Report of the

Public Utilities Commission of Utah

to the Governor

December 1, 1923, to and including December 31, 1924

ARROW PRESS
Salt Lake City, Utah

COMMISSIONERS

December 1, 1923, to December 31, 1924.

THOS. E. McKAY, President
WARREN STOUTNOUR
E. E. CORFMAN
FRANK L. OSTLER, Secretary

Office: State Capitol, Salt Lake City, Utah

To His Excellency, George H. Dern,
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 of December 1, 1923, to and including December 31, 1924.

COURT CASES

Under date of May 7, 1924, the Supreme Court of Utah rendered its decision in the following case:

Jeremy Fuel and Grain Co., et al.,
vs.
Denver & Rio Grande Railroad Co., and
Public Utilities Commission of Utah.

Copy of this decision will be found under Appendix IV.

STATISTICS

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

Cases pending from 1921	5
Cases pending from 1922	7
Cases pending from 1923	18
Total cases pending beginning of period	30
New cases filed during period	77
Total	107
Cases disposed of	57
Cases pending as of December 31, 1924	50

Of these cases, two are from 1921, four from 1922, four from 1923 and forty from 1924. Twenty-two (22) of these cases have been heard, leaving twenty-eight (28) still unheard.

The Commission also issued 222 Ex Parte Orders, 50 Special Dockets, 16 Grade Crossing Permits and 16 Certificates of Convenience and Necessity.

Several pages of this report are devoted to statistical information of various utilities.

RATES.

Practically all of the Ex Parte Orders were for reductions in rates. No rate increases have been so authorized, except in a very few instances, to correct clerical errors and standardize commodity descriptions. The Commission has maintained the view that authority for increased rates shall not be given, except after a formal hearing, and then, only when the evidence justifies. Numerous other reductions have been made on thirty days' notice to the public and the Commission. The Commission, in co-operation with the Department of Agriculture and the Los Angeles and Salt Lake Railroad Company, endeavored, through reduced rates, to relieve the situation, during the latter part of the year, in the southern part of the state. This condition was the result of extreme drought, causing the loss of many head of live stock. The Commission has been instrumental in the early publication of freight rates for new industries. It has also rendered assistance in securing reduced freight rates on road building materials for the Utah State Road Commission.

While the Commission does not have jurisdiction over interstate rates, Section 4802, Compiled Laws of Utah, 1917, provides that its duty is to investigate all existing or proposed interstate rates, and all rules and practices in relation thereto, for or in relation to the transportation of property, where any act in relation thereto, shall take place within the State of Utah; and when the same are, in the opinion of the Commission, excessive or discriminatory, or in violation of the act of congress, entitled "an act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, or of any other act of congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the Public Utilities Commission of Utah shall apply by petition or otherwise to the Interstate Commerce Commission for relief. The Commission has intervened in several cases before the Interstate Commerce Commission, where rates appeared to be discriminatory and excessive. Among the most important cases were the Express Rate Case and the East-bound and West-bound Grain Cases. Much good has been, and no doubt, will be accomplished through this work of the Commission.

The Commission is rendering all possible assistance in securing the passage of Senate Bill No. 2327, in the Congress of the United States. The author of this bill is

Senator Gooding, of Idaho, whose desire is to relieve the intermountain territory, by eliminating discrimination, in freight rates.

WEEKLY PASSES

Under date of April 26, 1924, the Utah Light and Traction Company was granted permission to establish, effective May 4, 1924, the Weekly Pass rates. It is to be hoped that the use of these passes will prove an added convenience as well as a saving to the patrons of the Traction Company.

REDUCED ELECTRIC LIGHT RATES

Effective June 1, 1924, the Utah Power and Light Company reduced certain rates for residential and commercial lighting, meter rate, for practically all territory except Salt Lake City and Ogden, Utah. These reductions range from nine (9) to thirty-three and one-third (33⅓) per cent.

NEW ENDEAVORS

STREET CAR SERVICE

The Utah Light and Traction Company has recognized the necessity for eastbound and westbound passenger service on 33rd South, Salt Lake City, Utah. Accordingly, it has secured a Certificate of Convenience and Necessity from this Commission, and is now operating a passenger bus as a feeder to its lines. This also furnishes transportation facilities for the public in East Mill Creek.

STORE-DOOR DELIVERY SERVICE

The Salt Lake & Utah Railroad Company has installed at Magna, Utah, a store-door delivery service. The Commission believes this is only a beginning of such services, and that similar deliveries will soon be rendered elsewhere, by the railroads operating within the state.

GAS RATES

During the period, the Utah Gas & Coke Company undertook to supply a new class of service. This is in the nature of house heating by manufactured gas. Rates for this class of service are materially lower than those for illuminating, fuel and power purposes.

Effective the latter part of September, 1924, the Utah Gas and Coke Company established a three-part rate for industrial uses. This schedule is optional.

STAGE AND TRUCK LINE REGULATION

Considerable difficulty is being experienced in the regulation of automobile stage and truck lines. The aim of the Commission is to secure for the public, in all cases, dependable service at reasonable rates. There are numerous violations of the law with relation to automobile transportation. We have had, during the period of this report, several cases in the courts for prosecution of violators, some of which are still pending.

GRADE CROSSINGS

Most of the permits issued for grade crossings cover trackage for new industries. In all of these cases, the Commission requires the usual crossing signs, and reserves its right to require signals as it sees fit.

ELIMINATION OF GRADE CROSSINGS

Of the most important work which has been completed during the period, and which has been done on orders of the Commission, is:

The Riverdale Viaduct, which spans the Weber River as well as the tracks of the Union Pacific Railroad Company, at Riverdale, Utah.

The two overhead crossings near Clearfield, Utah, one of which spans the tracks of the Oregon Short Line Railroad Company, while the other spans those of the Denver and Rio Grande Western Railroad Company.

The Underpass at Price, Utah, which eliminated a very dangerous grade crossing over the tracks of the Denver and Rio Grande Western Railroad Company.

ACCIDENTS

Many accidents have occurred within the State, particularly in connection with the operations of steam and electric railroads, during the period covered by this report. A number of these accidents occurred at grade crossings. The more serious accidents have been fully investigated with a view of preventing their recurrence. In some instances, the Commission has been able to prescribe

more stringent regulations, and, in others, made recommendations that it thought would be helpful in seeking to avoid their repetition.

In all these cases, the public service corporations have manifested their willingness to do everything within their power to lessen the frequency of these unfortunate occurrences.

AUTOMOBILE CORPORATION SERVICE

There are now operating within the State of Utah, some 55 automobile corporations. In many sections of the State, these utilities afford the only means of transportation for persons or property. They are being operated on fixed schedules, both as to time and rates, under rules and regulations prescribed by the Commission.

Certificates of Convenience and Necessity have not been issued to these public utilities, until after public hearings and full investigation as to whether the public good will be advanced by their operation. The Commission has made painstaking effort to secure for the public, through these agencies, ample and commodious equipment, waiting stations, and courteous and efficient operators. We think that these automobile routes have, in a very great measure, not only contributed to the convenience and the general welfare of the communities they serve, but they have also materially increased the traffic of the several railroads operating within the State. In cases where these automobile routes parallel the established railroad lines, Certificates of Convenience and Necessity are issued, only where it is made to appear that the automobile is to provide a distinctive service and other than that offered to the public by the railroads. In affording this class of service to the public, much contention has arisen within the State, as to the advisability of permitting the automobile to operate at all in direct competition with the established railroad lines. It is claimed that the railroads are indispensable and that if the automobile is permitted to operate in direct competition with them, that ultimately the railroad service will be destroyed, or, at least, seriously impaired. It is also claimed by many that automobile competition is unfair to the railroads for the reason that the owners are not required, under existing laws, to pay any license fee, nor any taxes commensurate to impairment caused by their operation on the public highways, over which they are routed.

On the other hand, it is contended that the best interest of the public, demand automobile service and that, in this age, to deny this class of service would mean the retardment of progress, if not a step backward.

It would seem that by reasonable co-operation of these contending agencies or interests, if aided by proper legislative enactments, both might exist and prosper, and at the same time, materially contribute to the common welfare of all the people of the State.

CLASSIFICATION OF ACCOUNTS AND ANNUAL REPORTING FORMS

During the period covered by this report, and for a few months prior thereto, the Commission issued the following General Orders, pertaining to Uniform Classifications of Accounts and Annual Forms of Report for the purpose of securing uniform accounting and reporting, throughout the State, of practically all public utility corporations located therein, viz:

General Order No. 12, adopting the Uniform Classification of Accounts for Electrical corporations presented to the National Association of Railroad and Utilities Commissioners by the Committee on Statistics and Accounts of said Association, at its convention at Detroit, Michigan, during 1922, and General Order No. 13, adopting the Uniform Classification of Accounts for Gas corporations, also presented at the Detroit Convention by the Committee on Statistics and Accounts. There are approximately 23 municipal electric light and power utilities and approximately 22 privately owned electric light and power utilities operating within the State, making a total of 45 electric utilities, over which the Commission has jurisdiction, and is empowered, by Section 4816, Compiled Laws of Utah, 1917, to establish a system of accounts to be kept by the public utilities, subject to its jurisdiction, or to classify such public utilities, and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept.

During 1923, the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, presented to said Association, at its annual convention at Miami, Florida, a standard form for the purpose of the electrical and gas utilities to report annual finnancial and statistical operations to the Commissions in conformity with the Classifications of Accounts, previously adopted. Through some error, an

incomplete form was given to the press at New York, and the form of report for the use of electrical and gas utilities in reporting operations for the year 1923, was printed and distributed by the press and later found to be incomplete. Consequently same could not be used.

The following year, the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners held a meeting, during the convention at Phoenix, Arizona, and a form of report, being a revision of the form presented the year previous, for electrical and gas corporations, was again presented to the National Association. Said form of report was, a short time prior to this convention, revised at Washington, D. C., to meet, in so far as possible, the reporting requirements of the various Federal Bureaus. The revision was made after conferences with the Accounting Committee of the National Association of Railroad and Utilities Commissioners, the Federal Water Power Commission, the Bureau of the Census, the United States Geological Survey, the Bureau of Labor Statistics, the National Electric Light Association, and the American Gas Association.

On November 24, 1924, under General Order No. 15, this Commission adopted the above standard form of report for electrical and gas utilities, and through its own efforts, not having sufficient appropriation for printing, has duplicated a sufficient number of these forms to furnish two copies to each municipal and privately operated electrical utility and to each gas utility, keeping said classifications of accounts. Not all of the electrical utilities are keeping the prescribed accounts, but the Commission expects, through its co-operation and assistance to such utilities, to have a complete report from each utility, operating within the State, during the year.

During August, 1924, under General Order No. 14, the Commission formally adopted the Uniform Classification of Accounts for water utilities prepared by the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, at its convention in Atlanta, during April, 1921, and later revised at its Detroit convention, during 1922.

There are approximately 112 municipally operated water utilities and approximately 41 privately operated water utilities operating within the State of Utah, making a total of some 153 water utilities, over which, the Commission has jurisdiction. Forms of annual reports for

such utilities are being devised at the present time by the Accounting Department of the Commission, shortly to be presented to the Commission for its approval.

During the past year, the Accounting Department of the Commission has prepared a Uniform Classification of Accounts for the smaller telephone utilities operating within the State. An annual form of report in conformity with such classification has also been prepared. The adoption of same is at present being considered by the Commission.

With the exception of the Mountain States Telephone and Telegraph Company, operating under the system of accounts for large telephone companies prescribed by the Interstate Commerce Commission, there are approximately 29 privately operated telephone utilities and 3 municipal telephone utilities, making a total of some 33 telephone utilities over which the Commission has jurisdiction.

There are approximately 55 automobile passenger and freight stage lines, operating in the State of Utah. During May of 1922, the Commission prescribed a uniform classification of accounts for same, effective July 1, 1922. About the same time as the classification of accounts became effective, forms for the purpose of all automobile stage lines to use in making monthly report of operations, giving important statistical and financial data in conformity with the classification of accounts, were also devised by the Commission. Through considerable effort, the Commission has succeeded in getting the stage lines to make prompt monthly reports, until, at the present time, practically all are complying with the requirement. An annual form of report to conform to the classification of accounts above mentioned, has also been approved by the Commission, and within the year, all automobile stage lines will, in addition to furnishing monthly reports of operations to the Commission, furnish annual reports as in the case of the other utilities.

The various steam roads, electrical roads, street railways and the American Railway Express Company are operating under the uniform classification of accounts prescribed by the Interstate Commerce Commission, and have, since the organization of the Commission, filed annual reports of operations, both interstate and intrastate.

Uniform classifications of accounts and annual forms for the purpose of report, have thus been prescribed by the

Commission for practically all public utilities operating under the jurisdiction of the Commission, and if the program of the Commission is fully carried out, during the year, a report of the operations of each utility will be on file in the Commission's office, available for valuation and rate investigations. A separate report covering each year's operations will be required.

Very respectfully submitted,

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

The following is a statement of the finances of the Commission from December 1, 1923, to and including December 31, 1924.

NAME OF ACCOUNT	Item	Available Balance of Appropriation Dec. 1, 1923	Expenditures 12-1-23, to 12-31-24 Item	Total	Amount of Balance Unexpended	Credits to Accounts Dec. 1, 1923, to Dec. 31, 1924	Available Balance Dec. 31, 1924 Item	Total
Salaries, Wages, Fees								
Commissioners			$15,000.00**					
Clerical			8,153.67					
Reporters, per Diem basis	$28,927.61	$28,927.61	690.20	$23,843.87	$ 5,083.74	$ 397.05	$ 5,480.79	$ 5,480.79
Office Expenses								
Office Supplies	219.03		187.64		31.39		31.39	
Postage	400.00		300.00		100.00	4.40	104.40	
Premiums	77.50		75.00		2.50		2.50	
Printing	313.76		81.71		232.05		232.05	
Telephone and Telegraph	120.90		83.60		37.30		37.30	
Subscriptions	17.00*	1,114.19	15.00	742.95	32.00*		32.00*	375.64
Traveling Expenses								
Commissioners	1,084.30		1,104.56		20.26‡		20.26‡	
Employees	573.35	1,657.65	46.61	1,151.17	526.74		526.74	506.48
Equipment								
Office Equipment	172.02		215.18		43.16‡		43.16‡	
Books and Maps	254.50	426.52	187.00	402.18	67.50		67.50	24.34
Repairs								
Repairs to Office Equipment	43.50	43.50	2.00	2.00	41.50		41.50	41.50
TOTAL	$32,169.47	$32,169.47	$26,142.17	$26,142.17	$ 6,027.30	$ 401.45	$ 6,428.75	$ 6,428.75

Available Balance Dec. 1, 1923, and Total Credits from Dec. 1, 1923, to Dec. 31, 1924..... $32,570.92
Expenditures from Dec. 1, 1923, to and including Dec. 31, 1924, and Balance on Hand Dec. 31, 1924..... 32,570.92

*No distribution of Office Expenses for Subscriptions was made.
**Represents Salaries of Three Commissioners for 15 months.
‡Represents Deficit in Distribution of Accounts as made by Dept. of Finance and Purchase, but not Deficit in Appropriation.

APPENDIX No. 1.

Part No. 1—Formal Cases.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Decided October 29, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 16, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 7 (Case No. 22), authorizing S. D. Kisamos, John Gazwrakis, John Michelog and Stanislao Silvagni, co-partners, under the name of Star Line, to operate an automobile stage line, for the transportation of passengers, between Price and Sunnyside, Utah.

The Commission now finds that, owing to the failure of S. D. Kisamos, John Gazwrakis, John Michelog and Stanislao Silvagni, co-partners, under the name of Star Line, to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 7 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 7 be, and it is hereby, cancelled, and the right of S. D. Kisamos, John Gazwrakis, John Michelog and Stanislao Silvagni, co-partners, under the name of Star Line, to operate an automobile passenger stage line between Price and Sunnyside, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Decided October 29, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 6, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 21 (Case No. 27), authorizing J. T. Johnson and William Engle, co-partners, doing business under the name of the Arrow Line, to operate an automobile stage line between Price and Sunnyside, Utah.

Under date of August 16, 1918, the Commission issued its Report and Order, granting J. T. Johnson, W. A. Engle, W. J. Bell and James C. Huey, known as the Arrow Line and the Hiawatha Line, to consolidate their interests and operate as one line.

The Commission now finds that, owing to the failure of the Arrow Line and the Hiawatha Line to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 21 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 21 be, and it is hereby, cancelled, and the right of the Arrow Line and the Hiawatha Line to operate under said Certificate No. 21 be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Decided November 6, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 10, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 6 (Case No. 36), authorizing the Spring Canyon Auto Line to operate and maintain an automobile stage line for the transportation of passengers, between Helper and Rains, Carbon County, Utah.

May 17, 1924, the Commission issued Certificate of Convenience and Necessity No. 208 (Case No. 717), granting Peter Laboroi, Robert Cormani, Charles P. Lange and John Laboroi permission to consolidate their interests and operate an automobile stage line, for the transportation of passengers, between Helper and Mutual, Utah, and intermediate points, said stage line to be operated under the name of the Spring Canyon Stage Line.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 6 (Case No. 36), be, and it is hereby cancelled.

By the Commission.

(Signed) F. L. OSTLER,

Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Decided November 5, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission.

Under date of May 10, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 5 (Case No. 37), authorizing the White Star Line, operated by Mrs. Joe Cormani and sons, to operate and maintain an automobile stage line, for the transportation of persons, between Helper and Rains, Utah.

May 17, 1924, the Commission issued Certificate of Convenience and Necessity No. 208 (Case No. 717), granting Peter Laboroi, Robert Cormani, Charles P. Lange and John Laboroi permission to consolidate their interests and operate an automobile passenger stage line between Helper and Mutual, Utah, and intermediate points, said stage line to be operated under the name of the Spring Canyon Stage Line.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 5 (Case No. 37) be, and it is hereby, cancelled.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ALEX GIBSON, for permission to operate an automobile stage line between Salt Lake City and the Cardiff Mine in the South Fork of Cottonwood Canyon, Utah.	CASE No. 45

Decided October 29, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 8, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 10 (Case No. 45), authorizing Alex Gibson to operate an automobile stage line, for the transportation of passengers between Salt Lake City and the Cardiff Mine, via Big Cottonwood Canyon and the South Fork, Utah.

The Commission now finds that, owing to the failure of Alex Gibson to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 10 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 10 be, and it is hereby, cancelled, and the right of Alex Gibson to operate an automobile passenger stage line between Salt Lake City and the Cardiff Mine, via Big Cottonwood Canyon and the South Fork, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EDWARD CARROW, for permission to operate an automobile freight and passenger service in Big Cottonwood Canyon, Utah. } CASE No. 46

Decided October 30, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 8, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 11 (Case No. 46), authorizing Edward Carrow to operate an automobile freight line between Salt Lake City and Brighton, and intermediate points, including the South Fork of Big Cottonwood Canyon to the vicinity of the Cardiff Mine.

The Commission now finds that, owing to the failure of Edward Carrow to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 11 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 11 be, and it is hereby, cancelled, and the right of Edward Carrow to operate an automobile freight line between Salt Lake City and Brighton, and intermediate points, including the South Fork of Big Cottonwood Canyon to the vicinity of the Cardiff Mine, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & DUCHESNE STAGE COMPANY, for permission to operate a passenger and express automobile stage line between Duchesne and Provo, Utah, via Fruitland, Strawberry, Heber and Provo Canyon, Utah. } CASE No. 49

Decided October 30, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 26, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 12 (Case No. 49), authorizing the Salt Lake & Duchesne Stage Company to operate an automobile stage line, for the transportation of passengers and express, between Duchesne and Provo, Utah, via Fruitland, Strawberry, Heber and Provo Canyon, Utah.

The Commission now finds that, owing to the failure of the Salt Lake & Duchesne Stage Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 12 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 12 be, and it is hereby, cancelled, and the right of the Salt Lake & Duchesne Stage Company to operate an automobile passenger and express stage line between Duchesne and Provo, Utah, via Fruitland, Strawberry, Heber and Provo Canyon, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EUGENE CHANDLER, for certificate authorizing the operation of an automobile stage line between No. 10 Carr Fork, Bingham Canyon, Utah, and Highland Boy Mine, Salt Lake County, Utah, and Copperfield, Salt Lake County, Utah.	CASE No. 65

Decided October 30, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 30, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 13 (Case No. 65), authorizing Eugene Chandler to operate an automobile stage line, for the transportation of passengers, between Bingham Canyon and Highland Boy Mine, also Bingham Canyon and Copperfield, located in Salt Lake County, Utah.

The Commission now finds that, owing to the failure of Eugene Chandler to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 13, should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 13 be, and it is hereby, cancelled, and the right of Eugene Chandler to operate an automobile passenger stage line between Bingham Canyon and Highland Boy Mine, also Bingham Canyon and Copperfield, located in Salt Lake County, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. P. HEMMINGSEN, for a Certificate of Convenience and Necessity, granting him authority to conduct an auto stage line between Lark and Salt Lake City, Utah } CASE No. 80

Decided November 10, 1924.

ORDER

Upon motion of applicant and with the consent of the Commission:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 24 (Case No. 80) be, and it is hereby, cancelled.

By the Commission.

(Signed) F. L. OSTLER, Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. F. HUNTER, for permission to operate an automobile freight line between Price and Fort Duchesne, Utah, via Myton and Roosevelt, Utah. } CASE No. 83

Decided November 7, 1924.

ORDER

Upon motion of the applicant, and with the consent of the Commission:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 19 (Case No. 83), issued August 22, 1918, be, and it is hereby cancelled; and J. F. Hunter be, and he is hereby, permitted to discontinue the operation of an automobile freight line between Price and Fort Duchesne, Utah, via Myton and Roosevelt, Utah.

By the Commission.

(Signed) F. L. OSTLER, Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. M. BOOTH, for a Certificate of Convenience and Necessity to operate a passenger automobile service between Garfield Townsite and Smelter, Utah. } CASE No. 89

Decided October 31, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of September 20, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 23 (Case No. 89), authorizing H. M. Booth to operate an automobile passenger stage line between Garfield Townsite and Smelter, Utah.

The Commission now finds that, owing to the failure of H. M. Booth to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 23 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 23, be, and it is hereby, cancelled, and the right of H. M. Booth to operate an automobile passenger stage line between Garfield Townsite and Smelter, Utah, be, and it is hereby revoked.

By the Commission.

[SEAL] (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MYERS BROTHERS, for permission to operate an automobile stage line between Marysvale and Panguitch, Utah. } CASE No. 91

Decided October 21, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of October 5, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience

and Necessity No. 25 (Case No. 91), authorizing Myers Brothers to operate an automobile stage line, for the transportation of passengers, between Marysvale and Panguitch, Utah.

The Commission now finds that, owing to the failure of Myers Brothers to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 25 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 25 be, and it is hereby, cancelled, and the right of Myers Brothers to operate an automobile passenger stage line between Marysvale and Panguitch, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of D. E. CAMERON, for permission to operate on automobile stage line between Panguitch and Mt. Carmel, and intermediate points, State of Utah.	CASE No. 92

Decided October 31, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of October 5, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 26 (Case No. 92), authorizing D. E. Cameron to operate an automobile stage line, for the transportation of passengers, between Panguitch and Kanab, Utah, via Mt. Carmel, Utah.

The Commission now finds that, owing to the failure of D. E. Cameron to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 26 should be cancelled.

IT IS THEREFORE ORDERED, That certificate of Convenience and Necessity No. 26 be, and it is hereby, cancelled, and the right of D. E. Cameron to operate an

automobile passenger stage line between Panguitch and Kanab, Utah, via Mt. Carmel, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL]

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. M. BOOTH, for permission to operate an automobile stage line from Garfield to Saltair, Utah, to be known as the "Saltair Line."	CASE No. 116

Decided November 1, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 4, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 8 (Case No. 116, authorizing H. M. Booth to operate an automobile stage line, for the transportation of passengers, between Garfield and Saltair, Utah.

The Commission now finds that, owing to the failure of H. M. Booth to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 8 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 8 be, and it is hereby, cancelled, and the right of H. M. Booth to operate an automobile passenger stage line between Garfield and Saltair, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL]

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UINTAH TRANSPORT & PRODUCE COMPANY, for a Certificate of Convenience and Necessity, authorizing the operation of an automobile freight line to Fort Duchesne, Moffat and Vernal, Utah.	CASE No. 121

Decided November 1, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of January 20, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 30 (Case No. 121), authorizing the Uintah Transport & Produce Company to operate an automobile truck line, for the transportation of property, between Fort Duchesne, Moffat and Vernal, Utah.

The Commission now finds that, owing to the failure of the Uintah Transport & Produce Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 30 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 30, be, and it is hereby, cancelled, and the right of the Uintah Transport & Produce Company to operate an automobile truck line, for the transportation of property, between Fort Duchesne, Moffat and Vernal, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Decided November 12, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 20, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 36 (Case No. 130), authorizing Howard Hout to operate an automobile stage line, for the transportation of passengers, between Salt Lake City and Park City, Utah, via Parleys Canyon.

Under date of March 4, 1920, the Commission issued Certificate of Convenience and Necessity No. 74 (Case No. 265), authorizing Howard Hout to operate an automobile passenger stage line between Salt Lake City and Park City, Utah, which Certificate is now in effect.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 36 (Case No. 130) be, and it is hereby, cancelled.

By the Commission.

[SEAL] (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Decided November 4, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 8, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and

Necessity No. 38 (Case No. 143), authorizing Earl Veile to operate an automobile stage line, for the transportation of passengers, between Delta and Kanosh, Utah.

The Commission now finds that, owing to the failure of Earl Veile to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 38 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 38 be, and it is hereby, cancelled and the right of Earl Veile to operate an automobile passenger stage line between Delta and Kanosh, Utah, and intermediate points, be, and it is hereby, revoked

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ALEX GIBSON, for permission to operate an automobile stage line between Salt Lake City and the Cardiff Mine, in the South Fork of Cottonwood Canyon, Utah.	CASE No. 147

Decided November 13, 1924.

ORDER

Upon motion of the applicant, and with the consent of the Commission:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 40 be, and it is hereby, cancelled, and Alex Gibson be, and he is hereby, permitted to discontinue operating an automobile stage line between Salt Lake City and the Cardiff Mine, in the South Fork of Cottonwood Canyon, Utah.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. P. HEMMINGSEN, for permission to operate an automobile stage line between Lark, Utah, and Salt Lake City, Utah.	CASE No. 168

Decided August 26, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 24, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 41 (Case No. 168), authorizing A. P. Hemmingsen to operate an automobile stage line, for the transportation of passengers, between Lark and Salt Lake City, Utah.

The Commission now finds that, owing to the failure of A. P. Hemmingsen to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 41 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 41 be, and it is hereby, cancelled, and the right of A. P. Hemmingsen to operate an automobile passenger stage line between Lark and Salt Lake City, Utah, be and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL]

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. R. BARTON, for permission to operate an automobile stage line for the transportation of freight and express between Marysvale and Panguitch, Utah, and intermediate points.	CASE No. 170

Decided August 28, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 7, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 42 (Case No. 170), authorizing A. R. Barton to operate an automobile freight and express line between Marysvale and Panguitch, Utah, and intermediate points.

