of action. The demurrers were sustained. Leave was given to amend. Plaintiff elected to stand upon its complaint. Accordingly a judgment of dismissal was entered. From that judgment this appeal is prosecuted.

As indicated by the complaint the object which plaintiff seeks is the enforcement by the Court of an ordinance revoking or forfeiting the right of the defendants to operate a street or interurban railway over the main street of plaintiff city designated in the complaint as State Street. The right to construct and operate the street railway through such city was granted to the predecessor of the defendant, The Utah Light & Traction Company by the City Council of said City on March 23, 1909. The ordinance (hereinafter referred to as franchise ordinance) is set forth in full in the complaint. The alleged breach of certain provisions of that ordinance by the company now operating the railroad is the basis of the relief sought by the plaintiff in this action. On May 8, 1919, the Board of Commissioners of plaintiff City passed or adopted an ordinance (hereinafter called revoking ordinance) revoking in unambiguous language the rights and privileges granted to the defendants and their predecessors by the franchise ordinance. That ordinance, among other things, designates the fares to be charged by the grantee for its services in transporting passengers through said City and to and from Salt Lake City situate a few miles north. It is stipulated therein that no greater fare, or more than one fare, will be charged for the services therein named. There are other provisions prescribing the grade at which the track shall be constructed;

that the grantee shall keep the same in good repair both between the rails and outside of the track; that crossings shall be constructed, and other provisions looking to the convenience of the City and its inhabitants. It is stated in the complaint that "the chief and fundamental consideration" which induced the plaintiff City to pass the franchise ordinance was the agreement on the part of the grantee Railway Company to transport passengers over its said line at the price and for the fare stipulated in said ordinance. It is also alleged in the complaint that "said defendants claim some justification for some of the acts herein complained of because of some pretended order or authority given it or them by virtue of certain laws of the State of Utah, or proceedings had in pursuance thereof, but any such claim was and is in violation of the terms and provisions of the Constitution of the State of Utah, and of the United States, and especially of the part relating to the impairing of the obligation of contracts."

The objection to the constitutionality of the Public Utilities Act and the orders made by the Commission are sufficiently discussed and determined by this Court in Salt Lake City v. The Utah Light & Traction Company, ... Utah, ..., 173 Pac. 556. In that case the ordinance in question here was involved. If, as pointed out in that opinion, the State, by reason of its right as a sovereign, retained the power to modify or annul a rate or fixed charge for services rendered by a public utility such as The Utah Light & Traction Company and that any order regularly made by such Commission is a legal and binding order, it must follow as a necessary corollary that such act on the part of the State through a commission authorized by the Legislature would in no way affect other rights secured to either party by the terms of a contract such as the franchise ordinance in question here. It is not questioned that the City authorities have and had the right to grant to the defendants or their predecessors the privilege to operate a street railway upon the streets of such City. Neither is it questioned that the right exists to prescribe conditions or limitations under which such privilege may be exercised. The power, however, to fix the fare to be received by the utility, or the defendants in this action, is retained by the State and can be exercised by it whenever the necessity requires action upon its part. Salt Lake City v. The Utah Light & Traction Company, supra.

Section 5 of the franchise ordinance relating to the forfeiture of the rights granted thereunder is as follows:

> "If the grantee herein, its successors or assigns, shall fail to perform any of the stipulations of this ordinance, the City Council, upon sixty days' notice, and upon failure on the part of said Company, its successors or assigns, to perform, may declare said franchise and right of way forfeited."

There is no contention that any notice of sixty days, or otherwise, as required by the foregoing section was ever given or served. The only intimation that any notice was ever given the defendants, or either of them, requiring a compliance with the terms of the ordinance is found in the preamble of the revoking ordinance, which ordinance is copied in full in the complaint. It is stated therein that on April 17, 1919, a notice was served upon The Utah Light & Traction Company, one of the defendants, to show cause, if any it had, before the Board of Commissioners of said City on said date why the franchise should not be forfeited and that in pursuance of that notice the dedendant, The Utah Light & Traction Company, appeared before said board on April 21, 1919, and declined to make any showing why said franchise should not be forfeited or to in any way make excuse for its violations of the terms of said franchise and requested that its objection to or protest against the jurisdiction of said board be entered upon the city records together with its denial of any alleged cause for forfeiture.

It evidently was the intention of the plaintiff at the time of the institution of this action that the chief and principal grievance was the fact that the defendant Traction Company had increased the fare for services in transporting passengers to a greater amount than as provided in the franchise ordinance and that the acts of the Public Utilities Commission in authorizing such increase were violative of the contract existing between the City and defendant, and therefore prohibited by the Constitution. That contention, however, as was determined by this Court in the case referred to, is untenable.

Other reasons alleged in the complaint as a basis for a forfeiture of the franchise are that the defendants have failed to lay and maintain tracks on the grades fixed by the plaintiff City; have failed and refused to conform to such grades, and that they have neglected to keep in repair the spaces between the tracks and on the outside of the same and also have neglected to place poles for carrying wires as directed by the officers of plaintiff City. In the

very nature of things these alleged grounds for forfeiture could be easily remedied by the defendant Traction Company, and doubtless would be, if that Company were required so to do by a notice such as is provided for in said Section 5. We express no opinion, however, upon the right of the plaintiff City to have a cancellation of the privileges granted by the franchise ordinance for failure on the part of the Railway Company to comply with such provisions of the ordinance last referred to after the notice as required by Section 5. It will be time enough to pass upon such question at any time the determination of the same is necessary or essential to a decision of the matters presented in such a case. It is sufficient to say that the law does not favor forfeitures and any party to a contract insisting upon a forfeiture of the other's rights thereunder must show a literal compliance with all provisions of the contract giving him such right, otherwise relief will not be granted. Camp Mfg. Co. v. Parker, 91 Fed. 705. See also 12 R. C. L. p. 203; 18 C. J., p. 279, Sec. 438.

The judgment of the District Court is affirmed, with costs.

We concur:

.....

.....

.....

.....

TABLE OF CASES REPORTED