The Commission now finds that, owing to the failure of A. R. Barton to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 42 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 42 be, and it is hereby, cancelled, and the right of A. R. Barton to operate an automobile freight and express line between Marysvale and Panguitch, Utah, and intermediate points, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JESSE EARL BOOTH, for permission to operate an automobile stage line between Garfield Townsite and Magna, Utah. } CASE No. 175

Decided November 14, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

Under date of July 15, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 55 (Case No. 175), authorizing Jesse Earl Booth to operate an automobile stage line, for the transportation of passengers, between Garfield Townsite and Magna, Utah.

Under date of January 23, 1920, the Commission issued Certificate of Convenience and Necessity No. 70 (Case No. 268), assigning interest in stage line to William Smedley and Alfred Smedley.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 55 (Case No. 175), issued to Jesse Earl Booth, be, and it is hereby, cancelled.

By the Commission.

[SEAL] (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & DUCHESNE STAGE COMPANY, for permission to operate an automobile stage line for the transportation of passengers and express, between Duchesne and Provo, Utah, via Heber City. } CASE No. 177

Decided August 29, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 23, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and

Necessity No. 56 (Case No. 177), authorizing the Salt Lake & Duchesne Stage Company to operate an automobile stage line for the transportation of passengers and express, between Duchesne and Heber City, Utah.

The Commission now finds that, owing to the failure of the Salt Lake & Duchesne Stage Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 56 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 56 be, and it is hereby, cancelled, and the right of the Salt Lake & Duchesne Stage Company to operate an automobile passenger and express line between Duchesne and Heber City, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES S. FRONTJES, for permission to operate an automobile stage line between Salt Lake City and Vernal, via Provo Canyon, Heber and Strawberry Valley.	CASE No. 190

Decided August 29, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 23, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 57 (Case No. 190), authorizing James S. Frontjas to operate an automobile stage line for the transportation of passengers between Salt Lake City and Heber City, via Parley's Canyon, and from Duchesne to Vernal, via Myton and Roosevelt, and from Helper to Vernal, via Duchesne.

The Commission now finds that, owing to the failure of James S. Frontjas to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 57 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 57 be, and it is hereby, cancelled, and the right of James S. Frontjas to operate an automobile passenger stage line between Salt Lake City and Heber City, via Parley's Canyon, and from Duchesne to Vernal, via Myton and Roosevelt, and from Helper to Vernal, via Duchesne, be, and it is hereby, revoked.

By the Commission.

[SEAL] (Signed) F. L. OSTLER,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. W. JONES, for permission to operate an automobile stage line between Magna and Arthur, and Garfield, Utah. } CASE No. 191

Decided August 29, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 10, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 52 (Case No. 191), authorizing J. W. Jones to operate an automobile shift bus between Magna and Arthur for the accommodation of mill workers at Arthur.

The Commission now finds that, owing to the failure of J. W. Jones to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 52 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 52 be, and it is hereby, can-

celled and the right of J. W. Jones to operate said automobile stage service be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HARRY BIRD, for permission to operate an automobile express line between Tooele and Salt Lake City, Utah. } CASE No. 198

Decided October 21, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of August 1, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 58 (Case No. 198), authorizing Harry Bird to operate an automobile stage line, for the transportation of freight and express, between Tooele and Salt Lake City, Utah.

The Commission now finds that, owing to the failure of Harry Bird to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 58 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 58 be, and it is hereby, cancelled, and the right of Harry Bird to operate an automobile freight and express line between Tooele and Salt Lake City, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } CASE No. 238

Decided October 21, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of January 21, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 66 (Case No. 238), authorizing Robert Henderson and James Henderson to operate an automobile stage line, for the transportation of passengers, between Helper and Kenilworth, Utah, via Spring Glen, Utah.

The Commission now finds that, owing to the failure of Robert Henderson and James Henderson to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 66 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 66 be, and is hereby, cancelled, and the right of Robert Henderson and James Henderson to operate an automobile passenger stage line between Helper and Kenilworth, Utah, via Spring Glen, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } CASE No. 241

Decided November 19, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

Under date of January 7, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 68 (Case No. 241), authorizing Albert C. Pehrson to operate an automobile stage line, for the transportation of passengers, between Wattis and Price, Utah.

The Commission now finds that, owing to the failure of Albert C. Pehrson to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 68 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 68 be, and it is hereby, cancelled, and the right of Albert C. Pehrson to operate an automobile passenger stage line between Wattis and Price, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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.	CASE No. 243

Decided October 22, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 4, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 75 (Case No. 243), authorizing Dundas Brothers Cartage Company 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.

The Commission now finds that, owing to the failure of Dundas Brothers Cartage Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 75 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 75 be, and it is hereby, cancelled, and the right of Dundas Brothers Cartage Company 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, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EARL L. VEILE, for permission to operate an automobile stage line between Oasis, Utah, and Fillmore, Utah. } CASE No. 245

Decided October 22, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of December 1, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 64 (Case No. 245), authorizing Earl L. Veile to operate an automobile stage line, for the transportation of passengers, between Oasis and Fillmore, Utah, and intermediate points.

The Commission now finds that, owing to the failure of Earle L. Veile to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 64 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 64 be, and it is hereby cancelled, and the right of Earle L. Veile to operate an automobile passenger stage line between Oasis and Fillmore, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } CASE No. 260

Decided October 25, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of January 21, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 69 (Case No. 260), authorizing A. Boulais to operate an automobile stage line, for the transportation of freight, between Price and Helper, Utah, and points in the Uintah Basin.

The Commission now finds that, owing to the failure of A. Boulais to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 69 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 69 be, and it is hereby, cancelled, and the right of A. Boulais to operate an automobile freight line between Price and Helper, Utah, and points in the Uintah Basin, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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.	CASE No. 268

Decided October 23, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of January 23, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 70 (Case No. 268), authorizing William Smedley and Alfred Smedley to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depot, Salt Lake County, Utah.

The Commission now finds that, owing to the failure of William Smedley and Alfred Smedley to comply with all of its rules, regulations and requests, Certificates of Convenience and Necessity No. 70 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 70 be, and it is hereby, cancelled, and the right of William Smedley and Alfred Smedley to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depot, Salt Lake County, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } CASE No. 260

Decided October 25, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of January 21, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 69 (Case No. 260), authorizing A. Boulais to operate an automobile stage line, for the transportation of freight, between Price and Helper, Utah, and points in the Uintah Basin.

The Commission now finds that, owing to the failure of A. Boulais to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 69 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 69 be, and it is hereby, cancelled, and the right of A. Boulais to operate an automobile freight line between Price and Helper, Utah, and points in the Uintah Basin, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } CASE No. 268

Decided October 23, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of January 23, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 70 (Case No. 268), authorizing William Smedley and Alfred Smedley to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depot, Salt Lake County, Utah.

The Commission now finds that, owing to the failure of William Smedley and Alfred Smedley to comply with all of its rules, regulations and requests, Certificates of Convenience and Necessity No. 70 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 70 be, and it is hereby, cancelled, and the right of William Smedley and Alfred Smedley to operate an automobile stage line between Magna and Garfield, and between Garfield Townsite and Garfield Depot, Salt Lake County, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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.	CASE No. 271

Decided October 25, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 5, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 78 (Case No. 271), authorizing Chris Anderson and S. H. Bottom to operate an automobile stage line, for the transportation of passengers and express, between Vernal and Heber City, Utah, via Roosevelt, Myton, Duchesne, Fruitland and Strawberry, Utah.

The Commission now finds that, owing to the failure of Chris Anderson and S. H. Bottom to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 78 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 78 be, and it is hereby, cancelled, and the right of Chris Anderson and S. H. Bottom to operate said automobile passenger and express line, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES NEILSON, for permission to operate an automobile stage line between Salt Lake City and Brighton, Utah.	CASE No. 284

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

Under date of April 23, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 79 (Case No. 284), authorizing James Neilson to operate an automobile stage line, for the transportation of passengers, between Salt Lake City and Brighton, Utah; and on July 8, 1920, the Commission issued a Supplemental Order in Case No. 284, granting said James Neilson permission to also transport small packages of freight and express between Salt Lake City and Brighton.

In the autumn of 1920, James Neilson requested and was granted permission to discontinue the operation of his stage line between Salt Lake City and Brighton, account weather conditions and lack of patronage; and was authorized, May 6, 1921, under Certificate of Convenience and Necessity No. 109 (Case No. 398), to resume operation of the stage line between said points.

THEREFORE, IT IS ORDERED, That Certificate of Convenience and Necessity No. 79 (Case No. 284) be, and it is hereby, cancelled.

By the Commission.

Dated at Salt Lake City, Utah, this 22nd day of December, 1924.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } CASE No. 294

Decided May 12, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 5, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 77 (Case No. 294), authorizing Kendall Gifford to operate an automobile freight line between Lund, Utah, and points east of LaVerkin, Utah.

The Commission now finds that, owing to the failure of Kendall Gifford to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 77 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 77 be, and it is hereby, cancelled.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ALEX GIBSON, for permission to operate an automobile stage line between Salt Lake City and the Cardiff Mine, in the South Fork of Cottonwood Canyon, Utah.	CASE No. 305

Decided October 25, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 24, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 81 (Case No. 305), authorizing Alex Gibson 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, Utah.

The Commission now finds that, owing to the failure of Alex Gibson to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 81 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 81 be, and it is hereby, cancelled, and the right of Alex Gibson 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, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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.	CASE No. 306

Decided October 27, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 30, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 86 (Case No. 306), authorizing Chris Anderson and S. H. Bottom to operate an automobile stage line between Salt Lake City and Heber City, Utah, via Park City, Utah.

The Commission now finds that, owing to the failure of Chris Anderson and S. H. Bottom to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 86 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 86 be, and it is hereby, cancelled, and the right of Chris Anderson and S. H. Bottom to operate an automobile passenger stage line between Salt Lake City and Heber City, Utah, via Park City, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of BERT LOCKHART, for permission to operate an automobile stage line between Eureka and Payson, Utah.	CASE No. 315

Decided October 27, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 16, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 83 (Case No. 315), authorizing Bert Lockhart to operate an automobile stage line, for the transportation of passengers, between Eureka and Payson, Utah.

The Commission now finds that, owing to the failure of Bert Lockhart to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 83 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 83 be, and it is hereby, cancelled, and the right of Bert Lockhart to operate an automobile passenger stage line between Eureka and Payson, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES TURLOUPIS, for permission to operate an automobile stage line between Provo, Utah, and Heber City, Utah. } CASE No. 317

Decided October 27, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 12, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 82 (Case No. 317), authorizing James Turloupis to operate an automobile stage line, for the transportation of passengers, between Provo and Heber City, Utah.

The Commission now finds that, owing to the failure of James Turploupis to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 82 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 82 be, and it is hereby, cancelled, and the right of James Turloupis to operate an automobile passenger stage line between Provo and Heber City, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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. } CASE No. 319

Decided October 29, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 25, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 84 (Case No. 319), authorizing James R. Burbidge to operate an automobile freight and express line between Park City, Utah, and Kamas, Utah.

The Commission now finds that, owing to the failure of James R. Burbidge to comply with all of its rules regulations and requests, Certificate of Convenience and Necessity No. 84 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 84 be, and it is hereby, cancelled, and the right of James R. Burbidge to operate an automobile freight and express line between Park City and Kamas, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES NEILSON, for permission to operate an automobile stage line between Salt Lake City and Brighton, Utah. } CASE No. 398

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

Under date of May 6, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 109 (Case No. 398), authorizing James Neilson to operate an automobile stage line, for the transportation of passengers, between Salt Lake City and Brighton, Utah.

In the autum of 1921, James Neilson requested and was granted permission to discontinue the operation of his stage line between Salt Lake City and Brighton, account weather conditions and lack of patronage; and was authorized, March 14, 1922, under Certificate of Convenience and Necessity No. 130 (Case No. 495), to resume operation of the stage line between said points.

THEREFORE, IT IS ORDERED, That Certificate of Convenience and Necessity No. 109 (Case No. 398) be, and it is hereby, cancelled.

By the Commission.

Dated at Salt Lake City, Utah, this 26th day of December, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CEDAR FORT, UTAH, *Complainant*,

vs.

MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, *Defendant*.

CASE No. 399

Decided January 11, 1924.

Appearances:

Alfred Anderson, T. W. Hacking, J. L. Hales, for Complainant.

Orson J. Hyde and Fred B. Jones, for Defendant.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

This case originated December 15, 1919, at which time a letter was filed with the Commission, signed by the Cedar Fort Farm Bureau, alleging that Cedar Fort has a population of about two hundred, and, while one of the oldest towns in the State, is as yet without telephone service; that several attempts had been made to secure telephone service, but, it is alleged, the Telephone Company had either offered an unreasonable proposition, or had rejected the one offered by the residents of Cedar Fort.

The Farm Bureau shows that Cedar Fort is approximately four and one-half miles from the nearest telephone connection; that the proposed line would cross one railroad and one high tension electric line, and otherwise over level country; that the nearest telephone service is at Fairfield, five miles distant. It is alleged that there is delay in securing medical attention, because it is necessary to travel five miles in order to telephone; and that the nearest doctor is fifteen miles distant from the Town of Cedar Fort. Be-

cause of conditions named in the letter, the Farm Bureau asks the assistance of this Commission in securing service.

Thereafter, various conferences were had between the residents of Cedar Fort and the Telephone Company; various offers were made, both by the people of Cedar Fort and the Telephone Company; but a successful determination of the matter was not reached. Afterward, a representative of the Commission visited the Town of Cedar Fort; various estimates were made and discussed; estimates were made covering different types of service; but no substantial progress was made.

Thereupon, the Commission set the case for hearing, and the cause came on regularly for hearing, in Cedar Fort, May 11, 1921, at which time testimony was offered upon the part of the respective parties.

It appeared from the testimony that the complainants were at variance among themselves as to the kind of telephone service that should be installed. It was suggested by the Commission that the citizens of Cedar Fort call a meeting, with a view of becoming unified as to the service wanted by the community, and at the same time it was suggested by the Commission that the defendant submit to the complainants and to the Commission, estimated costs of the two types of services proposed by the defendant as the most feasible and satisfactory for the complainants. The respective parties agreed to the suggestions of the Commission and to report at an early date accordingly. No further tangible progress has been made.

The Commission has held the case under advisement since that time, and it has become apparent that upon this record no conclusion can be reached.

Public Utilities should be required to render service to subscribers under conditions that are just and reasonable to the subscribers and to the utility. The ability of the utility to render adequate and continuing service depends upon the revenues derived from the rates applied to all of the subscribers. If the revenue derived from a particular subscriber or the subscribers of a particular community in relation to the special or extra investment made to serve the subscriber or the community, is not a reasonable amount, such subscriber or community, in that event, be-

comes a burden upon the general rate-paying public and, in effect, there is unlawful discrimination. Hence, the rule is that subscriber or all of the subscribers of a community living at a too great distance from existing lines or having some special or peculiar condition of service, are required to share in the investment made to serve them, depending upon the amount and kind of service received. Part or all of the investment necessary to secure service, made by the subscriber or class of subscribers is returned within a reasonable time.

The case is accordingly dismissed, without prejudice.

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 January, 1924.

CEDAR FORT, UTAH,
Complainant,
vs.
MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY,
Defendant.
} CASE No. 399

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 is hereby dismissed without prejudice.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

UTAH STATE WOOLGROWERS ASSOCIATION,
Complainant,
vs.
DENVER & RIO GRANDE RAILROAD CO. and A. R. BALDWIN, RECEIVER, LOS ANGELES & SALT LAKE RAILROAD CO., OREGON SHORT LINE RAILROAD CO., SOUTHERN PACIFIC COMPANY, UNION PACIFIC RAILROAD COMPANY, WESTERN PACIFIC RAILROAD COMPANY,
Defendants.
} CASE No. 418

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Investigation of conditions existing at the grade crossing over the tracks of the BAMBERGER ELECTRIC RAILROAD, the DENVER & RIO GRANDE RAILROAD, and the OREGON SHORT LINE RAILROAD, at Beck's Hot Springs, north of Salt Lake City, Utah.	CASE No. 450

Submitted May 20, 1924. Decided August 14, 1924

Appearances:

George H. Smith, Atty., O. S. L. R. R., City.

VanCott, Riter & Farnsworth, Attys., D. & R. G. W. R. R.,

Irvine, Skeen & Thurman, Attys., B. E. R. R., City.
John F. MacLane, Atty., Utah Light & Traction Co.
Howard C. Means, Chief Engineer, State Road Comm.
J. W. Mellen, Proprietor, Beck's Hot Springs, North Salt Lake, Utah.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 28, 1921, the Commission, upon its own motion issued Order in Case 450, calling for investigation of conditions existing at grade crossing over the tracks of the Bamberger Electric Railroad, the Denver & Rio Grande Railroad and the Oregon Short Line Railroad, at Beck's Hot Springs, north of Salt Lake City, Utah. At various times investigations have been made and several suggestions were considered.

Investigations disclosed the following:

1. Many people use this crossing in visiting Beck's Hot Springs, a bathing resort.

2. The cost of installing an overhead crossing would be upwards of one hundred thousand dollars.

3. Owners of Resort would be unwilling to have patrons park their cars on east side of tracks, and use foot bridge, which might be installed.

4. It is not definitely known whether this is a private or public crossing.

5. That crossing is used only by patrons of the resort.

6. That warning signs and signals have been installed.

7. That condition of road and planking is good.

8. That the logical place for the resort is on the east side of the tracks.

9. That the construction of the resort is more or less temporary.

10. That eventually a new resort will be constructed on the east side of the tracks, and the present building will be abandoned.

11. The approach to the crossing on the east side has been changed, affording a view for a greater distance.

In view of the present condition of crossing which has been brought about by this investigation, the Commission feels that crossing is much less hazardous than heretofore, and that case should be dismissed. The condition of this crossing should be carefully watched in order to avoid ruts and loose or badly worn planking.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 August, 1924, A. D.

In the Matter of the Investigation of conditions existing at the grade crossing over the tracks of the BAMBERGER ELECTRIC RAILROAD, the DENVER & RIO GRANDE RAILROAD, and the OREGON SHORT LINE RAILROAD, at Beck's Hot Springs, north of Salt Lake City, Utah.	CASE No. 450

This case being at issue upon motion of the Commission 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, dismissed.

ORDERED FURTHER, That the condition of this crossing be carefully watched in order to avoid ruts and loose or badly worn planking.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ELMORE ADAMS, for permission to operate an automobile stage line between Deweyville, Tremonton and Garland Utah. } CASE No. 475

Decided April 2, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of February 23, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 127 (Case No. 475), authorizing Elmore Adams to operate an automobile stage line between Deweyville, Tremonton and Garland, Utah.

The Commission now finds that, owing to the failure of Elmore Adams to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 127 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 127 be, and is hereby, cancelled.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

THE UTAH LIME & STONE COMPANY,
Complainant,
vs.
BINGHAM & GARFIELD RAILWAY CO., DENVER & RIO GRANDE WESTERN R. R. CO., LOS ANGELES & SALT LAKE RAILROAD CO., OREGON SHORT LINE RAILROAD CO., SOUTHERN PACIFIC RAILROAD CO., UNION PACIFIC RAILROAD CO., UTAH RAILWAY COMPANY, UTAH IDAHO CENTRAL RAILROAD CO., WESTERN PACIFIC RAILROAD CO.,
Defendants.
} CASE No. 477

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Investigation of the rules of the MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, covering rural extensions.
} CASE No. 488

Decided January 17, 1924.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

This case was initiated January 19, 1922, on the Commission's own motion, and grew out of a letter of complaint as to construction and other costs incurred in rendering individual line service beyond base rate areas.

The case has been continued from time to time, and, after investigation, the Commission is convinced that the cause should be dismissed.

The general level of telephone rates is not sufficiently high so that we may require individual line extensions into comparatively thinly settled territory without base

rate areas, unless the subscribers share in construction costs and pays a higher rate than obtains within the base rate area. If individual line circuits were extended to subscribers, irrespective of distance from the exchange, investment costs incurred would soon reach such a figure that necessarily the majority of the subscribers who would not incur this expense would be called upon to pay increased rates to take care of the extraordinary requirements of a few.

Accordingly, the case is dismissed, without predjudice. An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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, 1924.

In the Matter of the Investigation of the rules of the MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, covering rural extensions. } CASE No. 488

This case being at issue upon the Commission's own motion, 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 case herein be, and it is hereby, dismissed.

[SEAL]

(Signed) F. L. OSTLER,
Secretary.

LION COAL COMPANY, a Corporation,
Complainant,

vs.

OREGON SHORT LINE RAILROAD COMPANY, a Corporation,
Defendant.

CASE No. 500

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Approval of the Agreement between the UNION PACIFIC RAILROAD COMPANY and the STATE ROAD COMMISSION OF UTAH, providing for construction, maintenance, repair and renewal of a viaduct at Riverdale, Utah.

CASE No. 515

Decided March 3, 1924.

SUPPLEMENTARY REPORT AND ORDER

By the Commission:

Under date of March 25, 1922, this Commission issued its Report and Order, approving the terms of contract entered into between the Union Pacific Railroad Company and the State Road Commission of Utah.

IT NOW APPEARING, That it is desired to make certain deviations from this contract, the proposed changes being set forth in letter from the State Road Commission, dated February 13, 1924, signed by Howard C. Means, its Chief Engineer. The changed plans provide for an earth fill between the two bridges and earth fill approaches thereto. Under the terms of the new contract, the Railroad Company will erect complete the steel bridge over its tracks, with its appertaining, reinforced concrete deck, sidewalk, foundation, piers and trestle approach spans. The Railroad Company will also remove and reconstruct the beet loading facilities, including beet spur, block sig-

nals, etc.; the State Road Commission undertakes the construction of the balance of the work on project. The basis for participation of cost under the contract is an estimate which includes all work incidental to the construction of earth fill, foundations and piers for the trestle approach to the steel span over the tracks, furnishing and erecting the steel span, changes to beet spur and other incidentals. The total estimated cost of the work, under the new contract, is equally divided between the two parties, the Union Pacific Railroad Company paying, in addition to its portion, a sum of $1,000 for the increased elevation necessary to the river span. It is agreed that the Union Pacific Railroad perform the work incidental to erecting the span and approaches over its tracks and the moving of the beet spur. In addition to this work, it was agreed that the Railroad make a cash payment of $11,500 to the State, so as to bring the estimated cost of work to be undertaken by it to $1,000 more than 50 per cent of the total.

IT IS THEREFORE ORDERED, That the viaduct, constituting overhead crossing, may be installed, operated maintained, used and protected in the manner prescribed by the terms of the proposed new contract, and the division of expense as set forth therein, is approved.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the TOOELE MOTOR COMPANY, for permission to operate an automobile stage line between Tooele and Saltair, Utah. } CASE No. 524

Decided April 11, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 2, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 142 (Case No. 524), authorizing the Tooele Motor Company to operate an automobile stage line between Tooele and Saltair, Utah, for the transportation of passengers.

The Commission now finds that, owing to the failure of the Tooele Motor Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 142 (Case No. 524) should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 142 be, and is hereby, cancelled, and that the right of the Tooele Motor Company to operate an automobile passenger stage line between Tooele and Saltair, Utah, is hereby revoked.

(Signed) THOMAS E. McKAY.
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HAROLD SOYKA, for permission to operate an automobile stage line between Richfield and Fish Lake, Utah. } CASE No. 554

Decided August 26, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 20, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 151 (Case No. 554), authorizing Harold Soyka to operate an automobile stage line between Richfield and Fish Lake, Utah, for the transportation of passengers.

The Commission now finds that, owing to the failure of Harold Soyka to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 151 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 151 be, and it is hereby, cancelled, and the right of Harold Soyka to operate an automobile passenger stage line between Richfield and Fish Lake, Utah, be, and it is hereby, revoked.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

C. E. SMITH, et al.,
Complainant,
vs.
THE BEAR CANYON PIPE LINE COMPANY, a Corporation,
Defendant.
} CASE No. 573

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the complaint of C. E. Smith, et al., vs. The Bear Canyon Pipe Line Company, a Corporation, be, and it is hereby, dismissed, without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 18th day of January, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for an investigation and order covering a crossing of the State Highway over the Oregon Short Line Railroad near Brigham.
} CASE No. 576

PENDING

In the Matter of the Application of the UTAH CENTRAL RAILROAD COMPANY, for a Certificate of Public Convenience and Necessity.
} CASE No. 580

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Investigation of the service rendered by the SALT LAKE-OGDEN TRANSPORTATION COMpany. } CASE No. 584

Decided May 21, 1924.

REPORT OF THE COMMISSION

By the Commission:

This is an investigation upon the Commission's own motion, and dated September 11, 1922. The Commission entered up an investigation of the service of the Salt Lake-Ogden Transportation Company, for the purpose of determining such operating schedules as would meet the reasonable requirements of shippers of freight over said line.

The investigation was set down for hearing before the Commission, on the 19th day of September, 1922, and reassigned for hearing, to be had September 23, 1922.

Testimony was offered by various witnesses concerning the service given by the said Transportation Company. The question of unloading merchandise at Kaysville, was one of the issues raised. Certain shippers testified that the carrier did not give sufficient attention to the unloading of freight and depositing it at a place convenient to the shippers.

Mr. Bruce Wedgwood, one of the operators of the Transportation Company, testified in support of the service, contending that everything was being done by way of dispatch and convenience in the hauling and delivering of merchandise to the complaining parties.

A number of letters were introduced into the record, some in favor and others against the service. A representative of the carrier claimed that in some instances it was impossible for it to deliver goods to the warehouses,

on account of the lack of proper facilities offered by the shippers.

At the conclusion of the investigation, the Commission deemed it advisable to hold the matters at issue open for further investigation, and was reassigned for hearing, May 31, 1923, since which time, it appears that the carrier has increased its service and its method of handling shipments so as to eliminate the cause of complaint as stated in this cause.

We are of the opinion and find that the complaint should be dismissed.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 May, 1924.

In the Matter of the Investigation of the service rendered by the SALT LAKE-OGDEN TRANSPORTATION COMpany. } CASE No. 584

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

IT IS ORDERED, That the complaint herein be, and it is hereby, dismissed.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

INTERSTATE SUGAR COMPANY and James J. Burke, Receiver,
Complainants.
vs.
DENVER & RIO GRANDE RAILROAD COMPANY, ET AL.,
Defendants.
} CASE No. 592

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Complaint of J. H. MANDERFIELD, et al., vs. The Mountain States Telephone & Telegraph Company. } CASE No. 597

ORDER

Upon motion of the Commission and with the consent of the complainant:

IT IS ORDERED, That the complaint of J. H. Manderfield, et al., vs. The Mountain States States Telephone & Telegraph Company be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 23rd day of January, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HYRUM DAVIS to withdraw and J. L. DOTSON to assume the operations of the stage line between Milford and Newhouse, Utah.	CASE No. 601

Decided October 20, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of August 20, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 18 (Case No. 73), authorizing Hyrum Davis to operate an automobile stage line between Milford and Newhouse, Utah, for the transportation of passengers.

February 2, 1923, the Commission issued its Report and Order in Case No. 601, granting Hyrum Davis permission to withdraw from and J. L. Dotson to assume the operation of the automobile stage line, for the transportation of passengers between Milford and Newhouse, Utah.

The Commission now finds that, owing to the failure of J. L. Dotson to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 18 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 18 be, and it is hereby, cancelled, and the right of J. L. Dotson to operate an automobile passenger stage line between Milford and Newhouse, Utah, be, and it is hereby, revoked.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its Station at Willard, Utah, as an agency station. } CASE No. 606

Submitted January 31, 1923. Decided August 13, 1924.

Appearances:

Mr. W. J. Lowe, for the Town of Willard, Utah.

Mr. Robert B. Porter, for the Oregon Short Line R. R. Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of January 31, 1923, the Oregon Short Line Railroad Company filed with the Public Utilities Commission of Utah, an application for permission to discontinue the operation of its station at Willard, Utah, as an agency station.

Said application sets forth:

The Oregon Short Line Railroad Company is a Corporation organized and existing under and by virtue of the laws of the State of Utah.

It is a common carrier of freight and passengers both intra and interstate.

For a long time past it has conducted an agency station at Willard, Utah.

It is desired to discontinue the operation of said station as an agency station during the months of January, February, March, April, May, June, July, August and December of each year, for the reason that the revenues derived from the business handled at said station during said

months are not sufficient to pay the expense of maintaining and operating said station as an agency station.

That Petitioner's station at Willard is located about one mile west of the business and residence section of said town.

That the Utah-Idaho Central Railroad Company, also a common carrier of passengers and freight in interstate and intrastate commerce, maintains and operates its line of railroad through the center of the business section of town and maintains an agency station at said place, affording adequate railroad facilities for handling all business originating at, or destined to, said town of Willard, including freight, passengers and express.

The public necessity and convenience do not require the maintenance of an agency station at the town of Willard, by the Oregon Short Line Railroad Company.

On the first day of May, 1923, the Commission issued notice assigning this Case for hearing at Willard, on Wednesday May 16, 1923, at 1:30 o'clock p. m.

Case came on for hearing as per notice.

Protest on the part of the town of Willard was received in the form of writing, also appearances at the hearing.

After giving due consideration to all evidence, the Commission finds:

That, the Oregon Short Line Railroad Company should be permitted to discontinue its station at Willard as an agency station during the month of January, February, March, April May and December of each year.

That during the remainder of the year said station should be kept open as an agency station.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 13th day of August, 1924, A. D.

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Willard, Utah, as an agency station. } CASE No. 606

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 applicant, Oregon Short Line Railroad Company, be, and it is hereby, authorized to discontinue the operation of its station at Willard, Utah, as an agency station, only during the months of January, February, March, April, May, and December of each year.

ORDERED FURTHER, That during the remainder of each year, the Oregon Short Line Railroad Company shall maintain the said station as an agency station.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

STATE OF UTAH,
Complainant,
vs.
BAMBERGER ELECTRIC RAILROAD CO., SALT LAKE & UTAH RAILROAD CO., JAMES C. DAVIS, DIRECTOR GENERAL OF RAILROADS, as Agent, U. S. Railroad Administration.
Defendants.
} CASE No. 610

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, to enter protest against filing and acceptance of Tariff No. 4975-D, P. U. C. U. No. 42, of the Denver & Rio Grande Western Railroad, and Item 527 of said Tariff.
} CASE No. 618

Submitted June 3, 1924. Decided July 22, 1924.

Appearances:

A. B. Irvine, Attorney for Bamberger Electric R. R. Co.

J. A. Gallaher, Commerce and Valuation Counsel for Denver & Rio Grande Western Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of March 30, 1923, the Bamberger Electric Railroad Company filed with this Commission a complaint showing that it is a railroad corporation and a common carrier for hire, created and existing under and by virtue

of the laws of the State of Utah; that its lines of railroad are wholly within the State of Utah, and lie between Salt Lake City and Ogden, Utah; and that the defendant, Denver & Rio Grande Western Railroad Company, is a railroad corporation and a common carrier for hire, and is an interstate carrier, with its lines of railroad lying in the states of Colorado and Utah; that freight tariffs of the defendant, No. 4975-C and 6053 are on file with the Public Utilities Commission of Utah, and known as P. U. C. U. Numbers 135 and 148; that the complainant is a party to the said freight tariff, and for a number of years past has enjoyed rates with the defendant as published in said tariff on freight of all classes and commodities originating east of the Colorada-Utah state line and moving by way of defendant's line of railroad to points on the complainant's line of railroad, as well as on all classes of commodities of freight originating west of the Colorado-Utah state line and moving by way of defendant's line of railroad to points on complainant's line of railroad, and traffic moving in the opposite direction, interstate and intrastate, between points on complainant's line of railroad and points on defendant's line of railroad.

Complaint further alleges that defendant, on or about the 10th day of March, 1923, issued its new freight Tariff No. 4975-D, effective May 5, 1923, cancelling its aforesaid freight Tariffs Nos. 4975-C and 6053, and increasing all rates on freight on all classes and commodities in connection with complainant, on traffic originating at points west of the Colorado-Utah State line, destined to points on complainant's line of railroad, thereby destroying the aforesaid joint rates theretofore existing, and increasing rates on traffic referred to in this paragraph to the extent of the local rate from Salt Lake City, Utah, on complainant's line of railroad, to points of destination. In other words, thereby destroying the freight rates theretofore existing, and increasing the rates to the extent of the local rates on complainant's line of railroad from Salt Lake City, Utah, to points of destination.

Complainant further alleges that if said Tarriff No. 4975-D is permitted to be filed and put into effect, an increase in freight rates, will result to the extent of the local rates on complainant's line of railroad between all points from Salt Lake City, Utah, north, and all shippers of freight originating on defendant's line of railroad from

points west of the Colorado-Utah State line, destined to points on complainant's line of railroad, will thereby be required to pay increased freight rates to the extent of said locals; that the defendant proposes to increase its freight rates as aforesaid, without any hearing and without any application to the Public Utilities Commission of Utah, and without any act on its part other than the filing of said freight Tariff 4975-D; that the filing of said Tariff 4975-D, and thereby the putting of said rates into effect, will be and is in violation of the law and the rules and orders of the Public Utilities Commission of Utah; and complainant asks this Commission to enter its order suspending the filing of said Tariff 4975-D and the going into effect of said increased rates, and to prohibit the filing of said tariff, and requiring the defendant to proceed in the manner prescribed by law with respect to the increase in said rates within the State of Utah.

On April 10, 1923, the Commission issued its order of Investigation and Suspension Docket No. 19, ordering that the operation of the said tariff be suspended and the use of the said rates as therein set forth, be deferred upon intrastate traffic within the State of Utah, until the 5th day of August, 1923, and that no change shall be made in such tariffs during the period of suspension, unless authorized by permission of this Commission, and further that the tariffs thereby sought to be altered, shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of, or until the period and any extension thereof had expired, unless authorized by special permission of this Commission.

Under date of May 5, 1923, the Commission issued its Investigation and Suspension Docket No. 20, cancelling its order No. 19, wherein it ordered that all rates named in Tariff D. & R. G. W., G. F. D. 4975-D, P. U. C. U. No. 42, naming increases, shall be suspended until August 5, 1923.

On July 26, 1923, the Commission issued its order that all rates within the above named tariff which are increases, shall be further suspended until December 5, 1923.

On August 13, 1923, the Commission issued its notice of hearing, to be held in Salt Lake City, Tuesday, September 25, 1923. Upon proper showing, the Commission postponed hearing in this case until October 25, 1923. October 18, 1923, the case was continued to an indefinite date. November 26, 1923, the Commission issued its Investigation and Suspension Order No. 20, suspending all rates naming increases in Freight Tariff D. & R. G. W., G. F. D. 4975-D, P. U. C. U. No. 42, to the 5th day of March, 1924; and again set the case for hearing, February 4, 1924, at Salt Lake City, at which time the case came on regularly for hearing.

Evidence was introduced by complainants and defendants regarding the volume of the traffic moving under the rates sought to be cancelled, including the amount of traffic originated by each carrier, the traffic conditions surrounding the movement of freight over the rails of the carriers, respectively, and the general geographical location of the lines involved in this case, particularly between the cities of Salt Lake and Ogden. It was sought to be shown, on the one hand, that there was little traffic moving under the rates, and that there was no public necessity for the continuance of the said rates, and, on the other hand, that while the present volume of the traffic involved was rather small, still, public injury would result from the cancellation of these rates.

The evidence shows that the Denver & Rio Grande Western Railroad is the most westerly of the lines of railroad between the cities of Salt Lake and Ogden, and traverses the bottom lands, while the Bamberger Electric Railroad is the most easterly and passes through the centers of population. The distance between the lines varies in some cases upward to more than a mile, while the facilities of the carriers in the cities of Salt Lake and Ogden are not the same.

If the Commission should sanction the cancellation of these rates, it means that shippers will, in all probability, be required to transport freight for considerable distances by wagon or motor truck. Only recently, the Denver & Rio Grande Western Railroad sought and obtained permission from this Commission to close one of its agency stations between Salt Lake City and Ogden, and they are gradually, it appears, retiring from the local

situation. This is partly caused by the geographical location of the carrier, being, as heretofore stated, the farthest of any of the carriers away from the centers of population.

The rates sought to be cancelled have been in effect for a number of years, and comprise most commodities moving except coal, which moves in relatively large volumes, but it is not intended to cancel coal rates.

The Commission must look to the future as well as the present in deciding this kind of cases, and we are convinced that, taking into account the growth of the population and adaptability of the land along the carriers' lines between Ogden and Salt Lake City for both industries and intensive farming, that it is both convenient and necessary for the people who are served by these two railroads, to have the privilege of routing their freight at the same cost over the line that leads into and passes through the centers of population.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) D. O. Rich, Acting 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 July, 1924.

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, to enter protest against filing and acceptance of Tariff No. 4975-D, P. U. C. U. No. 42, of the Denver & Rio Grande Western Railroad, and Item 527 of said Tariff.	CASE No. 618

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

IT IS ORDERED, That the application be, and it is hereby, granted, and that the proposed increases in rates, in connection with the Bamberger Electric Railroad, in Denver & Rio Grande Western Railroad Tariff No. 4975-D, P. U. C. U. No. 42, be cancelled.

ORDERED FURTHER, That tariffs filed with the Commission, which seek to cancel through intrastate rates with any other carrier, shall not be permitted to become effective without proper showing before the Commission.

By the Commission.

[SEAL] (Signed) D. O. RICH,
Acting Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Complaint and Protest of H. E. BOWMAN against C. G. PARRY'S operations of automobile stage line between Marysvale, Utah, Lund, Utah, Grand Canyon National Park, Zion National Park, Cedar Breaks, and Bryce Canyon, asking that Certificate of Convenience and Necessity be revoked.	CASE No. 622

Decided January 23, 1924.

Appearances:

H. E. Bowman, Complainant.

Robt. L. Judd, for C. G. Parry.

REPORT OF THE COMMISSION

STOUTNOUR, Commissioner:

This complaint was filed April 10, 1923, by H. E. Bowman, alleging that for the three years last past complainant had held a permit from the National Park Service to transport tourists by automobile within the North Rim of Grand Canyon National Park and Zion National Park, and acting under authority of this permit, complainant alleges that he has operated a special auto service from Marysvale, Utah, and Lund, Utah, to the North Rim of the Grand Canyon National Park, Zion National Park and other scenic points in Southern Utah and Northern Arizona; said service being offered and furnished to special parties, only, and not to the general public.

Complainant alleges that he has spent more than $500.00 on printed matter alone, advertising said scenic wonders, and has invested a large sum of money in a garage and automobiles, to be in a position to furnish the above service. Further, that the furnishing of said service has always been encouraged, advertised and patronized by the Director of National Parks. Further, that the complainant, for the development of tourist travel in said district, has done a lot of pioneer work at a loss, with the expectation of a profitable business growing out of it.

It is further alleged by the complainant that before commencing the service above mentioned, complainant applied in person to this Commission for a Certificate of Convenience and Necessity; that complainant was referred to the President of the Commission; that after explaining the service offered, petitioner was advised that said special service did not come under the control of the Commission.

It is alleged further that at a later date, C. G. Parry, of Cedar City, Utah, applied for and was granted a Certificate of Convenience and Necessity for a similar service to that furnished by petitioner, that in order to obtain a certificate, he resorted to a misrepresentation as follows: That he held the only permit issued by the National Park Service for transporting tourists by automobile within the North Rim of the Grand Canyon Na-

tional Park and Zion National Park; that he had invested money in hotels, camps and garage, in order to be able to provide the service offered; that he proposed to furnish a daily service to the general public from Marysvale and Lund to the Grand Canyon National Park, Zion National Park, Cedar Breaks and Bryce Canyon; and further, that he offered the only service supported by the Union Pacific Railroad and the Denver & Rio Grande Western Railroad System.

As to all of the above, petitioner alleges that he would not have complained had Mr. Parry not interfered with the service furnished by complainant; but that the said C. G. Parry had continually and persistently interfered with the complainant in the conduct of his business, by stating that he had held an exclusive franchise for auto transportation of tourists, both within and without the National Parks mentioned in the district south of Marysvale and Lund; that of all of these acts of Mr. Parry, complainant protests and asks that the Certificate of Convenience and Necessity held by Mr. Parry be revoked, because of said acts and for the following additional reasons:

1. That the service furnished by Mr. Parry is special, and not a public utility, and therefore does not come under the control of the Commission.

2. That said Certificate of Convenience and Necessity was obtained by misrepresenting the service furnished.

3. That the development of tourist travel in Southern Utah is very desirable; that the use C. G. Parry has made of the Certificate granted him, has retarded this development; that he has sought to obtain a monopoly, and has been unwilling to work in harmony with complainant and other citizens in Southern Utah in bringing tourists to the State.

Complainant prays that C. G. Parry be cited to appear and show cause why the Certificate of Convenience and Necessity held by him should not be revoked.

This case came on regularly for hearing, June 29, 1923, at Cedar City, Utah, at which time testimony was offered on behalf of complainant and defendant. In all,

over one hundred pages of testimony was offered and twenty-five exhibits were entered in the case, which exhibits refer principally to Mr. Bowman's earlier efforts to develop his service, and bearing upon his authority from the National Park Service to conduct the service.

Testimony shows that complainant started to advertise in 1919, through folders and otherwise, setting forth the scenic beauty of Bryce Canyon, Kiabab Forest and the Grand Canyon, over $500 being spent in advertising. A six day trip was offered from Marysvale. The folder, which is marked "Exhibit V," sets forth that commencing Sunday, July 4, 1920, an auto bus will meet the Denver & Rio Grande evening train; conduct passengers from Marysvale to Bryce Canyon, Bryce Canyon to the North Rim of the Grand Canyon, then return to Marysvale. The fare from Marysvale to Grand Canyon and return was $100.00, including hotel and camp service. Pioneer work was continued in 1920. Testimony is to the effect that a bus was ordered, but never received, and other automobiles were used.

Mr. Bowman testified that during the years 1919 and 1920, he did not operate on the Zion National Park side of the State; and further, that in 1920, the hotel part of the plan was abandoned and a rate of 35c and 40c per car mile was made, which covered the use of the entire car. In 1921, the same service was conducted. In 1922, the rate was increased, with the approval of Director Nather of the National Park Department, from 35c and 40c per car mile to 50c and 60c per car mile.

Complainant was unable to state how many parties were conducted in 1919, 1920 and 1921. It does appear, specifically, that a total of three or four different parties were handled during these years, two parties transported in 1922, with no definite number stated for the year 1923. It is evident that the number of parties transported was limited.

Attorney for defendant stipulated that at least one of the parties conducted by Mr. Bowman was in the nature of a special service, and we are convinced on this record that the nature of the business conducted by Mr. Bowman at that time, without a Certificate of Convenience and Necessity, was not a serious infringement upon the Public

Utilities Act, particularly in view of the very limited number of parties conducted.

Mr. Bowman's testimony is that he visited the office of the Commission, and was informed by the then President of the Commission that it was not necessary to secure a Certificate to conduct the business as he had at that time outlined it. Mr. Bowman testified further that he had actively assisted in constructing highways in Southern Utah for the purpose of better facilitating travel to and from the Parks, and in other ways had assisted in developing tourist traffic, all of which is commendable.

Evidence was likewise adduced to show that C. G. Parry, defendant, had not complied with the terms of his Certificate of Convenience and Necessity in conducting his service to the various parks, and the claim was made that there was misrepresentation in securing the Certificate of Convenience and Necessity, in the first instance.

Testimony was adduced on behalf of Parry Brothers by Cronway R. Parry and Chauncey G. Parry. Their testimony in substance is to the effect that in 1916 they had conducted their first party to the Grand Canyon, and in 1917 entered actively into the transportation and tourist service, through the formation of the Zion National Park Company, in which they were pecuniarily interested, and, except when both were in the United States Army in 1918 and 1919, have been conducting the transportation business. The record shows that they have actively engaged in pioneer work since 1917, the nature of which has been taking newspaper men, magazine writers, photographers, lecturers, railroad men and park service men, and others interested in the development of scenic resources, to these sections, free of charge. Mr. Parry has, without doubt, borne his share in the development of the tourist traffic to this section.

In Case No. 375, decided March 17, 1921, the Commission, after hearing, found that public convenience and necessity required the establishment of a common carrier service, and authorized C. G. Parry to operate an automobile stage line between Lund, Zion National Park, Grand Canyon National Park (North Rim), as far as the point marking the line between Arizona and Utah, to Bryce Canyon and Cedar Breaks, and return.

In Case No. 492, decided April 17, 1922, C. G. Parry, after hearing, was granted a Certificate to establish an automobile stage line to Marysvale, Grand Canyon National Park (North Rim), Zion National Park, Cedar Breaks and Bryce Canyon. The Commission in its opinion stated that Mr. Parry had been engaged in giving just such service from the other side of the mountain beginning at Lund, a station situated on the Oregon Short Line Railroad.

In Case No. 507, decided June 5, 1922, C. G. Parry stated that for good and sufficient reason, he had discontinued the operation of the stage line between Lund, Grand Canyon National Park, Cedar Breaks and Bryce Canyon, about October 15, 1921, and sought to renew operations, beginning May 15, 1922, and asked the Commission to approve the tariff and schedule marked Exhibit "A." At the hearing, counsel of petitioner stated that the application was simply for a renewal of last year's certificate. This application was granted.

The complaint of Mr. Bowman is that Mr. Parry's service does not come within the Public Utilities Act, and his certificate should be revoked.

Section 4782, Compiled Laws of Utah, defines the terms "transportation of persons," "automobile corporation," "common carrier" and "public utility" as follows:

> "The term 'transportation of persons,' when used in this Act, includes every service in connection with or incidental to the safety, comfort, or convenience of the person transported and the receipt, carriage, and delivery of such person and his baggage."
>
> "The term 'automobile corporation,' when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, engaged in, or transacting the business of, transporting passengers or freight, merchandise or other property for compensation, by means of automobile or motor stages on public streets, roads or highways along established routes, within this State."
>
> "The term 'common carrier,' when used in this Act. includes every railroad corporation; street rail-

road corporation; automobile corporation, * * * and every other car corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, operating for public service within this State; and every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, engaged in the transportation of persons or property for public service, over regular routes between points within this State."

"The term 'public utility,' when used in this Act, includes every common carrier, gas corporation, automoblie corporation * * * where the service is performed for or the commodity delivered to the public or any portion thereof. The term 'public or any portion thereof' as herein used means the public generally, or any limited portion of the public including a person, private corporation, municipality, or other political subdivision of the State, to which the service is performed or to which the commodity is delivered, and whenever any common carrier, gas corporation, automobile corporation * * * performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, gas corporation, automobile corporation * * * is hereby declared to be a public utility subject to the jurisdiction and regulation of the Commission and the provisions of this Act."

Section 4818 provides that:

"No street railroad corporation, * * * automobile corporation * * * shall henceforth establish or begin the construction or operation of a street railroad, or of a line, route, plan, 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 * * * ."

Pursuant to its authority conferred by law, the Commission has held numerous hearings, made investigations and has authorized C. G. Parry, as evidenced by his certificate of Convenience and Necessity, to conduct the business of a common carrier as therein outlined. His opera-

tions, since receiving said certificate, are such as to come under the Public Utilities Act of Utah.

While evidence in this case was introduced to show that Mr. Parry has been at times somewhat irregular in his operations, it must be remembered that this service has been conducted over long distances, through sparsely settled districts, and, comparatively speaking, with few passengers available. This is true particularly of the earlier years of his operations. We do not find that these irregularities have been such as to justify the revocation of the Certificate of Convenience and Necessity issued to him, and the complaint should be dismissed.

At the close of the argument upon this case, Mr. Bowman asked that the Commission issue a Certificate of Convenience and Necessity to him, in case it continued the Certificate to Mr. Parry, and thus place them upon the same footing.

As heretofore pointed out, Mr. Parry's service is the service authorized by law, and before the Commission would be justified in issuing a Certificate to Mr. Bowman, it must find that public convenience and necessity require another service in addition to Mr. Parry's. This record does not contain evidence that convinces us that Mr. Parry's service cannot be made adequate to meet present and future needs of the traveling public, or that he does not have the ability to conduct the business on a larger scale, as traffic increases.

The necessity of the public is the controlling factor; not the profit or lack of profit accruing to any particular individual. The whole intent of the law is to establish a dependable, adequate service for the benefit of the traveling public. The law does not organize these services for the private gain of any particular individual as against another individual, but in order that a dependable service may be built up for the public and not ruthlessly destroyed through unnecessary and wasteful competition, the law provides that a proper showing must be made that both public convenience and public necessity require the service.

The record does not show that another service is necessary.

An appropriate order will be issued.

(Signed) WARREN STOUTNOUR,
Commissioner.

We concur:

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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, 1924.

In the Matter of the Complaint and Protest of H. E. BOWMAN against C. G. PARRY'S operation of automobile stage line between Marysvale, Utah, Lund, Utah, Grand Canyon National Park, Zion National Park, Cedar Breaks, and Bryce Canyon, asking that Certificate of Convenience and Necessity be revoked.	CASE No. 622

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

IT IS ORDERED, That the complaint herein be, and it is hereby, dismissed.

ORDERED FURTHER, That the application of H. E. Bowman for a Certificate of Convenience and Necessity to operate as a common carrier over the same route and in the same manner as authorized in the certificate of Convenience and Necessity issued to C. G. Parry, is hereby denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of JESSE A. HALVERSON, for permission to operate an automobile stage line between Helper and Dempsey City, Utah. } CASE No. 637

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the PACE TRUCK LINE, for permission to operate an automobile freight truck line between Cedar City and Parowan, Utah. } CASE No. 642

Decided April 11, 1924

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of September 12, 1923, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity Number 191, authorizing the Pace Truck Line to operate an automobile freight line between Parowan and Cedar City, Utah.

The Commission now finds that, owing to the failure on the part of the Pace Truck Line to comply with all

of its rules, regulations and requirements, Certificate of Convenience and Necessity Number 191 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity Number 191 be, and it is hereby, cancelled; and the right of the Pace Truck Line to operate an automobile freight line between Cedar City and Parowan, be, and it is hereby, revoked.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of CLYDE TERRY, for permission to operate an automobile stage line between Draper and Sandy, Utah. } CASE No. 650

Decided March 6, 1924

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 1, 1923, Clyde Terry, having his principal place of business at Draper, Salt Lake County Utah, filed an application with the Public Utilities Commission of Utah, for permission to operate an automobile stage line between Draper and Sandy, Utah. September 28, 1923, the Commission issued its Report and Order, granting permission to operate between said points, under Certificate of Convenience and Necessity No. 192.

On January 11, 1924, Clyde Terry filed an application requesting permission to discontinue said service, on account of insufficient traffic and revenue.

After due consideration, the Commission finds that, owing to insufficient revenue and traffic, the stage line service between Draper and Sandy should be discontinued.

IT IS THEREFORE ORDERED, That the stage line service operated by Clyde Terry between Draper and Sandy, Utah, be discontinued, and that Certificate of Convenience and Necessity No. 192 (Case No. 650) be, and it is hereby, cancelled.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of W. E. OSTLER, for permission to transfer his franchise to FRED HOUGHTON, to operate an automobile stage line between Eureka, Silver City and Mammoth, Utah.	CASE No. 654

Decided April 14, 1924

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 20, 1923, the Public Utilities Commission of Utah, issued Certificate of Convenience and Necessity No. 180 (Case No. 654), authorizing W. E.

Ostler to transfer his franchise to Fred Houghton, to operate an automobile stage line between Eureka, Silver City and Mammoth, Utah.

The Commission now finds that, owing to the failure of Fred Houghton to comply with all of its rules, regulations and requests. Certificate of Convenience and Necessity No. 180 (Case No. 654) should be cancelled.

IT IS THEREFORE ORDERED, That Certificate or Convenience and Necessity No. 180 be, and it is hereby, cancelled, and that the right of Fred Houghton to operate an automobile stage line between Eureka, Silver City and Mammoth, Utah, is hereby revoked.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to eliminate grade crossing at Price, Utah, by an underpass, and apportionment of costs thereof.	CASE No. 659

Submitted March 5, 1924. Decided March 27, 1924.

Appearances:

Howard C. Means, Chief Engineer, State Road Commission, and W. Hal Farr, Assistant State Attorney General.	for State Road Commission of Utah.

Henry Ruggeri, County Attorney, for County Commissioners of Carbon County.

F. E. Woods, City Attorney, for City of Price.

B. J. Finch, district Engineer, for United States Bureau of Public Roads.

B. R. Howell, attorney, for Denver & Rio Grande Western Railroad System.

L. E. Whitmore, for himself and others, property owners in Price City, Utah.

FINDINGS AND REPORT OF THE COMMISSION

By the Commission:

On June 14, 1923, the State Road Commission of Utah, by Howard C. Means, Chief Engineer, filed with the Public Utilities Commission of Utah, an application, in substance stating: that the State Road Commission of Utah desired to construct a permanent concrete pavement at the end of an existing pavement between Price City and Castle Gate, in Carbon County, Utah, and that it was necessary to cross the main line of the Denver & Rio Grande Western Railroad. Applicant prayed that the Public Utilities Commission of Utah apportion the costs of a grade crossing elimination.

A public hearing was had upon said application, before the Public Utilities Commission of Utah, at Salt Lake City, Utah, September 25, 1923, after due notice given, as required by law, and the matters then involved were taken under advisement. At said hearing, neither Price City nor Carbon County was represented.

Subsequently, on February 4, 1924, upon the application of the State Road Commission of Utah, and for good cause shown, the said Road Commission was permitted to file an amended application herein, setting forth, in substance, that the State Road Commission is a Commission, established by law, to manage and control the construction and maintenance of all State roads within the State of Utah, and that it has become necessary, in order to safeguard the public interests, to eliminate a certain grade crossing where the public highway crosses the main

line of the Denver & Rio Grande Western Railroad, between Price City and Castle Gate, Carbon County, Utah, and to substitute for the said grade crossing, an underpass.

It was further alleged in the amended application that the proposed construction of an underpass would secure Federal aid therefor, and the Federal Government would participate in the cost of the construction of the same. The amended application prayed for an order of the Public Utilities Commission, that the present grade crossing be eliminated, for a separation of grades, and, as before, that costs of construction and maintenance thereof, be apportioned between the parties.

On February 15, 1924, an answer was filed to the amended application, by the Receiver of the Denver & Rio Grande Western Railroad System, denying the necessity for the elimination of the crossing at grade, and affirmatively alleging that the Denver & Rio Grande Western Railroad is an interstate railroad, operating between points in the State of Utah and Colorado and in other states, and that all of its affairs are in the hands of a Receiver, appointed by an order of the District Court of the United States, for the District of Colorado, July 21, 1922, in the case of Bankers Trust Company, as Trustee, vs. the Denver & Rio Grande Western Railroad Company, et al., and by reason of the supplemental orders made by said court in said cause affecting said receivership; that on or about August 20, 1923, acting under said receivership, a contract was entered into by and between the said Receiver and the City of Price and Carbon County, whereby the apportionment of costs of said proposed underpass had been agreed upon between the parties thereto, and that the apportionment thus agreed to was just and reasonable between the parties.

It was further alleged in the said answer of the Receiver that the site of the proposed underpass is upon privately owned land of the Railroad, not now or heretofore used as a public highway or for a street. It is also alleged in said answer that the said State Road Commission had not obtained an order of the court, having jurisdiction over said receivership, authorizing and permitting the prosecution of the application made herein. In connection with said answer, the Receiver

moved for a dismissal of the application at the hands of the Public Utilities Commission, for want of jurisdiction under the provisions of our Public Utilities Act, and for the further reason that jursdiction over the subject matters involved is invested in the Federal Interstate Commerce Commission, under the provisions of Section 1 of the Interstate Commerce Act, as amended by Paragraph 3 of Section 400, and Paragraphs 18 to 21, inclusive, of Section 402, of the Transporation Act, 1920, and other provisions of said Interstate Commerce Act and said Transporation Act, 1920.

After said amended application and the answer thereto had been filed herein, the Public Utilities Commission, on its own motion, ordered that the case be reopened, and further hearing on the matters involved be held at the City of Price, Utah, on February 19, 1924, at which time and place a further hearing was had, all interested parties being present and heard.

Now, after full investigation and due consideration being given to the evidence adduced in behalf of all parties concerned, the Public Utilities Commission finds, decides and reports as follows:

FINDINGS

1. That the State Road Commission of Utah is a Commission, established by law, and that said Commission, among other things, has the power conferred and the duty imposed upon it by law of a general supervision of the construction and maintenance of the public highways of the State.

2. That the Denver & Rio Grande Western Railroad Company is a railroad corporation, operating a railroad system, its main line extending between points in the States of Utah and Colorado.

3. That the affairs of the said Railroad Company are now, and have been since July 21, 1922, in the hands of a receiver, duly appointed and qualified, and acting under the orders of the United States District Court for the District of Colorado.

4. That the main line of the said Denver & Rio Grande Western Railroad System is extended through Carbon County, from Castle Gate to Price City, Utah, between which points it is paralleled by the public or State Highway, commonly known as the "Midland Trail" or "Ocean to Ocean Highway."

5. That Price City is the County seat of Carbon County, the commercial and educational center of Eastern Utah, and forms the main gateway for tourist and other travel over the public highways between Denver, Colorado, and Salt Lake City, Utah, and a gateway for transportation by rail, as well.

6. That Castle Gate is the mining center of the developed coal fields of Carbon County, and hundreds of automobiles, carrying persons and property, pass over said public highway between Price City and Castle Gate, each day.

7. That said public highway from Castle Gate to Price City is now hard surfaced with concrete to within about one-fourth mile of the City of Price, and it is now proposed by the State Road Commission, the County of Carbon, and the City of Price, all agreeing thereto, to extend the concrete pavement of said highway on, into and through the City of Price.

8. That said highway now crosses at grade the main line of the Denver & Rio Grande Western Railroad, at or near the City limits of the City of Price, and owing to the heavy traffic over the same, it is desired, both by Price City and Carbon County, that the route of said highway upon entering Price City, should be changed, so as to connect with and form an extension to the main business street of Price City, and so constructed as to eliminate the crossing of said main line of the Denver & Rio Grande Western Railroad at grade.

9. That for the purpose of extending the main business street of Price City, and in order to provide for and make available the construction of said highway in the manner as aforesaid, Price City and Carbon County have heretofore expended large sums of money, to acquire privately owned real property, that would necessarily have to be acquired therefor. That for the purpose of

extending said main business street of Price City and the connection of the same with the said public highway in the manner aforesaid, so as to make it a part thereof, and for the further purpose of apportioning the costs of the construction of an underpass to provide for the safety and convenience of the traveling public using said highway, Price City and Carbon County entered into an agreement, in writing, with the Receiver of the Denver & Rio Grande Western Railroad (which said agreement was duly authorized and has been approved by the United States District Court, having jurisdiction of the receivership), wherein and whereby it was mutually agreed between the parties thereto, among other things, that Price City shall have certain privately owned lands of the Denver & Rio Grande Railroad Company, that will be necessary for the construction of said highway, including said underpass, in the manner contemplated, and that the Denver & Rio Grande Western Railroad Company shall "contribute and pay on account of said underpass or subway, and a new single track steel girder railroad bridge with concrete abutments, in accordance with plans and specifications to be furnished by the Receiver, a portion of the cost of the construction and completion of said underpass or subway and railroad bridge thereover not in excess of the sum of Eleven Thousand Dollars ($11,000) nor in any amount in excessof one-third of the cost of such construction and completion, if such cost shall be less than the sum of Thirty-three Thousand Dollars ($33,000); provided, that no portion of the cost of construction and completion of paving, curbing, guttering sidewalks or other work necessary to the adaptation of said underpass or highway for use as a portion of said Main Street shall be included in said Thirty-three Thousand Dollars ($33,000), but shall be borne by said City and County, as said last named parties may elect and agree; and provided, further, that said underpass or subway, when constructed, shall cross the lands, premises and right of way of the Railroad Company at an angle of approximately forty-five degrees thereto, and provided, further, that the Railroad Company, at its option and expense, shall have the right at any time and without let or hinderance of or from the County or City, to construct and extend additional railroad tracks across said underpass or subway within the lands, premises and right of way of the railroad Company, and that said underpass or subway shall be of sufficient length and clearance to accommodate

a total of not less than four railroad tracks with the usual and standard clearance for main line trackage; and provided, further, that the actual work of constructing said single track railroad bridge and abutments therefor shall be performed by the Receiver and the cost thereof, in excess of said sum of Eleven Thousand Dollars ($11,000), shall be promptly paid by the County and City jointly or severally as work thereon progresses, and upon presentation of bills therefor; which bills for labor, material, transportation and supervision may be verified by said County and City; and provided, further, that said bridge and abutments, when completed as aforesaid, shall be the sole property of the Railroad Company and shall be renewed and repaired at its sole expense."

10. That the hard surfacing of said highway between Price City and Castle Gate, is a part of a Federal Aid project, and, in order to render the extension thereof as now projected, eligible to Federal Aid, under the laws of the United States, it is necessary that grades of the highway and the main line track of the said Railroad Company at the point of intersection, shall be separated so that the said highway shall cross the railroad of the said Railroad Company by means of an underpass subway, substantially as contemplated by the terms of said agreement.

11. That Carbon County, Price City and the Receiver of the Denver & Rio Grande Western Railroad agree that the apportionment of the costs of the construction of said subway or underpass, as provided for in said agreement, is just, fair and reasonable, as between the parties thereto, and that no objection thereto has been made by any interested party.

12. That Carbon County, Price City and the Denver & Rio Grande Western Railroad Company, at the hearing of this case, interpreted the provisions of said contract with respect to the apportionment of the costs of the construction of said subway or underpass, to mean that the Railroad Company, at its option and expense, shall have the right to at any time, without let or hinderance of or from Carbon County or Price City, construct and extend additional railroad tracks across said subway or underpass within the lands, premises and right-of-way of the Railroad

Company, with an obligation on the part of the said City and County, to construct the proposed underpass or subway of sufficient length and clearance to accommodate a total of not less than four railroad tracks with the usual and standard clearance for main line trackage. That is to say, that for the time being, said underpass and the highway approaches thereto, shall be so constructed as to accommodate one main line railroad track, only; that the grade of the subway and approaches of the highway thereto shall now be so constructed that they shall be of sufficient width, length and clearance to accommodate three additional tracks, if and whenever needed by the railroad Company, which said additional tracks, including the abutments and the superstructure therefor, are to be constructed at the sole expense of the Denver & Rio Grande Western Railroad Company and without any additional cost or expense whatever to Price City or Carbon County.

13. That the attitude of the State Road Commission of Utah with respect to the provisions of the said contract, is as follows:

"1. That the Public Utilities Commission of Utah has original and exclusive jurisdiction over matters pertaining to the separation of grades within the State of Utah.

"2. That the jurisdiction of the Public Utilities Commission, extends to and includes authority to make division of costs as between the parties interested.

"3. That notwithstanding these facts, we are not opposing, and shall not oppose, the approval by the Public Utilities Commission of that certain contract, dated August 20, 1923, entered into by and between the Denver & Rio Grande Western Railroad Company and the County of Carbon, and the City of Price, Utah, for the reasons:

"(a) That there are certain property concessions made by the said railroad company, the value of which while not stated, will in the course of its consideration of the evidence be passed upon by the Public Utilities Commission in fixing the total contribution of the railroad company to the subway or underpass.

"(b) That the local authorities: to wit, officials of the City of Price and County of Carbon, who entered into the contract and agreement with the railroad company apparently did so in good faith, and have urged, and do now urge, the approval of said contract.

"(c) That the exigencies of the case demand that no further delays be caused, but that the construction of this subway shall proceed at once, in order that the Federal and State road building program shall not be longer retarded.

"In taking this attitude the State Road Commission wishes to be understood as disapproving in general, the making of private contracts in grade crossing cases between cities, counties and railroad companies, and favors emphatically that these matters be handles and adjusted as an original propostition in all instances by the constituted and authorized state agency; to wit, the Public Utilities Commission, and in accordance with the laws of the State of Utah."

14. That the place contemplated by Carbon County, Price City and the Denver & Rio Grande Western Railroad Company for the construction of said underpass or subway, is the most practicable and feasible place for its construction, and the total cost of a completion thereof will be approximately $33,000.

15. That the fair value of the privately owned lands of the Denver & Rio Grande Western Railroad Company, to be acquired by Price City and Carbon County, for the extension of the main business street of Price City and for said highway under the terms of said contract, is approximately $8,000.00.

16. That the total cost of the completion of said highway will, in all probability, be participated in by the United States, through the U. S. Bureau of Public Roads, to the extent of 74 per cent.

17. That the construction of said highway, including said underpass, as contemplated under the terms and conditions of said contract between Carbon County, Price

City and the Denver & Rio Grande Western Railroad Company, has the expressed approval of the District Engineer of the United State Bureau of Public Roads, in charge of Federal Aid projects in Utah.

18. That the present grade crossing at the intersection of said highway with the main line of the Denver & Rio Grande Western Railroad, is dangerous, and it is necessary for the safety and convenience of the public, that the same be eliminated, and that there be a separation of grades by an underpass.

From the foregoing findings of fact, the Commission now concludes and decides that the application of the State Road Commission of Utah, for an order eliminating the grade crossing at the intersection of the public highway with the main line of the Denver & Rio Grande Western Railroad, near the City of Price, Utah, and the separation of grades by an underpass, and the costs thereof apportioned, presents matters for determination that are clearly under the jurisdiction of this Commission, and, therefore, the motion of the Denver & Rio Grande Western Railroad Company, to dismiss said application, should be denied.

It appears in this case that the parties, Denver & Rio Grande Western Railroad Company, Carbon County and Price City, have, by agreement, apportioned the costs, and that the apportionment as made in said agreement, they regard as being just, reasonable and fair between all parties concerned.

As contended in this case by the State Road Commission the Public Utilities Commission, under the provisions of our Public Utilities Act (Section 4811, Sub. 2, C. L. of Utah, 1917), has the "exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each crossing of one railroad by another railroad or street railroad and of a street railroad by a railroad. and of each crossing of a public road or highway by a railroad or street railroad, and of a street by a railroad, or vice versa, and to alter or abolish any such crossing, and to require, wherein in its judgment it would be practicable, a separation of grades at any such crossing heretofore or

hereafter established, and to prescribe the terms upon which separation shall be made, and the proportion in which the expense of the alteration or abolition of such crossing, or the separation of such grades, shall be divided between the railroad or street railroad corporations affected, or between such corporations and the state, county, municipality or other public authority in interest."

It is further provided by Subdivision 3 of the same Section, that: "Whenever the Commission shall find that public convenience and necessity demands the establishment, creation or construction of a crossing of a street or highway over, under, or upon the tracks or lines of any public utility, the Commission may, by order, decision, rule or decree, require the establishment, construction or creation of such crossing, and said crossing shall thereupon become a public highway and crossing."

Under the supervisory powers delegated to and the duties imposed by the foregoing section and our Public Utilities Act, in general, this Commission need not, under the facts and circumstances disclosed in this case, be bound by the contractual relations entered into by the parties immediately concerned. Fundamentally, and upon both principle and authority, it becomes the duty of this Commission to investigate, hear and determine a case of this nature, regardless of the private agreements entered into by the parties to it. However, we are convinced that in the instant case the agreement entered into between Carbon County, Price City and the Denver & Rio Grande Western Railroad Company, for the elimination of the grade crossing in question, presents the most feasible and practicable plan that could be devised, and that under all the facts and circumstances, the apportionment of costs of a new subway or underpass between the parties directly concerned, is just, equitable and fair. All parties interested so regard said contract and are satisfied with the place and manner in which it is to be constructed and the apportionment of the costs, as outlined in said contract.

Therefore, the petition of the State Road Commission of Utah herein, for the elimination of a grade crossing and separation of grades at the intersection of the state highway with the main line of the Denver & Rio Grande Western Railroad at Price, Utah, should be granted, and

the manner of construction and the apportionment of the costs thereof, should be apportioned between Carbon County, Price City and the Denver & Rio Grande Western Railroad, as is their agreement, set forth under date of August 20, 1923, and identified in the record of this case as "D. & R. G. Ex. 3."

Further, we are of the opinion, and so decide, that this Commission should retain jurisdiction of the subject matter of this case for the purpose of making such further and supplemental orders herein that it may deem just and proper in order to subserve the best interests and the convenience of the public, not incompatible with the findings and conclusions of this report as herein set forth, and in conformance with law.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

STOUTNOUR, Commissioner, Dissenting:

I do not agree that either the contract itself should be approved or that its terms should be lifted bodily out of the contract and approved (as the majority opinion appears to have done), thus, in effect, approving the terms of the contract, though perhaps not the contract itself, which may be distinction without a difference. (Page 12 of the majority opinion.)

The jurisdiction of the Commission to pass upon the issues raised in this case, is specifically set out in Section 4811, Compiled Laws of Utah, 1917, as follows:

> "The Commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing * * * of each crossing of a public road or highway by a railroad or street railroad and of a street by a railroad or vice versa, and to alter or abolish any such cross-

ing, and to require, where in its judgment it would be practicable, a separation of grades at any such crossing heretofore or hereafter established, and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the alteration or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected, or between such corporations and the state, county, municipality, or other public authority in interest."

The Legislature evidently had in mind just such conditions as have arisen in this case, when, in formulating this section of the Act, it used the word "exclusive" in determining the power of the Commission to pass upon the issues raised in this case. The language used is unequivocal and admits of but one interpretation. Under the law, it is the duty of this Commission to reach its own conclusions.

This question of apportionment of expenses for grade separation, becomes important because the expenditure of public money is involved.

The opinions and findings of the Commission must be based upon the measured requirements of the law and the facts. The decisive and material facts are to be found in the record. This is made necessary in order that the purpose of the law may be met. The responsibility of making apportionments under this section of the Act, is upon this Commission, alone.

To passively tolerate this contract and its terms for the reason that it has been signed by the parties at interest, claiming to represent the public, and has not been protested, would simply result in permitting the parties at interest to substitute their judgment for that of the Commission, and they, themselves, administer the law.

It is easy for some individual, some commission or some committee, upon whom no legal responsibility rests, to say that they have no objection to this Commission approving this contract, or even to urge its approval. If every person having any knowledge or pretended knowledge of this contract, desires this Commission (either on or off the record) to approve it, the Commission must

still reach its own conclusions, after a consideration of all of the record as to all of the facts and the law.

Under the law, the Commission need give the contract involved in this case no consideration whatsoever, and, indeed, it cannot, unless it finds, from the competent evidence in the record, its terms to be proper.

The majority opinion does not set forth a detailed analysis of the evidence (except a formal statement of the State Road Commission) and, consequently, does not disclose upon what facts in the record it bases its opinion and finding. However, I do find in the record, evidence, which I shall hereafter discuss, compelling to me that this contract is improper, that its terms are unjust and unreasonable, and to find that it is against the public welfare. If this contract does not state the terms of the agreement clearly and in concise language, it should not be approved by this Commission.

The issue was raised at the second hearing had in this case, by a witness for the State Road Commission, that this contract provides for a four track subway, the total estimated cost of which approximates $90,000, to be paid for by the public, except for a participation by the Railroad of $11,000, plus other considerations of relatively small monetary value. This was contended not to be a fact, by some of the parties at interest.

Portions of the contract are quoted, as appear to be pertinent in setting forth a description of the structure to be erected and the terms of the division of the expense. The underscoring of the words is mine.

ARTICLE I

"Section 1. * * * The foregoing grant of a leasehold interest in and to the lands of the Railroad Company is made conditional upon and expressly subject to the legal and permanent vacation and closing by said City of said Tenth Street and said "J" Street across the lands, premises and tracks of the Railroad Company, *and subject to the right of the Receiver to construct, maintain and operate not less than four railroad tracks over and across said sub-*

*way or underpass as in Section 2 of this Article provided and further subjects to the full and faithful carrying out by said City and said County respectively of their respective covenants hereunder. * * * ".*

"Section 2. *The Receiver agrees, on completion of said Federal Aid Highway (Main Street), to contribute and pay on account of said underpass or subway, and a new single track steel girder railroad bridge with concrete abutments in accordance with plans and specification to be furnished by the Receiver, a portion of the cost of the construction and completion of said underpass or subway and railroad bridge thereover not in excess of the sum of Eleven Thousand Dollars* ($11,000) *nor in any amount in excess of one-third of the cost of such construction and completion, if such cost shall be less than the sum of Thirty-three Thousand Dollars* ($33,000); *Provided, that no portion of the cost of construction and completion of paving, curbing, guttering sidewalks or other work necessary to the adaptation of said underpass or highway for use as a portion of said Main Street shall be included in said Thirty-three Thousand Dollars* ($33.000), *but shall be borne by said City or said County as said last named parties may elect and agree; and provided, further, that said underpass or subway, when constructed, shall cross the lands, premises and right-of-way of the Railroad Company at an angle of approximately forty-five degrees thereto, and provided, further, that the Railroad Company, at its option and expense, shall have the right at any time and without let or hinderance of or from the County or City, to construct and extend additional railroad tracks across said underpass or subway within the lands, premises and right of way of the Railroad Company, and that said underpass or subway shall be of sufficient length and clearance to accommodate a total of not less than four railroad tracks with the usual and standard clearance for main line trackage; and provided, further, that the actual work of constructing said single track railroad bridge and abutments therefor shall be performed by the Receiver and the cost thereof, in excess of said sum of Eleven Thousand Dollars* ($11,000) *shall be promptly paid by the County and City jointly or severally as work thereon progresses,* and upon presentation of bills therefor; which bills for labor, ma-

terial, transportation and supervision may be verified by said County and City; and provided, further, that said bridge and abutments, when completed as aforesaid, shall be the sole property of the Railroad Company and shall be renewed and repaired at its sole expense.

ARTICLE II.

"Section 3. *The County and City, jointly and severally, agree to acquire the right-of-way therefor and to lay out, construct, complete and maintain, or cause to be laid out, constructed, completed and maintained, that portion of said Federal Aid Highway,* including said strip of land leased from the Receiver, extending in an easterly and westerly direction through and across the city, *including said underpass or subway; and that said underpass or subway shall be laid out, constructed, completed and maintained across the lands, premises and right-of-way of the Railroad Company at an angle of approximately forty-five degrees thereto and of sufficient length and with sufficient clearance to accommodate not less than four main line overhead railroad tracks at the existing elevation of the existing track and of standard clearance."*

"Section 4. *The County and City further jointly and severally agree that the contribution of the Receiver to the expense of construction and completion of said underpass or subway and said Railroad bridge thereover shall not exceed the sum of Eleven Thousand Dollars* ($11,000) *nor in any event exceed one-third of the cost thereof, not including the cost of paving, curbing, guttering and sidewalks, which latter cost shall be borne by the City.*

"Section 5. *The City and County further jointly and severally agree that the Receiver shall construct said railroad bridge and abutments therefor in accordance with standard plans and specifications for such structures, and that when the expense of labor, materials, transportation and supervision therefor, shall exceed the sum of Eleven Thousand Dollars* $11,000) *said County and City shall jointly and severally as they may elect and agree, pay to the Receiver*

on presentation of bills therefor the cost thereof, as aforesaid, in excess of said sum of Eleven Thousand Dollars ($11,000) *and said bridge when erected and completed as aforesaid shall be the sole property of the Railroad Company and subject to maintenance, renewal and repair at the sole cost of the Receiver."*

In Article 1, Section 1, the right of the Receiver to construct, operate and maintain four railroad tracks over and across a subway or underpass, as provided for later in the contract, and subject to the full and faithful carrying out by the City and County of their respective covenants thereunder, is stated. The above necessarily implies a subway of sufficent size to accommodate four tracks.

In construing this contract, the definition of the terms used therein must be borne in mind. The standard dictionary definition of "track, (railroad)" is: "The pair metal rails, or, in a monorail system, the single rail, on which a railway train or tramway runs; also the rail or pair of rails with its ties, bolts, etc.; sometimes, by extension, the whole trackway." The foregoing definition is the definition commonly used and accepted by railroad people.

Furthermore, the carrier itself is required to make a sharp distinction between "tracks" and "subways." Under the law, they cannot and do not mean the same; neither can the one term be taken to include the other.

The Classification of Accounts prescribed by the Interstate Commerce Commission, and likewise by this Commission, entitled "Classification of Investment in Road and Equipment of Steam Roads, prescribed by the Interstate Commerce Commission, in Accordance with Section 20 of the Act to Regulate Commerce," provides how and in what manner this carrier shall keep its accounts.

Subways must be carried under Account No. 6, "Bridges, Trestles, and Culverts." The notation under the account is: "This account shall include the cost of the substructure and superstructure of bridges, trestles, and culverts which carry the tracks of the carrier over watercourses, ravines, public and private highways, and other railways." Explanatory Note "B" under this account

provides: "The cost of bridges to carry the carrier's tracks over undergrade crossings, including the necessary piers and abutments for sustaining them, shall be included in this account, but the cost of undergrade roadways, paving on right-of-way, drainage systems, and retaining walls outside of the bridge abutments, shall be included in Account No. 15, 'Crossings and signs'."

Ties, rails, other track material, track laying and surfacing are included under Accounts 8, 9, 10 and 12, respectively.

This accounting system has been effective for almost ten years, and the carrier is, and has been required to make these distinctions.

From the foregoing, it would be just as logical to include under the term "tracks" the locomotives and cars running over them, as to include abutments and steel bridges under the tracks. Every railroad official of responsibility must know these distinctions,—it is part of his business to know them.

Section 2 of Article 1, states that the Receiver shall "contribute and pay on account of said underpass or subway, and a new single track steel girder railroad bridge with concrete abutments in accordance with plans and specifications to be furnished by the Receiver, a portion of the cost of the construction and completion of said underpass or subway and railroad bridge, thereover not in excess of the sum of $11,000, nor in any amount in excess of one-third of the cost of such construction and completion, if such cost shall be less than the sum of $33,000;" and further states "that said underpass or subway, when constructed, shall cross the lands, premises and right-of-way of the Railroad Company at an angle of approximately forty-five degrees thereto," and reiterates the thought of Section 1, Article 1, that the Railroad Company may construct additional railroad tracks across such subway; but at its option and expense. The language "at its option and expense" is additional to the language of Section 1, Article 1, and further states that the subway or underpass shall be of sufficient length and clearance to accommodate four railroad tracks.

It does not here state specifically how the *entire cost* of a subway to accommodate four railroad tracks, shall be paid; but does state that the actual work of constructing said single track railroad bridge and abutments thereto, shall be performed by the Receiver, and the cost thereof in excess of the sum of $11,000, shall be promptly paid by the County and City, jointly or severally. The reference to the division of expenses is a reiteration of the thought expressed in the beginning of Section 2, Article 1. The addition here is that the Receiver shall perform the actual work of construction.

Article 2, Section 3, states that the County and City, jointly and severally, *agree to construct or cause to be constructed "said" underpass or subway* (described in Article 1, Section 2) and that said underpass or subway shall be constructed, completed and maintained across the lands, premises and right-of-way of the Railroad Company, at an angle of approximately forty-five degrees; and reiterates the statement that the underpass will be of sufficient length and with sufficient clearance to accommodate four main lines, overhead railroad tracks.

After *binding* the County and City, as above outlined, to construct or cause to be constructed a four track subway, which, of course, costs money and must be paid for by somebody, the Railroad again states, in Section 4, for the third time, that the expense of the Receiver for the construction and completion of the "said underpass or subway and said railroad bridge thereover" shall not exceed the sum of $11,000; and again, in Section 5, if the excess cost shall exceed the sum of $11,000, said City and County agree to reimburse the Railroad in any sum in excess thereof.

Section 3 provides for a finished structure, a four track subway or underpass, and in the following Section 4, which supplements Section 3, it is stated that the contribution on the part of the Receiver for the underpass and said railroad bridge shall not exceed $11,000. If this contract means other than a completed subway for four tracks, with participation on the part of the Railroad of $11,000, plus the expense of constructing its tracks over a completed four track subway, and a strip of right-of-way mentioned elsewhere in the contract, it should have and could have clearly so stated.

At the first hearing, the attitude of the Railroad was clearly set out. Mr. Benjamin R. Howell, Counsel for the Denver & Rio Grande Western Railroad, (Transcript, Pages 28 and 29) made the following statement:

> "That is what we are talking about. The situation here, of course, is complicated and difficult because of the fact that the railroad is perfectly willing and the underpass should be constructed and the road proceed if this contract is left in full vigor, and if there is no order of this Commission that conflicts with the contract. perfectly willing and desirous of doing so. The parties in interest in this matter have gotten together; that is, I am omitting the Federal Government in this matter, but the feature of paying money, the local authorities who are paying money—the railroad, State and town have gotten together and made a contract as to how the expenses in this thing shall be borne. It is perfectly satisfactory to everybody. The Receiver went into court and got authority to carry it out, and my opinion is that if this contract is made and adopted, we shall introduce evidence here of the reasonableness of the contract, if it is made and adopted as the order, we will be perfectly willing. We don't do vain things. The railroad has been practically a good fellow in this matter, and does not desire that an order of this Commission shall be made that conflicts with its contractual obligations and that might conceivably in the future be the cause of litigation which, of course, is destructive to everyone. I will leave that point for a moment and proceed to the next point, namely, that there is nothing in the testimony here that shows an underpass to be necessary."

Likewise, (Transcript, Pages 36 and 37) Mr. Howell emphatically states the attitude of the Railroad, involving, as the language does, the participation of the Railroad in the expense of constructing the subway mentioned in the contract.

> "I would like to answer Mr. Means—he has made an argument here, *but I would like to state the railroad's attitude. It appears more plainly by statement than it does by evidence.* It is just this: We don't admit the necessity of the underpass whatsoever,

but we are willing to humor Carbon County and Price City and the other parties concerned and be a good fellow to the extent of $11,000.00 *in this strip of ground and no further.* We don't admit the necessity for it at all, but we have done this because we want to help these people to do for their community what they want to do, that is our attitude upon it. Shall I swear our witness?"

(Whereupon, Arthur Ridgeway, Chief Engineer of the Denver & Rio Grande Western Railroad System, being first duly sworn, gave testimony.)

The language of Mr. Howell, last quoted, is emphatic, understandable, and is to be taken for just what it says, and I agree with Mr. Howell that the attitude of the Railroad does appear more plainly by his statement than it does by at least some of the evidence.

At the second hearing, held about five months later, Witness Means, Chief Engineer of the State Road Commission of Utah, testified (Transcript, Pages 23-28) that he construed the contract to mean that there will be constructed a substructure for four tracks and a superstructure for one track, and that the additional expense of constructing at least the concrete abutments, to accommodate four railroad tracks, would be paid for by the public.

At the second hearing, Witness Arthur Ridgeway testified, in substance, (Transcript, Pages 32 to 43) that the intent of the contract to him was, and he interpreted it to mean, that the contract provided for the grading or excavation of sufficent dimensions to provide for a four track subway, with concrete abutments and steel superstructure for only one track, and that the expense of finishing the subway to accommodate four tracks, that is, the additional concrete abutments and the steel superstructure for the additional tracks, would be borne by the Railroad. Mr. J. D. Stack, General Superintendent of the Denver & Rio Grande Western Railroad System, testified to like effect. (Transcript, Page 118)

The County Commissioners and the then Mayor of Price likewise testified, in substance, that the testimony of Mr. Ridgeway was their understanding (Transcript,

Pages 47 to 50). If such a meaning is to be found as is set forth by Witness Ridgeway, the County Commissioners and the other witnesses testifying to this effect, it must be found within the four corners of the contract. The reading of such a meaning into this contract, would necessarily pervert not only the legal (so far as the carrier is concerned); but also the technical and the ordinary and plain significance of the words.

However, counsel for the Denver & Rio Grande Western Railroad System refused to stipulate that it was only contemplated that the public participate in the grading of a four track subway, plus steel superstructure and abutments for one track, on the ground that he had not the authority to so stipulate.

Witness Ridgeway (Transcript, Page 43) stated that he was unwilling to change or modify the contract now, "because it has all been signed, sealed and delivered by all of the parties thereto," and (Transcript, Page 44) that he would not like to go to court again. This is no reason at all, insofar as the public is concerned. This carrier made this contract first with the City and County and then sought court approval for the Receiver. It thus deliberately created the situation which it now seeks to use as a reason for not changing or modifying the contract.

It was the testimony of Mr. Ridgeway (Transcript, Page 34) that a four track subway is in the "far distant future." The payment of public funds is involved in this case, and, under the circumstances, it is a begging question to say that there is great need for the subway and we must hurry, and it would take too long to go back and carefully draw a contract. The future is a long time, and it may be a long time before it will be necessary to construe the terms of this contract. At that future time, there may be, and likely will be, no one participating who is now a party to this contract. The construction of the contract that is important to the public, is the construction that will be placed upon it at that future time. The time to enter into a proper contract is now. The estimated cost of a four track subway is, roughly, $90,000, and, unless changed now, at some future time, this contract must, in my opinion, be construed so as to involve an additional cost to the public of some $50.000.

The question of securing a memorandum from the Railroad, interpreting this contract, was brought up. Evidently, in response to these suggestions, the following letter was received and filed, March 5, 1924, with this Commission. The letter follows:

"THE DENVER AND RIO GRANDE WESTERN RAILROAD SYSTEM

T. H. BEACOM, RECEIVER.
LEGAL DEPARTMENT
Elroy N. Clark
General Attorney

Henry McAllister, Jr.,
Counsel to Receiver.

J. A. Gallaher,
Commerce and
Valuation Counsel.
Denver, Colorado.
Feb. 27, 1924.

Re. Price Underpass.

"Messrs. Van Cott, Riter & Farnsworth,
Walker Bank Building,
Salt Lake City, Utah.

Gentlemen:—

"Acknowledging receipt of your favor of the 21st instant relative to the above subject matter, I beg to say that I note that question has arisen relating to the construction and interpretation of Section 2, Article 1 of the contract recently entered into between the Receiver of the Denver and Rio Grande Western Railroad and the County Commissioners of Carbon County and City authorities of the City of Price.

"You state that your State Road Commission has suggested that said Section 2, of Article 1 of said contract contemplates

"that any tracks that may be extended over the subway in the future in addition to the single track steel girder railroad bridge provided for at the beginning of said Section 2 would be at the

expense of Price City and Carbon County under the contract."

"I personally prepared this contract. No such interpretation or construction as is suggested by your State Road Commission was contemplated by me in its preparation and in order to clear up all doubt with reference to it I beg to say that this section should be construed, and so far as I am concerned will be construed as it reads, namely, giving to the Railroad Company *at its option and expense* the right to at any time, without let or hindrance of or from the County or City, construct and extend additional railroad tracks across said underpass or subway within the lands, premises and right-of-way of the Railroad Company, with an obligation on the part of the County and City to construct the proposed underpass or subway of sufficient length and clearance to accommodate a total of not less than four railroad tracks with the usual and standard clearance for main line trackage.

"I do not know how the foregoing language, which is taken almost verbatim from the contract could be clarified inasmuch as it specifically provides that the right of the Railroad Company to construct additional trackage is to be exercised at its expense. I am sure that no other or different construction will be or can be contended for by the Receiver or the Railroad Company.

"You are at liberty to place copy of this letter in the hands of the City and County authorities for their future assurance in the matter, if such assurance is desired and if this my own interpretation of the contract will allay any misgiving on their part.

"Very Respectfully,
E. N. CLARK,
General Attorney."

The significant thing about this letter is that the signer thereof continues to talk about the cost of the additional tracks over the subway. There is no question that, under the contract, the Railroad will be required to

pay for the tracks. The issue is, the payment for the concrete abutments and the steel superstructure supporting the additional tracks and forming part of the subway. The letter states, third paragraph from the last:

> "* * * with an obligation on the part of the County and City to construct the proposed underpass or subway of sufficient length and clearance to accommodate a total of not less than four railroad tracks with the usual and standard clearance for main line trackage."

And the signer also very carefully sets out that this is his own interpretation of the contract.

This letter cannot be taken to mean other than that the obligation is upon the County and City to construct the proposed underpass or subway of sufficient length and clearance to accommodate a total of not less than four railroad tracks.

None of the testimony, letters and explanations have the effect of changing the contract.

The eminently learned counsel for the Denver & Rio Grande Western Railroad System, Mr. Benjamin R. Howell, (Transcript, Page 112) states as follows:

> "Now, as to the memorandum, Mr. Peterson. This is a receiver's contract, signed upon authority from the United States District Court for Colorado, and I take it that, in order to bind the Receiver, it will be necessary first to have an order of the court changing that."

Again, (Transcript, Page 113) Mr. Howell stated, in substance, that he did not think he had the authority to construe this contract for the Receiver; that he did not think any attorney, under such circumstances, could do so. The Receiver is silent.

The record as made in this case is such that, in my opinion, this contract should be cast out utterly, and given no consideration whatsoever by this Commission.

The majority report of the Commission finds the value of the strip of right-of-way given by the carrier for

highway purposes in this contract, to be $8,000. The right-of-way in question is part of the triangular plat of land owned by the carrier and now served by a spur track reaching various warehouses and lumber sheds, coal yards, etc. The area of the plat of ground is claimed to be 4.6 acres. The area of the right-of-way to be taken from this plat, is .53 acres. There is likewise a right-of-way directly across the main track of the Denver & Rio Grande Western Railroad at the site of the subway, which amounts to .28 acres additional. However, a strip of land forming part of the lease of 1921 is returned to the carrier. This is shown by carrier's exhibit to offset the .28 acres; so it is necessary to consider only the .53 acres.

Testimony was given by witnesses for the Denver & Rio Grande Western Railroad System as to the value of this strip of right-of-way. Previously, the Railroad had leased a strip of right-of-way 26 feet wide, for road purposes, and immediately adjacent to and parallel with the strip in question. This lease was consummated, December 10, 1921, and is claimed to be a donation on the part of the Railroad. The strip now in question is an additional strip, being secured for the purpose of widening out the right-of-way above mentioned, for highway purposes.

The value of the strip of right-of-way is referred to in the record numerous times and by various witnesses. So far as material, the record shows that values have been placed upon this land by experts employed by the Denver & Rio Grande Western System: By Mr. Ridgeway, its Chief Engineer, by Witness Lee, for the carrier, at the first hearing; at the second hearing, Witness J. W. Hammond, for the carrier, and the record of the valuation placed upon the property by the Bureau of Valuation of the Interstate Commerce Commission. (Witness Ridgway, second hearing.)

Witness Ridgway (Transcript, Page 42), in qualifying the experts of the Railroad and of the Interstate Commerce Commission, testified as follows:

> "Perhaps I should explain that a little bit in detail. The Commission no doubt is well aware of the fact that the Federal valuation of railroads has

been in progress for ten years, or since the passage of the Act in 1913. We have had forces engaged during these ten years in complying with the orders of the Interstate Commerce Commission pertaining to that Federal valuation. Among the things which the Interstate Commerce Commission aims to do is to appraise the land belonging to the carrier. They send out their appraisers. They have taken the stand that according to the terms of the Act and what is required of them, they should return to Congress a statement of the present value of the lands, or at least they contend that the present value of the carrier's lands is only the naked land value as measured by similar adjacent land. Their appraisers came to our property in order to determine the value of similar adjacent lands here and there. That would be a measure of the value of our lands which were adjacent. The process of determining the value of similar adjacent land primarily depended on getting the assessments from the various counties as returned by the County assessor and then getting as many sales of property in that county as they could, thereby determining the ratio of the assessed valuation to the sales value of the land. Now, my land appraisers hired by the railroad company proceeded along the same lines, because at the instance of the Bureau of Valuation of the Commission when they have determined the valuation by that process and we had determined the value by similar process, then we would compare those values and see if we could not come to a mutual satisfactory value. My men had determined the value of our property as measured by similar adjacent land according to that method of working. We find it was only a matter of adjusting a similar question that we asked them and they brought me back the figures almost immediately that the value of these two strips of land, naked values, of about $7300.00. Now that doesn't include the value of the land to us as right-of-way."

The land value placed upon the right-of-way by the experts for the Railroad, is $7300.00. (Transcript, Page 43). The estimate of land valuation of Arthur Ridgeway for the same area is $14,000 to $16,000, and is based upon the theory that the carrier has to pay about twice as much for land as is its value measured by the value

of similar adjacent land (Transcript, Page 44), and again, Mr. Ridgeway testified that the value of the right-of-way was some sum in excess of value of $7300.00. Transcript Page 44). The above appraisals are for the naked land value.

Witness Lee, for the carrier, a real estate man of Price, testified that the value of the right-of-way in question is $8,000, of which $4,000 is the value of the land and $4,000 damages. (Transcript, Page 88). W. J. Hammond (Transcript, Page 100, second hearing) testified to like effect, that is, the value of the right-of-way is found to be $4,000, and the damages $4,000.

At the second hearing, Witness Ridgway (Transcript, Page 122) stated that the Bureau of Valuation of the Interstate Commerce Commission, had announced its land appraisal, in the interim, and had placed a valuation of about one-third, or a little less, of what his valuations were upon the same land, about $2200.00, against the carrier's $7300.00.

The assessed valuation by Carbon County of the land comprising the entire trianglar strip, 4.6 acres, is $18,000. On this basis, .53 acres is assessed at $2,064.00. As pointed out by Witness Ridgway in his testimony, heretofore quoted, the assessed valuation is one of the elements taken into account by both the experts for the Railroad and the experts for the Bureau of Land Appraisal of the Interstate Commerece Commission, in arriving at land values.

Summarized, we have the following land values for the right-of-way, without considering severance damages:

(Severance damages will be discussed later.)

Experts for the Railroad, ...	$ 7,300.00
Witness Ridgway, two for one basis, ...	14,600.00
Witness Lee, for the carrier, ...	4,000.00
Witness Hammond, for the carrier, ...	4,000.00
Interstate Commerce Com. land appraisal, .	2,200.00
Carbon County assessed valuation, ...	2,064.00

The original cost of this land was not reported, though requested.

The "two for one" theory, advanced by Witness Ridgway, is untenable and must be dismissed.

In the Minnesota rate cases, United States Reports, Volumes 230, Page 455, Mr. Justice Hughes, speaking for the Court, said:

> "Assuming that the company is entitled to a reasonable share in the general prosperity of the communities which it serves, and thus to attribute to its property an increase in value, still the increases so allowed, apart from any improvements it may make, cannot properly extend beyond the fair average of the normal market value of land in the vicinity having a similar character. Otherwise we enter the realm of mere conjecture. We therefore hold that it was error to base the estimates of value of the right-of-way, yards and terminals upon the so-called 'railway value' of the property. The company would certainly have no ground of complaint if it were allowed a value for these lands equal to the fair average market value of similar land in the vicinity, without additions by the use of multipliers, or otherwise, to cover hypothetical outlays. The allowances made below for a conjectural cost of acquisition and consequential damages must be disapproved; and, in this view, we also think it was error to add to the amount taken as the present value of the lands the further sums, calculated on that value, which were embraced in the items of 'engineering, superintendence, legal expenses,' 'contingencies' and 'interest during construction.' By reason of the nature of the estimates, and the points to which the testimony was addressed, the amount of the fair value of the company's land cannot be satisfactorily determined from the evidence, but it sufficently appears for the reasons we have stated that the amounts found were largely excessive."

On the above basis, and after full consideration of all the evidence in the record bearing upon this question, I find that the naked land value, without damages, not to exceed $2500.00.

Two of the witnesses, Messrs. Lee and Hammond, appraised the severance damages at $4,000. Before I can accept testimony of these witnesses, it is necessary

for me to scale down their appraisal until it harmonizes with the decisions of the highest courts of the country. They have included elements of drainage that cannot be allowed under these decisions. According to Witness Lee (Transcript Page 85), he included as damages the hazard increased on account of highway passing over the spur track, and that if more tracks were added, a crossing watchman would be required continuously, and further, that the Railroad would lose the use of the ground, and at the second hearing (Transcript, Page 92), he testified further that the land that is left to the Railroad after the strip is taken away for right-of-way purposes would not be valuable for warehouse purposes.

However, at the first hearing (Transcript, Page 91) this witness testified, in substance, that the additional strip of right-of-way now being taken did not increase the damage to the remaining tract of land, and testified that the damage caused by the leasing of the original strip of land to this tract, is the same damage as is now the damage caused by the fifty foot strip of right-of-way. The fifty foot strip includes the twenty-four foot right-of-way now sought, for the purpose of widening out the existing right-of-way.

Witness Hammond, for the carrier, stated, in substance, that damages were based upon the fact that the land, without the highway, would be a very desirable place for roundhouses or trackage. It was upon the basis of these elements that he arrived at the conclusion that the damage was $4,000 (Transcript, Page 100).

The record shows that witnesses allowed nothing for the area of land embraced in "J" and Tenth Streets, which are to be closed and which revert to the Railroad. It was claimed by one or more witnesses that the title to these areas did not rest with the public. The value of this land, as testified to by one of the witnesses (Jones, Transcript, Page 65), under cross-examination, was that the Tenth Street area is worth $25.00 per front foot, and "J" Street area $5.00 per front foot.

The time when it will be necessary to employ a crossing watchman to flag switching spur tracks to the limited area involved in this case, is even farther in the future than the building of a four track subway; but even

if a flagman were required at some future time, it is not a cause for damages. The public cannot be required to compensate the Railroad merely because the carrier must take precautionary measures to protect the lives and the property of the people.

The United States Supreme Court, in Chicago, B. & Q. R. Co. vs. City of Chicago, Supreme Court Reporter, Volume 17, Page 592, in discussing this question, said:

> "We concur in these views. The expenses that will be incurred by the railroad company in erecting gates, planking and crossing, and maintaining flagmen, in order that its road may be safely operated, if all that should be required,—necessarily result from the maintenance of a public highway under legislative sanction, and must be deemed to have been taken by the company into account when it accented the privileges and franchises granted by the state. Such expenses must be regarded as incidental to the exercise of the police powers of the state. What was obtained, and all that was obtained, by the condemnation proceedings for the public was the right to open a street across land within the crossing that was used, and was always likely to be used, for railroad tracks. While the city was bound to make compensation for that which was actually taken, it cannot be required to compensate the defendant for obeying lawful regulations enacted for the safety of the lives and property of the people."

The building of a roundhouse on such a tract, is not within the bounds of reasonable possibility.

Futhermore, mere conjectural testimony, such as the building of future roundhouses, etc., is not a measure of damages. The present condition of the land and its probable immediate future use, are to be considered.

Upon this question, the Supreme Court of Illinois, in I. C. R. R. Co. vs. City of Chicago, Illinois Reports, Vol. 169, Page 337, said:

> "It is insisted, however, that the land not occupied by the tracks was suitable for a special railroad use and of great value for that purpose; that

it was of special value for coal yards, coal chutes, warehouse purposes, etc. It is not contended that at the time of the proposed condemnation it was put to any such use. The extent of appellant's contention is, that it was valuable for such use. When the right of way of a railroad is put to such special use, or it is in immediate contemplation to put it to such use, its value for the special use to which it is thus put or contemplated to be put is the measure of compensation. But where it is not put to such use its value for such purposes is purely imaginary and speculative, and so remote that its value for that purpose would depend solely upon whether it would ever be necessary for the benefit of the corporation to use it for that purpose. Possible or imaginary uses, or a probable future use dependent on circumstances, are not elements to be taken into consideration in determining the compensation to be awarded. (Pierce on Railroad, 217; Lewis on Eminent Domain, 480; Jones vs. Chicago and Iowa Railroad Co., 68 Ill. 380; Peoria and Pekin Union Railway Co. vs. Peoria and Farmington Railway Co. 105 id. 110; Chicago, Burlington and Quincy Railroad Co. vs. City of Chicago, 149 id. 457; Chicago and Northwestern Railway Co. vs. Town of Cicero, 157 id. 48; Sherwood vs. St. Paul & Chicago Railroad Co., 21 Minn., 127; Pinkham vs. Chelmsford, 109 Mass. 225; Fairbanks vs. Fitchburg, 110 id. 224.) The uttermost compensation to be allowed a land owner must be estimated by reference to the uses for which the property is suitable, having regard to its present condition and the existing business and wants of the community, or such as may be reasonably expected in the immediate future, as the basis for determining its market value. (Boom Co. vs. Patterson, 98 U. S. 403). The present, and not the probable future, use of the land, or the intention of the owner as to such use, is the test of market value to be shown by the evidence. Sherwood vs. St. Paul and Chicago Railroad Co. supra; Pinkham vs. Chelmsford, supra; Fairbanks vs. Fitchburg, supra."

Further, access of the Railroad Company to its remaining property, will not be sensibly impeded by the highway. Under the regulations of the police power of the State, the carrier may still construct other tracks

across the highway and operate over the same. In other words, the use of the highway right-of-way by the public and the Railroad, is concurrent. It must be borne in mind that this land comprising the right-of-way sought in this case, is not to be used in the future for private gain; but is to be used for a public service, namely, highway purposes.

Furthermore, the highway will be paved and will provide easy access to the warehouses now constructed upon the large tract, which must increase their rental value and does not prohibit the development of the balance of the tract; but, to the contrary, the plat will be made more attractive. The carrier may not construct buildings or other structures on the right-of-way, and to this extent, there is a limitation placed upon the use of the ground for carrier purposes, and to this extent the status of this land is different from that of the through right-of-way of the Railroad.

In appraising the land value of the right-of-way the use to which the land in question may be put and the use for which the adjacent land is suitable, was considered in fixing the land value, and the fact that this land comprising the right-of-way is suitable for warehouse purposes, is already included in the land appraisal value, and should not be counted in twice.

From all of the foregoing, I am of the opinion that severance damages in this instance are merely nominal; that the value of the right-of-way, including the land value and and all other damages, is not to exceed $2500.00.

The majority opinion finds the cost of the subway mentioned in this contract to be $33,000. Various estimates were made by witnesses qualified to make them, based upon their various interpretations of the contract. These estimates range upward to $90,000 or more. The record clearly shows that Witness Ridgeway prepared an estimate of $33,000, and that this estimate was based upon a subway to be built at right angles to the track. He called the subway upon which his estimate was based, a "hypothetical subway." This witness (Transcript, Page 51, first hearing) testified that the figure of $11,000 in the contract was one-third of a theoretical cost of $33,000.

The contract mentions twice that the subway, when constructed, shall cross the lands, premises and right-of-way of the Railroad Company at an angle of approximately forty-five degrees thereto, and thus is "hypothesis slain by a fact." The estimates prepared by Mr. Means, Chief Engineer of the State Road Commission, were prepared for a forty-five degree crossing. His estimate for a single track, forty-five degree crossing, is $41,000. This estimate is approved by Witness Ridgeway, in the record, as being a reasonable estimate, for this size and kind of structure.

The various blueprints entered in the record by the carrier show that a forty-five degree crossing is contemplated. It was admitted by all the witnesses competent to express such an opinion, that an underpass on a skew of forty-five degrees, is more expensive than a right angle underpass of the same design and at the same location.

The sum of $33,000, mentioned twice in the contract, (Section 2, Article 1) is not an estimate of the cost of the kind of subway to be built. The Chairman of the Board of County Commissioners, testified that he understood the estimate of $33,000 was an estimate of the cost of the subway to be built, as named in the contract.

At the second hearing (Transcript, Page 47), the following colloquy took place:

"Q. Mr. Santchie, when you arrived at the division of the expense mentioned in the contract, did you cause an estimate to be made of the cost of the construction of this underpass?

"A. Yes.

"Q. Who made the estimate?

"A Why, I believe the railroad did figure it out at $33,000.00.

"Q. $33,000.00?

"A. Yes, but if you will allow me, Mr. Stoutnour, let me tell you one thing, the amount of money that our people loses by not having the road through

the City of Price is absolutely even with that—that the amount would have been $2,000.00 in excess of what the right-of-way is worth.

"Q. Do you understand this $33,000.00 was the estimate for such an underpass as you entered into an agreement to have built?

"A. Yes, sir."

Mr. Sam Woodhead, one of the County Commissioners, testified that the estimate of the total cost they had before them, was between $33,000 and $34,000.

No explanation was offered for not advising the County Commissioners of the cost of the structure that was to be built under the terms of the contract. The engineering forces of both the State Road Commission and Bureau of Public Roads were open to the Board of County Commissioners of Carbon County, and it would have been only prudent of the County Commissioners to have secured an estimate of cost from the above named sources, before they entered into any contract, or to have employed competent engineering talent to represent and advise them, instead of taking the estimate of an interested party. The fact that the County Commissioners were committing the general public, through the Federal Government, to pay $3.00 toward the construction of this subway for every $1.00 they themselves paid from the County funds, should have been a compelling reason that this question of cost should have been very carefully investigated by the Board of County Commissioners of Carbon County, before entering into any contract. The fact that seventy-four or seventy-six per cent of the money contrbuted by the public comes from the Federal Government, cannot be taken to encourage lax methods in entering into contracts.

The record shows that another element enters in the adequacy of the consideration given by the various parties to this contract, for the reason that the proposed subway will replace a frame trestle bridge of three spans, constructed to take care of cross-drainage and not now being used for highway purposes. The carrier will receive a new, permanent, concrete, steel structure; escape liability to renew the frame trestle, with its greater maintenance cost; drainage will be taken care of by the new structure;

all of which greatly benefits the carrier; without any proper allowance being given in the division of the expense.

Without the highway, it would cost the carrier to replace the frame trestle with a concrete, steel bridge, an amount closely approximating the cost of the subway, which it now receives at small expense to itself. At most, the carrier is contributing, in my opinion, not to exceed $13,500 to the cost of the subway. Proper allowance has not been given the public for the area of 10th and "J" Streets reverting to the Railroad. Proper allowance has not been given the public for the replacement of the frame trestle, with its intended liabilities, by a permanent, concrete, steel structure, and also without any proper allowance being given for the removal of liability for physical and property damage at the two grade crossings to be closed, and, in addition to all of the above, the terms of the contract require the public to make a gift of its share of the subway to the railroad. It receives this gift merely because it is required to obey the police power of the State, and abolish this crossing.

The contract provides, Article 1, Section 2, that said bridge and abutements, when completed, as aforesaid, shall be the sole property of the Railroad Company, and shall be renewed and repaired at its sole expense. Renewals and repairs will be charged to the railroad operating expenses, to be collected from the public, through rates; while the fact that the structure shall become the sole property of the railroad, permits the carrier to write the sum contributed by the public into its capital account, and thus makes the public liable to pay a return to the carrier on its own gift for all time, or as long as there is a railroad. The carrier should be permitted to write into its capital account only the amount of its own expenditure. To permit it to write in expenditures for which reimbursement is received from the public, in this case, in my opinion, is a vicious provision of the contract. Furthermore, the writing of the investment of the public into the railroad's capital account, which is permitted under this contract, will defeat, to the extent of the public investment, the operation of the "Recapture of Excess Earnings," clause, Section 15-A, Paragraph 6, of the

Transportation Act of 1920, if and when this section becomes applicable to this carrier.

I strongly dissent to the implication of gift or donation in a contract of this kind, made by either the Railroad or the public, because both are parties to this contract and are partners in the completed structure to the extent of their investment. If the officers representing the Railroad or the officials representing the public, make such donations, it must be at the expense of the stockholders, on the one hand, and the public, on the other. Under the law, it is the duty of this Commission to safeguard the interests of both.

Upon the theory of the benefits received, the obligations discharged by those traveling by rail and those by highway, are approximately equal.

This Commission has heretofore approved contracts for grade separations on a basis of approximately 50 per cent of the cost to the railroad and 50 per cent to the public, through its recognized agency, the City, County, State or Federal Government.

The evidence in this case, measured by the above requirement, does not indicate that the carrier is paying such sum; but, through this contract, is paying relatively very much less, under any interpretation of the contract. Neither does this record show that this Railroad is entitled to any special or preferential treatment which would permit it to pay less than other carriers pay and the public more, relatively.

The testimony of a number of witnesses was introduced toward the end of the hearing, tending to support the proposition that, even if this contract did provide for a structure costing some $10,000 more than $33,000 named in the contract, that the contract was still a good contract and it would have been entered into, anyway.

This kind of testimony was given by various County and City officials, ex-officials and citizens. However, with the possible exception of one witness, no foundation was laid to show that they were competent to express this opinion. No foundation was laid to show that these witnesses possessed the knowledge or experience necessary

for qualification to give this kind of testimony. In fact, this kind of testimony was carried to the point where some of the witnesses testified they had never even read the contract, but formed their opinion by hearing other witnesses testify in the hearing room, and, on this basis, they still thought it was a good contract. Obviously, the testimony of witnesses of this class, can only serve to clutter and confuse the record, increase the expense of transcript, and the weight to be given this last kind of testimony could not be ascertained, even with an "apothecary's scales."

In this case, the carrier pursued the roundabout method of first making the contract with the County Commissioners and the City of Price, and then bringing it before the State Road Commission. The State Road Commission brought this case before the Public Utilities Commission, and requested in the record a division of expense on a 50-50 basis. Time, which is deemed to be so valuable by interested parties, could have been saved, if the provisions of the Public Utilities Act, Section 4811, had been complied with, as an original proposition. In addition, enough misinformed local color over the expenditure of a relatively few thousand dollars, was stirred up to paint a lurid landscape.

Of course, a subway should be built, and the location selected is the proper place for said subway; but I do not approve of the language or terms of the contract, and I find that the Railroad should be required to contribute not less than 50 per cent of the cost of any subway built, and that it should be permitted to capitalize only its own actual expenditure, whatever that may be. I arrived at this basis of division of expense, after a consideration of the ability of the carrier and the public to pay. Most of the considerations in this case move to the carrier, and if it were not for the straightened financial condition of the carrier under the facts shown to exist in this case, I would conclude that the entire cost of the subway should be borne by the carrier, and only the grading and paving of the highway and other purely highway expenses to be borne by the public.

The majority opinion seeks to retain jurisdiction of this case for the purpose of issuing such further orders as may be necessary to subserve the public interest. This is

obviously futile, as heretofore pointed out, it will be long years before further interpretation of this contract will be necessary. It is obviously impossible for this Commission to adopt an attitude of "watchful waiting" for, say twenty-five to fifty years or more, to see if this contract is hurtful to the public welfare. Even utility commissioners close the book of life sometime, or are succeeded by others in office, in due time. The administration of the law is in constantly changing hands; while the railroad maintains its organization, men of like training and experience succeed each other; and, in may opinion, it is not within the bounds of reason that this contract can be policed in this way. The thing to do is to change the contract now.

(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 27th day of March, 1924.

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to eliminate grade crossing at Price, Utah, by an underpass, and apportionment of costs thereof. } CASE No. 659

This case being at issue upon the complaint and application of the State Road Commission of Utah and the answer thereto, and motion to dismiss, in connection therewith, of the Receiver for the Denver & Rio Grande Western Railroad System, on file herein, and all matters at issue having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission, on the date hereof, having made and filed its report, containing its findings and conclusions, based on the evidence in behalf of the respective parties, which said report is filed and hereby referred to and made a part hereof:

Now, upon the findings and conclusions aforesaid, it is:

ORDERED: 1. That the motion of the Receiver of the Denver & Rio Grande Western Railroad System, to dismiss the application and complaint of the State Road Commission of Utah, for want of jurisdiction, be, and the same is hereby, denied.

ORDERED: 2. That the highway grade crossing at or near Price City, Carbon County, Utah, of the main line track of the Denver & Rio Grande Western Railroad, be eliminated.

ORDERED: 3. That the crossing place of the public highway of the main line track of the Denver & Rio Grande Western Railroad, at or near Price City, Utah, be established at the point designated and as contemplated by that certain agreement made and entered into between the Receiver for the Denver & Rio Grande Western Railroad System and Price City and Carbon County, dated August 20, 1923, and identified in the record of this case as "D. R. G. Ex. 3."

ORDERED: 4. That the said new crossing at the intersection of said public highway with the main line of the Denver & Rio Grande Western Railroad, be made by an underpass or subway, constructed in the manner contemplated by said agreement, identified in the record of this case as "D. R. G. Ex. 3."

ORDERED: 5. That said underpass or subway be constructed in the manner, and the costs thereof be, and they are hereby, apportioned so that the Receiver for the Denver & Rio Grande Western System shall "contribute and pay on account of said underpass or subway, and a new, single track, steel girder railroad bridge, with concrete abutments, in accordance with plans and specifications to be furnished by the Receiver, a portion of the cost of the construction and completion of said underpass or subway and railroad bridge thereover, not in excess of the sum of Eleven Thousand Dollars ($11,000); nor in any amount in excess of one-third of the cost of such construction and completion of such cost shall be less than the sum of Thirty-three Thousand Dollars ($33,000); provided that no portion of the cost of construction and completion of paving, curbing, guttering, sidewalks or other work necessary to the adaptation of said underpass or highway for use as a portion of

said Main Street, shall be included in said Thirty-three Thousand Dollars ($33,000), but shall be borne by said City and County, as said last named parties may elect and agree; and provided, further, that said underpass or subway, when constructed, shall cross the lands, premises and right of way of the Railroad Company at an angle of approximately forty-five degrees thereto, and provided, further, that the Railroad Company, at its option and expense, shall have the right at any time and without let or hindrance of or from the County or City, to construct and extend additional railroad tracks across said underpass or subway within the lands, premises and right-of-way of the Railroad Company, and that said underpass or subway shall be of sufficent length and clearance to accommodate a total of not less than four railroad tracks with the usual and standard clearance for main line trackage; provided, further, that the actual work of constructing said single track railroad bridge and abutments therefor shall be performed by the Receiver and the cost thereof, in excess of said sum of Eleven Thousand Dollars ($11,000) shall be promptly paid by the County and City jointly or severally as work thereon progresses, and upon presentation of bills therefor; which bills for labor, material, transportation and supervision may be verfied by said County and City; and provided, further, that said bridge and abutments, when completed as aforesaid, shall be the sole property of the Railroad Company and shall be renewed and repaired at its sole expense."

That is to say, that for the time being, said underpass or subway and the highway approaches thereto, shall be so constructed that they shall be of sufficient length and clearance to accommodate three additional railroad tracks, if and when needed by the Railroad Company, which said additional tracks, including the abutments and superstructure therefor, if needed by the Railroad Company, are to be constructed at the sole expense of the Denver & Rio Grande Railroad System, without any additional cost to Price City or Carbon County.

ORDERED: 6. That duplicates of the plans and specifications of said underpass or subway, together with accurate accounts of the work and materials used in its construction, and the costs thereof, be filed with the Commission for inspection.

ORDERED: 7. That upon completion of the hard surfacing of said public highway, including said underpass or subway, said grade crossing is to be closed to public use.

ORDERED: 8. That the Commission retain jurisdiction of the parties and subject matter of this cause, for the purpose of making such further and supplemental orders herein that it may deem just and proper, in order to subserve the best interests and the convenience of the public, not incompatible with the findings and conclusions and the orders hereinbefore made, nor contrary to the law.

ORDERED: 9. That the Receiver of the Denver & Rio Grande Western Railroad System shall begin the construction of said underpass or subway, within thirty days from the date of this order, and prosecute the same to completion, with all due diligence.

ORDERED: 10. That this order shall become effective immediately upon the service of the same upon the parties, and the Secretary of the Commission shall forthwith serve a copy of the Commission's Report and Order on each of the parties interested therein.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the EASTERN UTAH TELEPHONE COMPANY, for permission to put in effect certain increases in rates for exchange service.	CASE No. 670

ORDER

Upon Motion of the applicant, and with the consent of the Commission:

IT IS ORDERED, That the application of the Eastern Utah Telephone Company, for permission to

put in effect certain increases in rates for exchange service, be, and it is hereby, dismissed, without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 23rd day of August, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of HARRY GRAYES, for permission to operate an automobile stage line between Bingham and Salt Lake City, Utah. } CASE No. 671

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of C. S. BRIMHALL, for permission to operate a truck and passenger line between Provo, Utah, and Steel City, Utah. } CASE No. 672

Decided June 25, 1924.

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

On October 31, 1923, the Commission issued Certificate of Convenience and Necessity No. 196 (Case No. 672) to C. S. Brimhall. This Certificate authorized operations of an automobile passenger and freight line between Provo and Steel City, Utah.

Under date of May 14, 1924, the Commission received request from Mr. Brimhall, for permission to discontinue said service on account of insufficient business.

The Commission finds that owing to lack of patronage, the Certificate of Convenience and Necessity should be cancelled.

IT IS ORDERED, That applicant, C. S. Brimhall, be, and he is hereby, authorized to discontinue freight and passenger service between Provo and Steel City, Utah.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 196 be, and it is hereby, cancelled.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of KENDALL GIFFORD, for permission to operate an automobile truck line between Virgin, Rockville, Springdale and Zion National Park, Utah, } CASE No. 673

Submitted December 28, 1923. Decided Jan. 10, 1924.

Appearance:

George H. Lunt, for C. G. Parry, Protestant.

REPORT AND ORDER OF THE COMMISSION

McKAY, Commissioner:

This matter was set for hearing, in the manner provided by law, before the Commission, at Cedar City, Utah, on the 28th day of December, 1923, at 1 p. m. Neither applicant nor a representative of applicant appeared for hearing of the above entitled matter.

Mr. C. G. Parry was represented at the hearing by his attorney, Mr. George H. Lunt, who protested the granting of the above application.

IT IS ORDERED, good cause appearing therefor, that the application of Kendall Gifford, for permission to operate an automobile truck line between Virgin, Rockville, Springdale and Zion National Park, be, and it is hereby, dismissed.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. E. HANKS, for permission to operate an automobile stage line between Marysvale, Utah, and Bryce Canyon.	CASE No. 674

Submitted March 19, 1924. Decided April 14, 1924.

Appearances:

A. E. Hanks, Applicant.

Robert L. Judd, for C. G. Parry, Protestant.

REPORT OF THE COMMISSION

By the Commission:

Under date of October 1, 1923, A. E. Hanks filed an application with the Public Utilities Commission of

Utah, for a Certificate of Convenience and Necessity to operate an automobile stage line between Marysvale and Bryce Canyon.

This case came on for hearing, January 28, 1924, at Salt Lake City, after due legal notice had been given.

Mr. Hanks sets forth that he has sufficient equipment; that there are no lines operating from Marysvale to Bryce Canyon; that C. G. Parry, holder of Certificate of Convenience and Necessity to operate between these points, makes no effort to handle passengers to Bryce Canyon, only; that the Postal Laws prohibit the mail stage, which operates between Panguitch and Henrieville, from leaving its regular route and go into Bryce Canyon; that the travel is heavy enough to warrant a stage line.

C. G. Parry testified that the tourist business at Marysvale, up to the present time, has not been sufficient to warrant the establishment of a station and placing cars and drivers at this point; and at such time as the business demands, he will arrange to provide the proper facilities.

In view of the facts as brought out, the Commission finds that C. G. Parry is willing to provide such service as the business demands; and that the present volume of business does not justify the issuance of another Certificate of Convenience and Necessity; and the application herein should be denied.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 April, A. D. 1924.

In the Matter of the Application of A. E. HANKS, for permission to operate an automobile stage line between Marysvale, Utah, and Bryce Canyon. } CASE No. 674

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

IT IS ORDERED, That the application of A. E. Hanks, for permission to operate an automobile stage line between Marysvale, Utah, and Bryce Canyon, be, and it is hereby, denied.

By the Commission.

[SEAL] (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of W. D. ALLEN, for permission to amend schedule of rates charged for transporting freight over his automobile truck line between Salt Lake City and Bingham Canyon, Utah. } CASE No. 677

Submitted Jan. 22, 1924. Decided March 4, 1924.

Appearance:

Dan B. Shields, for applicant.

REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, October 8, 1923, W. D. Allen requests permission to publish and file amended schedule of freight rates to apply between Salt Lake City and Bingham, Utah, which results in increases.

This case came on for hearing, at Salt Lake City, Utah, January 22, 1924, at 10:30 a. m., after required legal notice had been given.

IT APPEARS, That W. D. Allen operates an automobile freight truck line between Salt Lake City and Bingham, under Certificate of Convenience and Necessity No. 141, issued May 31, 1922.

IT FURTHER APPEARING, That said application requests permission to increase rates on furniture and household goods; empty cases; empty barrels; suit-cases; tin-ware, cased or otherwise; granite-ware, cased or otherwise; made-up stove-pipes; mattresses; baled hay; and empty ice cream freezers and packers, to one dollar per one hundred pounds.

There were no written protests and no appearances made against the granting of this application.

After giving due consideration to all the material facts, the Commission find that the application should be granted, and that W. D. Allen should be authorized to publish and file with the Commission a schedule containing said increases, and that said increases become effective not less than thirty days after the filing of said amended schedule with the Commission.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

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 March, 1924.

In the Matter of the Application of W. D. ALLEN, for permission to amend schedule of rates charged for transporting freight over his automobile truck line between Salt Lake City and Bingham Canyon, Utah, } CASE No. 677

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

IT IS ORDERED, That the application be granted, and that W. D. Allen be, and he is hereby authorized to publish and put in effect increased rate of $1.00 per one hundred pounds for transporting over his automobile truck line between Salt Lake City and Bingham Canyon, Utah: furniture and household goods; empty cases; empty barrels; suit-cases; tin-ware, cased or otherwise; granite-ware, cased or otherwise; made-up stove-pipe; matresses; baled hay; and empty ice cream freezers and packers.

ORDERED FURTHER, That applicant, W. D. Allen, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

ORDERED FURTHER, That said increases shall become effective not less than thirty days after the filing of an amended schedule with the Commission.

By the Commission.

[SEAL] (Signed) F. L. OSTLER,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the MOAB PIPE LINE COMPANY, a Corporation, for permission to raise and adjust rates on basis of water used by its patrons.	CASE No. 678

ORDER

Upon motion of the applicant, and with the consent of the Commission:

IT IS ORDERED, That the application of the Moab Pipe Line Company, a Corporation, for permission to raise and adjust rates on basis of water used by its patrons, be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 14th day of June 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HYRUM CITY MUNICIPAL ELECTRIC PLANT, for permission to increase the rates for lighting and fuel; and to enforce original Schedules Nos. 13 and 14 for electric service within the corporate limits of Hyrum City, Utah.	CASE No. 679

Submitted Feb. 25, 1924. Decided April 18, 1924.

Appearance:

Mayor C. H. Ralph, for Hyrum City.

REPORT OF THE COMMISSION

By the Commission:

This application is to increase certain rates for electric service, in Hyrum City, Utah.

The petition of Hyrum City, filed October 11, 1923, shows that the Hyrum City Municipal Electric Plant furnishes electricity for lighting, power and fuel, within the corporate limits of Hyrum City, and also to three residences immediately outside of the city limits; that electric energy is generated at the municipal power station operating in conjunction with the Utah Power & Light Company's System, energy in excess of the capacity of the municipal power station being furnished by the Utah Power & Light Company; that owing to the increase in cost of operation and maintenance of the municipal power station and to the necessity for repairs to the transmission and distribution system in general, and likewise on account of the necessity of purchasing electric current for use on the municipal distribution system, it has been found necessary to increase the rates.

The case came on regularly for hearing, at Hyrum, Utah, Tuesday, November 27, 1923, at which time testimony was offered in support of the application by the Mayor, Joseph Appleyard, Superintendent of the Municipal Plant, and other members of the City administration.

It is sought to increase the lighting rates from 9 cents per K. W. H. to 10 cents per K. W. H., minimum rate $1.00 per month; fuel rate for heaters and ranges, from 3 cents per K. W. H. to 4 cents per K. W. H., minimum rate, $1.00 per month; fractional horsepower motors and domestic appliances, and original schedule, 4 cents per K. W. H., minimum rate, $1.00 per month.

Applicant further asks that certain modifications, rules and regulations be permitted in all new and existing schedules. Among other things, a discount of 10 per cent will be allowed on all current accounts for service, if paid on or before the 28th day of the month, minimum monthly charge, $1.00. If two or more meters are connected to the service, the minimum monthly charge will apply to each meter.

As part of the testimony, applicant presented Exhibit "A," intending to show results of operation for the past year (financial and statistical).

EXHIBIT "A"

Valuation Jan. 1, 1923, $33,956.65. Depreciation at 7½ per cent	$ 2,546.75
Contingent Fund— 6 per cent on gross income for 1923	641.47
Bad accounts 2 per cent on gross income for 1923	213.82
Property Insurance	180.00
Workmen's Insurance	152.10
Discounts for prompt payments	542.73
Wages	3,900.00
Line Maintenance	293.21
Power House Maintenance	452.16
Telephone	45.80
Contract for Breakdown service, Minimum Charge	1,050.00
Judgment in favor of Leroy J. Nielson, Pro-rated for maturity in ten years	450.00
	$10,478.04
Credit Balance	213.14
	$10,691.18

An analysis of the Company's lighting customers is as follows: (Exhibit A)

1923	Minimum Rate	Above Minimum Rate	Total Connections	Services Disconnected	H. P.	Revenue
Residence Connections	86	254	367	27		$5,811.84
Commercial "	4	31	41	6		1,344.96
Power "			22		199	3,141.34
Fuel "	1	5	6			181.71
						$10,479.85
By increase of 1 cent per K. W. H. on lighting for 3 months						211.33
						$10,691.18

Total income for 1922	$11,039.96	
Total income for 1923	10,691.18	
	$	348.78

The exhibit shows that the sum of 7½ per cent is being set aside annually for depreciation. The record shows that this money had been diverted to the general fund of the City, and had apparently been used in the street or water works department, as well as for electrical system account. It is obviously improper to charge to operating expenses sums of money for retirements and then use them for other purposes in other departments of the City. Some of the principal difficulties the Municipal System experiences are brought about because it has not been keeping the uniform system of accounts for electrical utilities, prescribed by this Commission, which, if kept, would preclude such practices. The diverting and using of moneys as outlined above, simply results in levying an additional tax on the light and power customers.

The Superintendent of the plant testified that he had been connected with the property for twenty-two years, and that the property had never been kept in good repair, and especially during the past two years had been neglected; that a lot of new poles were needed for replacements; that the last money he had secured from the Town treasurer was about $800.00; that a "lot of pole lines are weak in places, owing to lack of money to keep them going;" and testified further that in his judgment, $1200 to $1500 per year, if expended for replacements, would keep the property in good operating condition. We see no object in building up excessive reserves at any time, and particularly so in this case, where it is being used for other purposes.

A contingent account of 6 per cent of the gross income is being set aside. The purpose of this contingent fund, as indicated by the record, is to pay for engineering services and advice, as illustrated (by a witness), in securing engineering advice, as to the raising of the banks of the canal, etc. This is not a contingent account under the classification.

More serious effort should be made to collect past due accounts. Failure to collect them, simply puts a further burden upon those who do pay their bills.

The connected lighting load on the system (residential and commercial), is apparently in the neighborhood of 110 H. P., the connected power load is about 200 H. P.

Testimony of Joseph Appleyard, who has charge of the operation of the plant for the City, is that the capacity of the plant is about 120 H. P., and that they have ample water to carry this load "at the best of the season." The daily maximum demand on the system for the past two months appears to be about 87 H. P. and occurs on or about six o'clock p. m.

To take care of temporary overload upon the plant, power is taken from the Utah Power & Light Company, under its breakdown schedule. The charge in 1923 for this service, which is the minimum under the tariff, is $1050.00 per annum or $21.00 per H. P. year.

The annual kilowatt hour output of the plant is divided as follows:

Residential	Commercial	Fuel	Power	Total K. W. H.
60231	14391	4300	62060	140982

An inspection of the above disclosed that in output of kilowatt hours, the power consumption is practically equal to the residential lighting consumption, while the connected power load exceeds the connected lighting load by about 80 per cent. Interest on bonds under the Utah law, accrue through general taxation. Thus, all property within the city is assessed to pay the fixed charges of a municipal electric plant. Where only a lighting load is involved, the discrimination between consumers brought about by this situation may not be serious. Generally speaking, residence lighting bills are small.

When the power situation is considered, however, the discrimination may be vastly increased. Investment costs to give service vary with the demand which the customer makes upon the system. Investment costs are continuous throughout the year. Hence, it comes about that to avoid discrimination, after an allowance for diversity, the demand element in a given rate must reflect the charges upon investment made to serve customers taking service under such rate.

In rendering service, an electric property must be prepared to meet simultaneously the demands of all customers. To meet this requirement, property capacity, that is, generating stations, transmission lines, sub-sta-

tions, distribution systems, etc., must be ample to meet such requirement. A demand charge in a properly devised rate structure should, therefore, reflect the investment necessary to render service, while operating expenses should be reflected in the energy charge. Fixed charges must necessarily play a relatively large part in service costs to a consumer making relatively small use of the plant facilities, which must be, as heretofore pointed out, kept available for his use. It follows that such customers must pay proportionately higher rates than if more use of the facilities kept at his disposal is made.

A corrective factor for diversity of use is allowed, for the reason that the consumers at lower load factors do not usually estabilish their maximum demands simultaneously. The sum of all maximum demands established by the different customers, will be greater than the simultaneous demand that the utility must meet. Plant capacity may, therefore, be less than the sum of all individual maximum demands.

At the risk of digressing, it may be said that it is customary to give the benefit of diversity to the customer by a reduction from fixed costs found applicable to system costs, at low load factors. However, diversity depends largely upon the business habits of groups of consumers being considered. That is, customers starting operation of their plants at the same hour, say eight a. m., would likely show little diversity, though all operate at low load factor; whereas, it is often sought to be shown that at low load factors under hypothetical conditions, diversity is almost infinite, regardless of such conditions as the above. In other words, diversity is largely a question of the manner in which groups of customers under consideration take power.

The assessed valuation of the private property used in the general business of the power customer may be very small in relation to the power plant capacity owned by the municipality and used in the service of such customers. When such a situation as this exists, unless adjustments are made in rate schedules, the balance of the community paying taxes, will pay part of the power bills of the power users. In other words, the tax element must be disregarded, in whole or in part, in making power rates, in order to equalize this situation. For example, a

particular customer of this plant has a consumption in kilowatt hours of practically half of the total power consumption of the community, while his billing maximum demand is about one-seventh of the total installed plant capacity, including capacity contracted for as breakdown service, on a straight division, while the assessed valuation of customer's property is a little less than one per cent of the total assessed valuation of the community.

It is apparent in this case that it is the power loading that determines plant capacity, and if it is desirable to further augment the revenues of the municipal plant, after carefully husbanding such revenues as do now accrue under present schedules, the City should submit a revised schedule of power rates, rather than seek an increase in its lighting rates. This is particularly true of Schedule No. 5, which carries a minimum rate of 50c per motor horse-power per month, with a discount of 10 per cent on all bills, if the account is paid on or before the 16th day of the current month. Under certain conditions of taking service, some of the power schedules do not return to the City in revenues as much as the City, purchasing power through its breakdown service, will be required to pay to the Power Company from whom it secures its additional power to make up the deficiency in out-put of the municipal plant. In this situation, the City recovers less than the cost of the purchased power.

The present lighting rate of 9c per K. W. H., we believe, in view of the circumstances, is a self-sustaining rate and carries its proportion of the cost of rendering service from the municipal plant, and is comparable with rates charged elsewhere for light service under similar conditions. The proposed increase in fuel schedules and fractional horsepower motors is granted and may become effective, after five days' notice to the public and to the Commission.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of April, 1924.

In the Matter of the Application of HYRUM CITY MUNICIPAL ELECTRIC PLANT, for permission to increase the rates for lighting and fuel; and to enforce original Schedules Nos. 13 and 14 for electric service within the corporate limits of Hyrum City, Utah.	CASE No. 679

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

IT IS ORDERED, That the application of Hyrum City Municipal Electric Plant for permission to increase rates for electric service for residential lighting, be, and the same is hereby, denied.

ORDERED FURTHER, That the application, to increase rates for heaters and ranges, as set out in Schedule No. 10, Revised Sheet No. 8-D, be, and it is hereby, granted.

ORDERED FURTHER, That the application, asking that Original Schedule No. 13, Sheet No. 1, applicable to fractional horse-power motors, domestic appliances, etc., may become effective, and it is hereby granted.

IT IS FURTHER ORDERED, That the proposed modification of rules and regulations, as set forth in the application, may become effective.

ORDERED FURTHER, That the increased rates and the modification of rules and regulations may become effective on five days' notice to the public and to the Commission.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of CHARLES STARR, to be released from Certificate of Convenience and Necessity No. 166 (Case No. 570), automobile passenger stage line from St. George to Cedar City, Utah, in connection with Fred Fawcett.	CASE No. 680

Submitted March 26, 1924. Decided April 12, 1924.

Appearances:

B. F. Knell.
F. W. Fawcett.

REPORT OF THE COMMISSION

By the Commission:

On October 13, 1923, C. C. Starr, F. W. Fawcett and B. F. Knell filed applications with the Public Utilities Commission of Utah. The applicants seek permission to have Charles C. Starr released from Certificate of Convenience and Necessity No. 166 (Case No. 570), and B. F. Knell to assume the right to operate automobile passenger stage line between Cedar City and St. George, in connection with F. W. Fawcett.

This case came on for hearing, at Cedar City, March 26, 1924, after due and legal notice had been given. Evidence was given by B. F. Knell and F. W. Fawcett showing a desire to form a partnership and conduct the operation of an automobile stage line between the points previously mentioned. There were no protest to the granting of these applications.

After giving due consideration to all things involved, the Commission finds that Certificate of Convenience and Necessity No. 166 should be cancelled, and a new certificate issued to F. W. Fawcett and B. F. Knell.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 204

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of April, 1924.

In the Matter of the Application of CHARLES STARR, to be released from Certificate of Convenience and Necessity No. 166 (Case No. 570), automobile passenger stage line from St. George to Cedar City, Utah, in connection with Fred Fawcett. } CASE No. 680

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

IT IS ORDERED, That the application be granted, that Charles Starr be, and he is hereby, released from operating an automobile passenger stage line from St. George to Cedar City in connection with Fred Fawcett; that Certificate of Convenience and Necessity No. 166 is hereby cancelled.

ORDERED FURTHER, That F. W. Fawcett and B. F. Knell be, and they are hereby, authorized to operate, jointly, an automobile passenger stage line between Cedar City and St. George, Utah, for the transportation of passengers.

ORDERED FURTHER, That F. W. Fawcett and B. F. Knell, before beginning operation, shall file with the Commission and post at each station on their route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on their line; 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) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of the OAK CITY ELECTRIC COMPANY (Proposed), for permission to erect and operate a hydro-electric power plant with transmission line and distributing system.	CASE No. 681
	PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of EDWIN EARL HALL, for permission to operate an automobile freight and passenger stage line between Price, Utah, and Vernal, Utah.	CASE No. 682

Submitted January 29, 1924. Decided February 14, 1924.
Appearances:

Edwin Earl Hall, Applicant.

Henry Ruggeri, for Dodge Stage Line, Protestant.

REPORT, FINDINGS AND DECISION OR THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Commission, at Price, Carbon County, Utah, on the 29th day of January, 1924, after due notice given as required by law, upon the petition of Edwin Earl Hall for Certificate of Convenience and Necessity authorizing and permitting him to maintain and operate an automobile passenger and freight stage line over a public highway between the cities of Price and Vernal, via Wellington, Nine Mile Canyon, Gate Canyon, Smith's Wells, Myton and Roosevelt, Utah, and the written protest filed thereto by the Dodge Stage Lines; and from the evidence adduced for and in behalf of the respective parties, and, after due

investigation, the Commission now finds and reports as follows:

1. That the applicant, Edwin Earl Hall, a resident of Price, Carbon County, Utah, is now, and has been for more than three years last past, an operator of automobiles over the public highways of the State of Utah.

2. That there is not now, nor has there been for many months last past, any automobiles for hire, carrying either passengers or freight over the public highway between Price and Vernal, via Wellington, Nine Mile Canyon, Gate Canyon, Smith's Wells, Myton and Roosevelt, Utah.

3. There is a large amount of traffic, both passenger and freight, between said points, Price and Vernal, and there is great public need for transportation facilities, both for passengers and freight, between said places, including the intermediate points or towns, Myton and Roosevelt.

4. That the protestant, Dodge Stage Line, is now, and for several years last past, has been operating an automobile stage line, daily, between Price and Vernal, via Myton and Roosevelt, under Certificates of Convenience and Necessity issued by order of the Public Utilities Commission of Utah, in Cases Nos. 122 and 443; that said Dodge Stage Line, during said time, has owned and used in the said service automobile equipment of the approximate value of $10,000; that the facilities offered for transportation of persons and property over its said auto line between Price and Vernal, including the towns of Myton and Roosevelt, have been, and now are, reasonably adequate to meet the needs of the public.

5. That the only places not now being served by the Dodge Stage Line that are mentioned on the proposed route or line of the applicant, are Wellington, Nine Mile Canyon, Gate Canyon and Smith's Wells. These last mentioned places have very few inhabitants and practically no traffic originates with them.

By reason of the facts aforesaid, the Commission is of the opinion that, if the applicant be granted a Certificate of Convenience and Necessity over the route applied

for herein, it would result in merely a duplication of the adequate service now being rendered by the protestant, Dodge Stage Line, and therefore a service for which there is at the present time no necessity in order to subserve the convenience and best interests of the public.

For the reasons stated, we think the application of Edwin Earl Hall herein should be denied.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 February, 1924.

In the Matter of the Application of EDWIN EARL HALL, for permission to operate an automobile freight and passenger stage line between Price, Utah, and Vernal, Utah. } CASE No. 682

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

IT IS ORDERED, That the application of Edwin Earl Hall, for permission to operate an automobile freight and passenger stage line between Price, Utah, and Vernal, Utah be, and it is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of CHARLES E. DUNCAN, for permission to operate an automobile truck line between Meadow and Fillmore, Utah.	CASE No. 683

Submitted March 12, 1924. Decided April 2, 1924

Appearance:

Charles E. Duncan, Applicant.

REPORT OF THE COMMISSION

McKAY, Commissioner:

In an application filed with the Public Utilities Commission of Utah, November 19, 1923, Charles E. Duncan represents that his post office address and principal place of business is Meadow, Utah, and applies for a Certificate of Convenience and Necessity to operate an automobile truck line between Meadow and Fillmore, Utah.

The case came on regularly for hearing, in the manner provided by law, March 12, 1924, at Fillmore, Millard County, Utah. Applicant, Charles, E. Duncan, appeared on behalf of himself. No one appeared in protest to Mr. Duncan's application.

It was alleged by applicant that the distance between Meadow and Fillmore, Utah, is approximately eight and one-half miles, and that the road is in good condition. It was further alleged by applicant that the truck line which he proposes to operate will serve about sixty farmers at Meadow.

Applicant further alleged that he is an experienced driver of automobiles; that he has in his possession and is the owner of one Ford, one-ton truck, which equipment is sufficient, at the present time, to care for the needs of the shippers between Meadow and Fillmore, and that dur-

ing the winter months when the roads are unsuitable for the use of his truck, he will use horses to transport the freight, which will enable him to operate at all times upon schedule.

Applicant alleged that, if granted permission to operate, he would make two round trips per week between Meadow and Fillmore, on Tuesdays and Saturdays, except when special shipments would require him to operate more frequently. Mr. Duncan further alleged that most of his transportation of freight would include cream from Meadow to Fillmore, for which he proposes to assess and collect the following charges:

For cream in five gallon cans.....30c per can.
For cream in eight gallon cans.....40c per can.
For cream in ten gallon cans.....45c per can.

The above shipments to be delivered by the owners at the residence of the applicant at Meadow, and the applicant to return the empty cans at his residence, free of charge; but in case applicant gathers said cans within the city limits, a charge of ten cents per can will be made.

Applicant further proposes to assess and collect a charge of 25c per hundred pounds for eggs, veal, pork, turkey, or other farm products, or other freight, between Meadow and Fillmore, if a special trip is made, or 20c per hundred pounds when these products are handled on a regular trip conveying milk and cream. Applicant further proposes to charge a maximum rate of 10c for handling small pacels between Meadow and Fillmore.

The Commission, after considering all material facts, finds:

That applicant, Charles E. Duncan, should be granted permission to operate an automobile truck line for the transportation of freight between Meadow and Fillmore, Utah.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY
Commissioner.

We concur:

(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 201

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of April, 1924.

In the Matter of the Application of CHARLES E. DUNCAN, for permission to operate an automobile truck line between Meadow and Fillmore, Utah. } CASE No. 683

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

IT IS ORDERED, That the application be granted, and that Charles E. Duncan be, and he is hereby, authorized to operate an automobile truck line between Meadow and Fillmore, Utah.

ORDERED FURTHER, That applicant, Charles E. Duncan, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of December, 1923.

In the Matter of the Application of the RECEIVER of the DENVER & RIO GRANDE WESTERN RAILROAD SYSTEM, to discontinue passenger trains between Salt Lake City and Bingham, Utah. } CASE No. 684

TENTATIVE REPORT AND ORDER OF THE COMMISSION

By the Commission:

In an application filed with the Public Utilities Commission of Utah, November 19, 1923, T. H. Beacom, Receiver of the Denver & Rio Grande Western Railroad System, a Corporation, engaged in the transportation of persons and property between Bingham and Salt Lake City, Utah, desires permission to discontinue its passenger train service between these points.

It appears that no necessity exists at the present time for train service between Bingham and Salt Lake City. The Commission is, therefore, granting permission to discontinue this service but reserves the right to reopen this case, in the event complaints are filed or necessity demands such service be re-established.

IT IS THEREFORE ORDERED, That the Denver & Rio Grande Western Railroad System continue its passenger train service to and including December 9, 1923, and discontinue this service effective December 10, 1923.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ROBERT CORMANI, for permission to have Certificate of Convenience and Necessity No. 149 (Case No. 546) changed to be in favor of Robert Cormani and Charles P. Lange. } CASE No. 685

Decided March 3, 1924.

Appearance:

Henry Ruggeri, for } Robert Cormani and Charles P. Lange.

REPORT OF THE COMMISSION

By the Commission:

Under date of May 15, 1922, Robert Cormani, a resident of Helper, Carbon County, Utah, filed an application with the Public Utilities Commission of Utah, for permission to assume the operation of the White Star Stage Line, between Helper and Rains, Utah.

The Commission issued its Report and Order, dated June 10, 1922, (Case No. 546), granting the application, and issuing Certificate of Convenience and Necessity No. 149.

On December 8, 1923, an application was filed by Robert Cormani and Charles P. Lange, for permission to have Certificate of Convenience and Necessity No. 149, (Case No. 546), changed so that same will read to Robert Cormani and Charles P. Lange.

After legal notice had been given, the case came on for hearing, at Price, Utah, January 29, 1924, at ten o'clock a. m. There were no protests to the granting of the application.

After giving consideration to all the facts, the Commission finds that a new Certificate should be issued to Robert Cormani and Charles P. Lange, and that Certificate

of Convenience and Necessity No. 149, issued in favor of Robert Cormani, be cancelled.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 199

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, 1924.

In the Matter of the Application of ROBERT CORMANI, for permission to have Certificate of Convenience and Necessity No. 149 (Case No. 546) changed to be in favor of Robert Cormani and Charles P. Lange. } CASE No. 685

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

IT IS ORDERED, That Certificate of Convenience and Necessity No. 149 (Case No. 546), issued to Robert Cormani, be, and it is hereby, cancelled.

ORDERED FURTHER, That Robert Cormani and Charles P. Lange be, and they are hereby, permitted to

operate an automobile stage line, for the transportation of passengers, between Helper and Rains, Utah, and intermediate points.

ORDERED FURTHER, That applicants, Robert Cormani and Charles P. Lange, before beginning operation, shall file with the Commission and post at each station on their route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on their line; 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of BUTTERS & SPEERS COMPANY, to take over Certificate of Convenience and Necessity No. 173 (Case No. 615) issued to Butters & Speers, individually, authorizing the operation of an automobile freight and express line between Salt Lake City and Garfield, Utah.	CASE No. 686

Decided February 6, 1924.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

In an application dated December 8, 1923, with the Public Utilities Commission of Utah, Vernon U. Butters and Elmer W. Speers, doing business as Butters & Speers, a partnership, request permission to transfer Certificate of Convenience and Necessity No. 173 (Case No. 615) to Butters & Speers Company, a Corporation.

Vernon U. Butters and Elmer W. Speers are operating an automobile freight and express line between Salt Lake City and Garfield, Utah, and intermediate points, subject to the rules and regulations and supervision of the Commission.

Butters & Speers has recently been incorporated in the State of Utah, and is in a position to render better service to the traveling public than it was heretofore, under a partnership.

After due consideration of all material facts, the Commission finds that the application should be granted, and the the Certificate of Convenience and Necessity now in the possession of Butters & Speers, a partnership, be tranferred to Butters & Speers Company, a Corporation.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 173 (Case No. 615), now in the possession of Butters & Speers, a partnership, be, and it is hereby, transferred to Butters & Speers Company, a Corporation.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of STEEL CITY INVESTMENT COMPANY, for permission to establish rates to be charged for water used for domestic and irrigation purposes in Steel City and Ironton Subdivisions and other localities in Utah County, Utah, delivered through its pipe lines.	CASE No. 687

Submitted January 7, 1924. Decided January 16, 1924

Appearances:

W. H. Ray and S. A. Cotterell } for Applicant.

Martin Larsen, for Utah County.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Salt Lake City, Utah, January 7, 1924, after due notice given for the time and in the manner prescribed by law, and the Commission having heard the evidence adduced in behalf of the parties appearing, and having duly considered the same, and, after due investigation made, now finds, concludes and decides as follows:

1. The Commission finds that the applicant, Steel City Investment Company, is a corporation, duly organized and existing under and by virtue of the laws of the State of Utah.

2. That among other things, said corporation is organized for the purpose of acquiring and owning water for manufacturing, irrigation, domestic and other beneficial uses, and the furnishing of the same for hire to consumers.

3. That Steel City and Ironton are platted and duly approved subdivisions or townsites, situated upon the State Road, between the cities of Provo and Springville, in Utah County, Utah.

4. That the applicant, Steel City Investment Company has acquired, and is now the owner of certain water rights, consisting of springs and underground seeps situated in the mountains east of said townsites, and for the purpose of serving the owners of city lots in said townsites with water for manufacturing, irrigation, domestic and other beneficial uses from said sources of supply, has at an expense of approximately $50,000 constructed a pipe line water system; that said water system in its entirety and as contemplated by the applicant, is not wholly com-

pleted, but is at the present time in readiness to serve the needs of all the present property owners of said townsites and the neighborhood in the vicinity thereof.

5. That the said sources of water supply so owned by the applicant, are the only ones that are at the present time available for supplying the needs of water users residing in said subdivisions or in their immediate neighborhood.

6. That the applicant, if granted a Certificate of Convenience and Necessity by the Commission, proposes to serve said townsites and their immediate neighborhood with water from its said water system for a charge of ten cents for each one hundred cubic feet of water delivered to a consumer for domestic or other beneficial uses other than irrigation, with a minimum charge of $1.00 per month for each connection made with the irrigation of city lots or farm lands, $5.00 per acre for the irrigation season of each year.

7. That the County Infirmary of Utah County proposes to use water from said system, and Utah County agrees that for the present and under existing conditions, said charges would be just and reasonable.

8. That the applicant proposes to make additional expenditures in the construction and improvement of said water system, the costs of which cannot at the present time be estimated.

From the foregoing findings of fact, the Commission concludes and decides:

That there is a public need for the water service proposed to be rendered by the applicant to property owners and residents of Steel City and Ironton and their immediate neighborhood; that a Certificate of Convenience and Necessity should be issued by the Commission to the applicant, Steel City Investment Company, authorizing it to complete the construction of its water system and to render service to consumers upon the filing of its schedule of rates in accordance with its petition filed herein, subject, however, to be modified on or before the full completion of said water system, and upon a proper showing made to the Commission that the schedule of rates herein

authorized for any reason is unjust or unreasonable to any party concerned.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 198

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of January, 1924.

In the Matter of the Application of STEEL CITY INVESTMENT COMPANY, for permission to establish rates to be charged for water used for domestic and irrigation purposes in Steel City and Ironton Subdivisions and other localities in Utah County, Utah, delivered through its pipe lines. } CASE No. 687

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 THEREFORE ORDERED, That the applicant Steel City Investment Company, a corporation, be, and it is hereby, granted a Certificate of Convenience and Necessity to construct, operate and maintain a water system for the furnishing of water to the inhabitants and property owners of the townsites of Steel City and Ironton and the

immediate vicinity thereof in Utah County, at the following rates:

Ten cents for each one hundred cubic feet of water delivered to a consumer for any and all uses, other than for the irrigation of city lots and farm lands, with a minimum charge of $1.00 per month for each connection with the water system; and for water for the irrigation of city lots or farm lands, $5.00 per acre for the irrigation season of each year; provided, that the Commission may at any time, upon its motion or upon proper showing made by any interested party that said rates are unfair or unjust, modify and change the same.

IT IS FURTHER ORDERED, That the Steel City Investment Company shall at all times maintain and operate said water system in accordance with the rules and regulations of this Commission.

ORDERED FURTHER, That said rates shall become effective immediately upon applicant filing a schedule of rates in the office of the Commission in accordance with the Commission's tariff regulations.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the RECEIVER OF THE DENVER & RIO GRANDE WESTERN RAILROAD SYSTEM, to close and discontinue station at Kaysville, Utah.	CASE No. 688

Submitted March 29, 1924. Decided May 3, 1924.

Appearances:

VanCott, Riter & Farnsworth and B. R. Howell for Applicant.

Citizens of Kaysville, including Kaysville Commercial Club, Protestants.

REPORT OF THE COMMISSION

By the Commission:

On the 27th day of December, 1923, the Denver & Rio Grande Western Railroad System, by T. H. Beacom, Receiver, filed herein a petition, praying for an order of the Public Utitlities Commission of Utah, authorizing it to discontinue and close its station at Kaysville, Utah, alleging as grounds therefor, that public convenience and necessity no longer require a station at that point.

Numerous shippers, business men and citizens of Kaysville, including the Commercial Club at that place, in due time filed their protest to the granting of said petition.

The matter having been brought on regularly for hearing, at Kaysville, Utah, on the 24th day of March, 1924, after due notice given, as required by law, and the Commission having made due investigation and heard the proofs of the parties interested, and having duly considered the same, now reports, finds and concludes as follows:

1. That the petitioner, Denver & Rio Grande Western Railroad Company, is a railroad corporation, at the present time in the hands of a receiver, T. H. Beacom, who is engaged in operating its system of railroads in Colorado and Utah; the main line extending from Denver, Colorado, to Ogden, Utah; that said main line runs near the City of Kaysville, in Utah, where, at the present time, a railroad station is maintained for the accomadation of the public.

2. That said railroad station is situated about 1.10 miles distant from the business portion of Kaysville, which place is also served by two other common carriers, viz., the Oregon Short Line (steam) Railroad, with a station located about one-half mile distant, and the Bamberger Electric Railroad, with its station about one-tenth of a mile distant from said business center.

3. That practically all traffic, passenger, freight and express, originating at and destined to the City of Kaysville, is being handled and taken care of by the said Oregon Short Line and Bamberger Electric Railroads, except during the sugar beet harvesting season, in October and November of each year, a considerable tonnage of

sugar beets grown in the vicinity are offered to and are received as freight in carload lots, by the Denver & Rio Grande Western Railroad, for shipment to nearby sugar factories.

4. That the weight of and the revenue derived from carload and less-than-carload freight shipments handled by the Denver & Rio Grande Western Railroad to and from Kaysville during a twelve months' period, October, 1922, to September, 1923, inclusive, was as is shown by the petitioner's statement, offered in evidence and filed herein, as follows:

	Received			Forwarded		
	Cars	Tons	Revenue	Cars	Tons	Revenue
Coal	2	96	$230.58	1	15	$ 24.00
L. C. L. Mdse.		6½	244.14		1	6.51
Beets				43	1436	413.67
Canned Goods				1	24	264.00
Potatoes				2	29	366.84
TOTAL	2	102½	$474.72	47	1505	$1075.02

5. That during said twelve months' period, the total amount of the freight revenues derived by the petitioner from shipments of less-than-carload lots forwarded to the Kaysville station, was $244.14, and from said Kaysville station, $6.51, making the total sum realized for freight shipments of less-than-carload lots in and out of Kaysville during said period, $250.65.

6. That during said twelve months' period, the total amount of the revenues realized by the petitioner from express shipments in and out of Kaysville, was $2,021.79, and the amount received by petitioner from the sale of passenger tickets, but $105.06.

7. That the total amount of the revenue received by the petitioner from all business transacted at its station at Kaysville during the aforesaid period, was $4,500.61, and the pay-roll at said station, not including maintenance of station building, fuel, lights, etc., or any overhead expenses for said period, amounted to $1,575.78.

8. That the Denver & Rio Grande Western Railroad System maintains nearby agency stations on its line of

railroad each way from the City of Kaysville, one at Layton, 2.2 miles distant, and the other at Farmington, 4.6 miles distant from its Kaysville station.

9. That in the immediate vicinity of the petitioner's station at Kaysville, numerous farmers are engaged in the dairy business, and ship their dairy products daily by express to Salt Lake City, via the Denver & Rio Grande Western Railroad, and during the sugar beet harvesting season, in October and November of each year, heavy freight shipments of sugar beets, in carload lots, are also made by growers from the Kaysville station to sugar factories not far distant.

10. That petitioner offers to and contends he could, without maintaining an agency station at Kaysville, continue to handle all freight and express tendered to the Denver & Rio Grande Western Railroad, at Kaysville for shipment, quite as efficiently and expeditiously as heretofore, and without any serious discomfort or inconvenience to the shipping public; that the usual stops would be made at Kaysville station, in the operation of trains, as are now made, and that the train crews would be able to handle all freight and express in such a way as to afford ample accomodation to the public.

Under all the facts and circumstances hereinbefore stated, it would seem that the amount of business transacted at the Kaysville Station of the Denver & Rio Grande Western Railroad, does not warrant the maintenance of an agency station at that place. There is no question but that the people of Kaysville, generally speaking, have more convenient transportation facilities, by reason of the competing lines in closer proximity, than it is possible for the Denver & Rio Grande Western Railroad to afford; that the Kaysville people largely avail themselves of the advantages and opportunities afforded them, by giving their patronage to the Oregon Short Line and Bamberger Electric Railroads, there is no doubt.

While it is the duty of this Commission, under the regulatory powers conferred upon it by statute, to require railroad companies and other common carriers to maintain passenger and freight depots with all the conveniences necessary to provide for the safety and comfort of passengers and the proper handling of freight and ex-

press, with sufficient attendants in charge to insure prompt, safe and efficient service to the public; yet, at the same time, when it is made to appear that the limited amount of patronage and the business transacted at a station is not commensurate with the cost of maintaining it, and the public can be quite as efficiently served without an agent as with one, the cost of maintaining an agency station, we think, should be eliminated.

In this case, it must be conceded that by reason of the availibility of competing lines with the Denver & Rio Grande Western Railroad Company at Kaysville, Utah, practically all of the public patronage goes to competing lines. The limited shipments made over the Denver & Rio Grande Western Railroad from Kaysville and from the immediate vicinity thereof, the petitioner contends, could be just as expeditiously and efficiently handled without an agency station as with one. Granting that some slight inconveniences might be experienced by shippers in making delivery of their products at the Kaysville Station, for transportation without the aid of an agent, it should be kept in mind that the excessive cost (when compared with the volume of business transacted) of maintaining an agency station for the accommodation of a few, must eventually be borne by the general shipping public.

Under all the facts and circumstances, we think the Receiver's petition to discontinue and close the station of the Denver & Rio Grande Western Railroad as applied for, should be granted, conditionally, however, that it continue to serve shippers at Kaysville as efficiently and as expeditiously as may be consistent with the practical operation of its trains, and the maintenance of a loading station at that place, without serious inconvenience or discomfort to its patrons.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 May, 1924.

In the Matter of the Application of the RECEIVER OF THE DENVER & RIO GRANDE WESTERN RAILROAD SYSTEM, to close and discontinue station at Kaysville, Utah. } CASE No. 688

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 NOW ORDERED, That the application of the Receiver of the Denver & Rio Grande Western Railroad System, to discontiue an agency station at Kaysville, Davis County, State of Utah, be, and the same is hereby, granted, conditionally, however, that the Denver & Rio Grande Western Railroad continue to serve all shippers at that point as efficiently and as expeditiously as may be consistent with the practical operation of its trains.

IT IS FURTHER ORDERED, That the Denver & Rio Grande Western Railroad System continue to operate and maintain a loading station at said place, for the handling of the freight and express of its patrons, expeditiously and without serious inconvenience and discomfort to the shipping public.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES H. WADE, for permission to cease joint operations with JOSEPH F. HANSEN (under Certificate of Convenience and Necessity No. 34, Case No. 361,) and operate an automobile stage line independently between Price and Castle Gate, Utah, via Helper, Utah.	CASE No. 689

Submitted March 17, 1924. Decided April 7, 1924.

Appearances:

Henry Ruggeri, for Applicant.

J. F. Hansen, Protestant.

REPORT OF THE COMMISSION

By the Commission:

Under date of January 2, 1924, James H. Wade filed an application with the Public Utilities Commission of Utah, for a separate Certificate of Convenience and Necessity to operate an automobile passenger stage line between Price and Castle Gate, via Helper, Utah.

Mr. Wade sets forth in his application that he has been a partner of Joseph F. Hansen, and that they have conducted an automobile stage line service, as partners, since December 11, 1920, under authority of Certificate of Convenience and Necessity No. 34, authorized by the Commission, in Case No. 361. The applicant also sets forth that he is an experienced automobile driver, having operated automobiles for many years in stage line business, and otherwise; that he is the owner of one, twelve (12) passenger Reo bus, one Hudson, and one, seven (7) passenger Buick; and that he is financially able to provide additional equipment, when necessary.

The reasons set forth for the necessity for a separate Certificate of Convenience and Necessity are: That Mr.

Hansen will not participate in the payment of expenses necessary to provide adequate depot facilities; and that Mr. Hansen has at all times been disagreeable and antagonistic.

The Commission heard the evidence in this case, at Price, Utah, January 29, 1924, the regular notice having been given.

Under date of January 22, 1924, the Receiver of the Denver & Rio Grande Western Railroad System filed a written protest, which protest states that on and after January 27, 1924, there will be three daily trains each way, between Price and Helper, and two daily trains each way, between Price and Castle Gate.

After due consideration, the Commission finds that a separate Certificate of Convenience and Necessity should be issued, and that James H. Wade should be relieved from all liability under Certificate of Convenience and Necessity Number 34, and likewise, Joseph F. Hansen should be relieved from all liability resultant from any damage which may exist through the operations of James H. Wade or any of his employees.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 202

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 7th day of April, 1924.

In the Matter of the Application of JAMES H. WADE, for permission to cease joint operations with JOSEPH F. HANSEN (under Certificate of Convenience and Necessity No. 34, Case No. 361,) and operate an automobile stage line independently between price and Castle Gate, Utah, via Helper, Utah.	CASE No. 689

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 James H. Wade be, and he is hereby, authorized to cease joint operations with Joseph F. Hansen (under Certificate of Convenience and Necessity No. 34, Case No. 361), and operate an automobile stage line independently between Price and Castle Gate, Utah, via Helper, Utah, for the transportation of passengers.

ORDERED FURTHER, That James H. Wade be relieved from all liability under Certificate of Convenience and Necessity No. 34, and likewise, Joseph F. Hansen be relieved from all liability resultant from any damage which may exist through the operations of James H. Wade or any of his employees.

ORDERED FURTHER, That applicant, James H. Wade, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOSEPH CARLING, for permission to assign to T. M. GILMER all his right, title and interest in automobile passenger and express line between Salt Lake City and Fillmore, Utah. } CASE No. 690

Submitted July 15, 1924. Decided December 30, 1924.

Appearances:

Fabian, Clendenin, Attorneys for Petitioners.

For Protestants:

Ralph H. Jewell, { Attorney for Salt Lake & Utah R. R. Co. and the American Railway Express Co.

George H. Smith, J. V. Lyle, Robert B. Porter, and Dana T. Smith. } Attorneys for Los Angles & Salt Lake Railroad Company.

VanCott, Riter and Farnsworth, attorneys for T. H. Beacom, Receiver for Denver & Rio Grande Western R. R. System.

REPORT OF THE COMMISSION

By the Commission:

Joseph Carling, of Fillmore, Utah, and T. M. Gilmer, of Payson City, Utah, filed this application, January 9, 1924. The application shows that since June 10, 1919, petitioner, Joseph Carling, has been operating an automobile stage line, for the transportation of passengers and express, between Salt Lake City, Utah, and Fillmore, Utah, a distance of approximately 155 miles, under and by virtue of a Certificate of Convenience and Necessity granted him by this Commission, June 5, 1919.

Petitioner Joseph Carling alleges that he desires to sell, assign, transfer, set over and deliver to petitioner T.

M. Gilmer the said business and all of his right, title and interest therein. Petitioner T. M. Gilmer alleges that he desires to purchase the interest of Petitioner Joseph Carling in said business and to operate the same under and by virtue of that certain franchise granted to Petitioner Carling on June 10, 1919, as aforesaid, and Joseph Carling alleges that it is not his purpose to surrender said franchise and rights thereunder, unless this petition be granted, in which event said Joseph Carling will withdraw from operating under the franchise heretofore granted.

Petitioners ask this Commission to either recognize the right of Petitioner T. M. Gilmer to operate the business under the Certificate heretofore granted Joseph Carling, and grant him the same rights, or that a new Certificate of the same tenor be granted Petitioner Gilmer, or such other or further orders as to conform with the statutes and the practices of the Commission.

January 19, 1924, there was filed a protest by T. H. Beacom, Receiver of the Denver & Rio Grande Western Railroad System, protesting against the granting of the application and alleging that the application is in effect an application for a new franchise for an automobile stage line, for the transportation of passengers and express, between Salt Lake City and Payson, Utah, and that neither public convenience nor necessity requires any additional passenger or express service to that now being rendered between Salt Lake City and Payson, and intermediate points by both the protestant and the Los Angeles & Salt Lake Railroad, operating lines of steam railroad between Salt Lake City and Payson, Utah, and intermediate points.

Protestant alleges that he is operating one passenger train daily in each direction between Springville and other points beyond, three passenger trains daily between Springville and Salt Lake City, Utah; that the Los Angeles & Salt Lake Railroad operates one passenger train daily in each direction between Salt Lake City and Payson, and intermediate points as far south as Fillmore, Utah; and further, that an electric line of railroad between Salt Lake City and Payson, Utah, operated by the Salt Lake & Utah Railroad offers a service of eight trains daily in each direction, and, according to protestant's best knowledge, in-

formation and belief, all such steam and electric trains carry express matter. Protestant therefore alleges that the service rendered to the public by such steam and electric railroads, in the carriage of passengers and express matter between Salt Lake City and Payson, Utah, is ample, commodious, convenient and efficient, and fully adequate for the transportation needs of the territory proposed to be served.

There was likewise filed, January 19, 1924, a protest by the American Railway Express Company, protesting the granting of the application, and also applying to the Commission to cancel the Certificate already obtained by the applicant Joseph Carling, and denies that the necessities of the public in the territory proposed to be served by the applicant are, or in the future, will be benefited by the operation of the proposed automobile express line, and to the contrary thereof, alleges that neither public convenience nor necessity requires the operation of the said automobile line.

Protestant further alleges that it is the owner of and operates an express service between Salt Lake City and Payson, through the towns of Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, Salem, Payson and other towns, and the motor line which the applicants seek to operate parallels practically the full length of protestant's express service.

It is further alleged by this protestant that it has express service on "nine and ten trains each day," between Salt Lake City and Payson, and on certain trains has exclusive messengers; that the line of applicants' automobile and express line is also paralleled by three rail lines, on whose trains protestant operates a daily express service, and contends that this service is ample, commodious, convenient, and efficient, and that no need exists for the said automobile passenger and express line.

The Los Angles & Salt Lake Railroad Company, on January 19, 1924, filed its protest, alleging that it operates a line of railroad between Salt Lake City and Fillmore, Utah, and all points intermediate to the foregoing cities, and is engaged in the transportation of passengers, freight and express between all of the said points. It is further alleged by this protestant that between Salt Lake City and

Payson, Utah, there is an interurban electric railroad operating eight trains each way daily, also another railroad which operates one train each way daily between Salt Lake City and Santaquin, Utah; that this protestant operates one train between Salt Lake City and Fillmore, making one round trip each day and serving all intermediate points between said places; that public convenience and necessity does not warrant the operation of an automobile stage line for the transportation of passengers and express between the points set out in the applicants' petition; that said points are adequately served by rail transportation and alleges further that the said stage line will be directly competitive with the said railroad between Salt Lake City, Payson, Nephi and Fillmore.

Protestant further alleges that it has a large investment in railroad facilities, pays large taxes in all counties through which the proposed line will operate, and renders sufficient and adequate service for the transportation of passengers and property. Protestant therefore asks that the application of petitioners be denied, and that the present Certificate of Public Convenience and Necessity for the operation of an automobile stage line between Salt Lake City and Fillmore, be cancelled and annulled.

Protestant, Salt Lake & Utah Railroad Company, filed its protest, January 17, 1924, protesting against the application in this case, and also applying to the Commission to cancel the Certificate already maintained by the applicant Joseph Carling. Protestant denies that the necessities of the public in the territory proposed to be served by the applicant is, or in the future, will be benefited by the operation of the proposed automobile passenger and express line and alleges that neither public convenience nor necessity requires the operation of said automobile stage line.

Protestant alleges that it is the owner of an electric railroad running from Salt Lake City to Payson, Utah, through the towns of Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, Salem, Payson and others, and the motor line which the applicants seek to operate parallels practically the full length of protestant's line of railroad.

Protestant alleges that it operates eight passenger trains per day, each way, between Salt Lake City and Payson, each of which trains carries express, two of which trains each way carry express cars, in charge of express messengers. Protestant also carries the U. S. Mail to points on this line. Protestant also operates in addition to the above mentioned service, a minimum of two freight trains per day, each way, between Salt Lake City and Payson. It is alleged by protestant that the line of the applicants' automobile passenger and express line is also paralleled for either its entire distance or a great part thereof, by both the Los Angeles & Salt Lake Railroad and the Denver & Rio Grande Western Railroad, and is also competitive with the service rendered by the American Railway Express Company.

This protestant contends that the service which is now rendered the public is ample, commodious, convenient and efficient; that no need exists for the said automobile passenger and express line, and asks that the application be denied, and that the certificate or franchise granted to Joseph Carling on June 10, 1919, be cancelled, and for such other relief as the Commission deems proper in the premises.

The case came on regularly for hearing, in the manner provided by law, January 22, 1924. At the hearing, much testimony and numerous exhibits, particularly by protestants, were offered showing the kind of service at present rendered by the protestants. Tariffs showing charges for the transportation of persons and property, schedules of train and motor service, and statements showing the total taxes paid by rail carriers and amounts apportioned for roads and highways, passenger revenues of the Salt Lake & Utah Railroad Company, by years, etc., were introduced.

Likewise, a number of petitions signed by citizens in the territory affected by the application, were filed with the Commission, representing, in general, that the present service offered by the carriers by rail is sufficient, and that the railroad companies pay a large porportion of the taxes in the counties now being traversed by the stage line, and that no reason now exists for the operation of a stage line. Oral testimony was likewise offered by citizens, protesting upon the same general ground as out-

lined in the written petitions presented and generally to the same effect.

At the conclusion of the taking of testimony, petitioners, Joseph Carling and T. M. Gilmer, applied for and were granted by the Commission permission to present additional evidence supporting the theory that public convenience and necessity required the continuation of the said automobile stage line, should the Commission decide that issue to be determinable in this proceeding.

On May 27, 1924, petitioners advised the Commission that they did not desire to offer additional testimony, and at the same time, filed herein a motion to dismiss the several protests of the railroads, in effect challenging the sufficiency of the facts alleged in the several protests, and also upon the further ground that the evidence in support of the protestants is insufficient to enable the Commission, under the provisions of our Public Utilities Act, to lawfully order a discontinuance of the said automobile stage line service under the Certificate of Convenience and Necessity heretofore issued to Joseph Carling, and moved, among other things, to strike from the records and files all of the evidence presented by the protestants, or any of them concerning. A. The character and extent of the service furnished by all or any of the protestants. B. The amount of taxes paid by all or any of the protestants. C. The effect or anticipated effect on the revenue or receipts of all or any of the protestants from the continued operation of petitioners' automobile line. D. The effect, injurious or otherwise, on the said roads or highways by reason of the continuation of the petitioners' automobile line.

Briefs, reply briefs and rejoinder briefs, have been filed with the Commission, and these have exhaustively discussed the issues involved in this case. We think that much of the evidence introduced at the hearing is evidence that would apply in an original case, or are matters of legislative concern, and do not directly affect materially the final disposition of this particular case, under our law as now is. We likewise doubt the propriety of discussing exhaustively those issues raised in briefs which do not in this case require our determination.

Section 4818, Compiled Laws of Utah, 1917, provides as follows:

"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 magniture 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 priliminary 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."

This case may be differentiated from those cases wherein the Commission granted Certificates of Convenience and Necessity to automobile common carriers establishing or beginning their operation after the passage of the Public Utilities Act. For many years prior to the passage of the Public Utilities Act, in 1917, Joseph Carling had been conducting a business of transporting passengers and property by stage, for hire, between Fillmore and Salt Lake City. He initiated the service before some of the carriers by rail (protestants in this case) had constructed their lines. In 1917, this business, which is impressed with public service, came within the regulatory provisions of the Public Utilities Act.

The language of Paragraph 1, Section 5818, requires a Certificate of Public Convenience and Necessity where the applicant herein undertakes to *establish* or *begin* the operation of a stage line. It is not necessary for the Commission at this time to pass upon the question as to whether Carling was required to obtain a Certificate for the continuance of his operation, after the passage of the Public Utilities Act, for the reason that Carling applied to the Commission and obtained a Certificate of Convenience and Necessity from the Commission, under which he has since conducted his operations. Likewise, the Commission need not pass upon whether a Certificate may be here transferred without the consent of the Commission. Applicant, upon this record, recognizes the jurisdiction of the Commission. The certificate involved in this case was issued in 1919, and authorized Carling to operate an automobile stage line for the transportation of passengers and express between Salt Lake City and Fillmore, and subject to rules and regulations governing automobile stage lines promulgated by this Commission and effective January 1, 1918.

Among other things, the rules and regulations above mentioned provide, Rule 16:

> "Any automobile corporation violating any of the rules or regulations prescribed by the laws of the State of Utah shall be dealt with accordingly, and shall be subject to have any and all rights and privileges granted by this Commission revoked, upon proper proof of such violation."

In the case now under consideration, Carling asks for permission to transfer his certificate and sell his business and equipment to another, or, in case the Commission so decides, to cancel his certificate and issue a new certificate to the future owner of the business. Protest has been entered against the granting of the petition, and the Commission has been requested by protestants to revoke Carling's certificate, not on the ground of any violation of any of the rules and regulations of this Commission. (There is no claim made here that Mr. Carling has violated any of the rules or regulations prescribed by the Commission, or any of the rules or regulations prescribed by the laws of this State); but on the ground that public convenience and necessity no longer require the operation of the stage line, and that protestants are capable of and do give ample, sufficient, commodious transportation to the public.

We do not deem it necessary to pass upon the question as to whether or not the Commission may cancel Certificates of Convenience and Necessity for causes not enumerated in the original certificates, or whether or not the Commission may retroactively attach such conditions to the certificate as would result in its revocation, for the reason that we find no evidence in the instant case upon which we would feel justified in revoking this certificate, if indeed we have the power so to do. Public necessity has been established at the time the certificate was issued, and the mere theory that other protestants are in a position to handle all of the business and furnish commodious and ample transportation to take care of all the traffic, is not ground for revocation. Neither is the assertion that shippers by rail pay more relatively of taxes than shippers by auto truck, sufficient ground for revocation of the certificate. This latter is a matter of legislative concern.

The purpose of the Public Utilities Act is to build up and perpetuate adequate services, at reasonable rates, for the benefit of the public. These services are not organized for the profit of particular individuals. The Commission must decide whether or not a new holder of a certificate would give the public as good service as that it had received from the original holder.

After full consideration of all material facts that may or do have any bearing upon this case, we are of

the opinion and decide that the public will be as equally well served by the applicant, T. M. Gilmer, as by the present holder of the certificate, Joseph M. Carling; that Joseph Carling be permitted to relinquish his service; that his application to cancel his certificate be granted and the same be cancelled; that T. M. Gilmer be permitted to succeed him in the giving of said service, and that a Certificate of Convenience and Necessity be issued to the said T. M. Gilmer, authorizing him to give the said service.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 214

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 30th day of December, 1924.

In the Matter of the Application of JOSEPH CARLING, for permission to assign to T. M. GILMER all his right, title and interest in automobile passenger and express line between Salt Lake City and Fillmore, Utah.	CASE No. 690

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 Joseph Carling be, and he is hereby, permitted to relinquish his automobile stage line service, between Salt Lake City and Fillmore, Utah; that Certificate of Convenience and Necessity No. 48 (Case No. 148) issued to the said Joseph Carling, be, and it is hereby, cancelled.

ORDERED FURTHER, That T. M. Glimer be, and he is hereby, granted permission to take over and assume the operation of the said automobile passenger and express line between Salt Lake City and Fillmore, Utah, under Certificate of Convenience and Necessity No. 214.

ORDERED FURTHER, That T. M. Gilmer, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

ORDERED FURTHER, That this order shall become effective January 10, 1925.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. G. Stuart, for permission to operate an automobile passenger stage line between Gold Hill, Callao, Trout Creek, Ibapah and Wendover, Utah.	CASE No. 691

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application of A. G. Stuart, for permission to operate an automobile passenger stage

line between Gold Hill, Callio, Trout Creek, Ibapah and Wendover, Utah, be, and it is hereby, dismissed.

By the Commission:

Dated at Salt Lake City, Utah, this 19th day of September, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES H. KELLER, for permission to operate an automobile stage line between Deweyville, Tremonton and Garland, Utah, under the Certificate of Convenience and Necessity heretofore issued to Elmore Adams, in Case No. 475, under date of February 23, 1922.	CASE No. 692

ORDER

Upon motion of the applicant and with the consent of the Commission:

IT IS ORDERED, That the application of James H. Keller, for permission to operate an automobile stage line between Deweyville, Tremonton and Garland, Utah, under the Certificate of Convenience and Necessity heretofore issued to Elmore Adams, in Case No. 475, under date of February 23, 1922, be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 22nd day of March, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of W. H. Warrington, for permission to operate an automobile freight line between Parowan and Cedar City, Utah.	CASE No. 693

Submitted March 26, 1924. Decided April 11, 1924.

Appearance:

Durham Morris, for Applicant.

REPORT OF THE COMMISSION

McKAY, Commissioner:

In an application filed January 21, 1924, with the Public Utilities Commission of Utah, W. H. Warrington sets forth that he is a resident of Parowan, Iron County, Utah, and that he desires a Certificate of Convenience and Necessity to operate an automobile freight truck line between Cedar City and Parowan, Utah.

This case was heard at Cedar City, Utah, March 26, 1924, after the required legal notice had been given. There were no protests to the granting of this application.

The applicant testified that there is a necessity for such service; that the Pace Truck Line, the present holder of Certificate of Convenience and Necessity to perform this service between these points, has not been operating; that the estimated average tonnage between these points will be from two to four tons per day, in addition to numerous small articles and packages; that on numerous occasions he has been called upon to perform this special service. He also stated that all, except one of the business men, would give their support to him. He introduced Exhibit "A," substantiating this statement. Two of the business houses of Parowan were represented at the hearing, and they testified as to the reputation of the applicant, as well as to the services given by him.

The Commission finds, after considering all facts presented, that convenience and necessity demand this

class of service between Parowan and Cedar City, and that a Certificate of Convenience and Necessity should be issued.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 203

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of April, 1924.

In the Matter of the Application of W. H. Warrington, for permission to operate an automobile freight line between Parowan and Cedar City, Utah. } CASE No. 693

This case being at issue upon petition on file, and having been duly heard and submitted by the party, 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 W. H. Warrington be, and he is hereby, authorized to operate an automobile freight line between Parowan and Cedar City, Utah:

ORDERED FURTHER, That applicant, W. H. Warrington, before beginning operation, shall file with the

Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. P. HEMMINGSEN, for permission to operate an automobile freight and express line between Salt Lake City and Lark, Utah.	CASE No. 694

Submitted Fer. 28, 1924. Decided March 4, 1924.

Appearances:

A. P. Hemmingsen, Applicant.

Dan B. Shields, for Bingham Stage Line and Allen Truck Line.

REPORT OF THE COMMISSION

By the Commission:

In an application filed January 21, 1924, with the Public Utilities Commission of Utah, A. P. Hemmingsen sets forth that he is a resident of Lark, Utah, and that he desires a Certificate of Convenience and Necessity to operate an automobile freight and express line between Salt Lake City and Lark, Utah. He sets forth also that owing to the discontinuance of Denver & Rio Grande Western Railroad System passenger train service between Salt Lake City and Bingham, Lark is without adequate service to obtain perishable fruit, vegetables, fresh meats, etc. He, therefore, requests permission to operate the pro-

posed automobile freight and express line, charging at a rate of forty cents per hundred pounds.

This case came on for hearing, February 28, 1924, at 10:30 a. m., in the office of the Commission, after legal notice had been given. No protests were made to the granting of the application.

The Commission finds, after due consideration of all material facts, the application should be granted, and a Certificate of Convenience and Necessity should be issued to A. P. Hemmingsen, authorizing him to operate an automobile freight and express line between Salt Lake City and Lark, Utah, and to charge at the rate of forty cents per 100 pounds for all freight and express moving between said points.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) WARREN STOUTNOUR,
(Signed) E. E. CORFMAN,
[SEAL] Commissioners.

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 200

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. 1924.

In the Matter of the Application of A. P. HEMMINGSEN, for permission to operate an automobile freight and express line between Salt Lake City and Lark, Utah. } CASE No. 694

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 hav

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

IT IS ORDERED, That Applicant, A. P. Hemmingsen, be, and he is hereby, authorized to operate an automobile freight and express line between Salt Lake City and Lark, Utah, and to charge at the rate of forty cents per one hundred pounds for all freight and express moving between said points.

ORDERED FURTHER, That applicant, A. P. Hemmingsen, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of W. H. JONES and MRS. KATHRYN STILLWELL, for permission to operate an automobile passenger and freight line between St. George and Salt Lake City, Utah.	CASE No. 695

ORDER

Upon motion of the applicants and with consent of the Commission:

IT IS ORDERED, That the application of W. H. Jones and Mrs. Kathryn Stillwell, for permission to operate an automobile passenger and freight line between

St. George and Salt Lake City, Utah, be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 1st day of April 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the DIXIE POWER COMPENY, a Corporation, for Certificate of Convenience and Necessity to construct a line to carry 2300 volts for a distance of 2.2 miles easterly from Cedar City, Utah.	CASE No. 696

Submitted March 26, 1924. Decided April 17, 1924

Appearance:

A. L. Woodhouse, President and Manager, of the Dixie Power Co.

REPORT OF THE COMMISSION

McKAY, Commissioner:

In an application filed January 30, 1924, with the Public Utilities Commission of Utah, the Dixie Power Company requests a Certificate of Convenience and Necessity to construct an electric power line to carry 2300 volts for a distance of 2.2 miles, easterly from Cedar City, Utah.

This case came on for hearing, at Cedar City, March 26, 1924, after regular legal notice had been given.

Mr. A. L. Woodhouse, representing the applicant, sets forth that the purpose necessitating this extension is to serve the Mammoth Plaster Company, which is

engaged in mining raw gypsum, etc.; that the present capacity of the Dixie Power Company is more than adequate to supply its regular customers, in addition to the Mammoth Plaster Company.

After due consideration of all things involved, the Commission finds public convenience and necessity demand this extension, and that the application should be granted.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

(Signed) WARREN STOUTNOUR
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 206

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 17th day of April, 1924.

In the Matter of the Application of the DIXIE POWER COMPENY, a Corporation, for Certificate of Convenience and Necessity to construct a line to carry 2300 volts for a distance of 2.2 miles easterly from Cedar City, Utah.	CASE No. 696

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

IT IS ORDERED, That the application be granted, and the Dixie Power Company be, and it is hereby, authorized to construct, operate and maintain an electric line to carry 2300 volts for a distance of 2.2 miles easterly from Cedar City, Utah.

ORDERED FURTHER, That applicant shall, in the construction of such electric power line, conform to the standard construction heretofore prescribed by this Commission.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of DARREL LaFEVRE to withdraw from and R. G. MUMFORD to assume the operation of an automobile stage line between Beaver and Parowan, Utah. } CASE No. 697

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WELLS R. STREEPER, for permission to operate an automobile freight line between Ogden and Garland, Utah, via Brigham City and Tremonton, Utah. } CASE No. 698

Submitted June 20, 1924. Decided September 12, 1924.

Appearances:

E. R. Callister, for Applicant.

Devine, Howell, Stine & Gwilliam } for Utah Idaho Central Railroad Co.

George H. Smith, for Oregon Short Line Railroad Co.

L. E. Gehan, for American Railway Express Co.

REPORT OF THE COMMISSION

By the Commission:

On February 7, 1924, the Public Utilities Commission of Utah received an application from Wells R. Streeper, for permission to operate an automobile or motor vehicle freight service between Ogden and Garland, via Brigham City and Tremonton, Utah.

The application sets forth that applicant's post office address is 112 South 1st West Street, Salt Lake City, Utah; the distance over the public roads or highways between said points is approximately forty-two miles; that it is proposed to operate a daily round-trip service, excepting Sundays and holidays; that applicant owns one five-ton automobile truck and is willing to purchase additional equipment as needed; that he is thoroughly familar with the operation and maintenance of motor truck freight service; and that the proposed service will, if authorized, be beneficial and of great convenience to the locality or points through which it is desired to operate.

The Commission assigned this case for hearing at its office, April 10, 1924, giving regular legal notice.

This case came on for hearing as per schedule. Applicant filed proof of publication of notice of hearing. Applicant introduced evidence and exhibits, supported by petitions and letters signed by numerous business men, to show the necessity for a quick delivery freight service as anticipated, and the apparent convenience to the business establishments. He also filed a proposed rate schedule and classification. Said classification provides that the minimum charge for any single shipment, shall be the charge for 100 pounds at first class rate.

It is proposed to carry at the first class rate: Heavy machinery, washing machines, auto tires and accessories, implements, electrical supplies, fresh meats, clothing and articles not tabulated.

Second class covers: Building material, hardware, paint, iron (not longer than twenty feet), machinery (light), soft drinks, candy, tobaccos, perishable fruits and vegetables.

Third class takes care of: Books, paper, stationery, cured meats, lard, butter, eggs, fillers (egg), cheese, matches, nut-butter, corrugated boxes (K. D.), wooden boxes (K. D.), bakery products, fruit jars, oils, greases, tar and tar paper, groceries, unless otherwise specified.

Double first class includes: Furniture, technical apparatus and typewriters. The range of the proposed rates is from fifteen to fifty cents per one hundred pounds. Applicant proposes to establish depots and such other facilities as are necessary to handle freight and accomodate shippers.

The Oregon Short Line Railroad Company filed a written protest, denying that there is a necessity for the establishment of the service which the petitioner proposes to establish; asserting that the various common carriers at present operating between points mentioned, have ample facilities to furnish all service demanded by the public. Said protest further states the railroads operating between points mentioned, have private rights-of-way and each year are required to pay enormous amounts for taxes, whereas the proposed automobile freight line, if authorized, would be required to pay but a very small tax.

A similar protest was filed on the part of the American Railway Express Company, a corporation, authorized to handle express between points previously mentioned.

The Utah-Idaho Central Railroad Company entered its protest in the form of writing. Said protest sets forth: That the Utah-Idaho Central Railroad Company is a corporation, existing under and by virtue of the laws of the State of Utah, and a common carrier for hire, owning and operating a line of railroad between Ogden, Utah, and Preston, Idaho, and that Harrisville, Hot Springs, Willard, Brigham City, Honeyville and Deweyville are intermediate points on said line of railroad. Said railroad parallels the paved highway between Ogden City and Brigham City, Utah, and reaches all towns through which the proposed auto freight line desires to operate, with the exeception of Tremonton and Garland, furnishing express and freight service, daily.

Protestant further states it has upwards of five million dollars invested in its stations, tracks, roadbed,

rolling stock and overhead trolley construction, and that competitive service, as contemplated, would seriously affect the efficiency and ability to serve the public. It is contended that protestant is required to pay large amounts for taxes, a portion of which is used for construction and maintenance of the highways, and that a similar tax requirement is not made on automobile freight and stage lines. This protestant, like those previously mentioned, emphatically denies that there is necessity for freight truck service as proposed by applicant.

A portion of the proposed route is situated off the paved highway, and protestant believes that it will be impossible to operate trucks over same during the winter months when the roads are impassable on account of deep snow. Protestant is required to operate its trains regardless of weather conditions. It is also required that protestant furnish transportation for all classes of freight and express, whereas the applicant cannot possibly haul certain kinds of freight, but would only seek such shipments which would be easily transported.

Protestant's Exhibit One shows that for the year April 1, 1923, to April 1, 1924, it operated fourteen hundred seventy freight trains into Brigham City. This gives a daily average of four and two-hundredths trains. Exhibit Two shows that for the past six years it has hauled 41,557,387 pounds of freight, at a charge of $27,409.94, between Ogden and Brigham City, and intermediate points. This would be an average of approximately twenty-nine tons, at a charge of $380.00 per month. Exhibit Four sets forth in detail the amount invested. Exhibit Five is a statement of tax payments of the Utah-Idaho Central Railroad Company. This shows the total tax payments for the past six years amounting to $455,399.36, or an average of approximately $75,000.00 per year. Of the total, $55,191.34 is the amount to be used for State and County roads. This averages over $9,000.00 per year.

After giving due consideration to all the evidence, the Commission is of the opinion, as in cases previously brought before it, that motor freight service is a service which is different from that which is provided by steam and electric railroads. It is different in that it calls for freight at the warehouse of shipper and delivers same in the warehouse of consignee, thus requiring handling only

twice as compared with six or more times via steam or electric lines. In most instances, shipments of freight or express would be called for at point of origin and delivered at destination the same day.

Many citations could here be made setting forth this Commission's attitude in previous cases, the circumstances, conditions and evidence in which were very much the same.

The Commission finds that there is a necessity for this new service, and that a Certificate of Convenience and Necessity should be issued. With reference to freight bills and the collection of same, we feel that it is only fair to all shippers that the same regulations as applicable to steam and electric carriers, be strictly observed by automobile freight and express truck lines. The Commission feels that applicant should provide adequate depot facilities at each town on the proposed route. Such depots or warehouses should be located to the best advantage of the shipping public. Applicant should keep accounts in accordance with the Uniform System of Accounts for Stage Lines, which has been adopted by the Commission.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
(Signed) E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

STOUTNOUR, Concurring:

The principal grounds of protest of the carriers by rail, in substance, are that the various railroads as present operating have ample facilities to furnish all the service necessary to meet the public demand; that the carriers pay enormus sums in taxes, a portion of which is used for the construction and maintenance of the highways; whereas, the automobile truck is required to pay a very small tax; and further, if truck lines were authorized and the public, to a considerable degree, were to patronize such truck lines, the carriers' ability to pay taxes would be then seriously impaired or destroyed, and, by inference,

few taxes could be collected for purposes of government. Furthermore, that the truck rapidly destroys improved and paved highways, and does not compensate the public for such destruction.

It is a fact that a heavily loaded truck does add materially to the wearing out of the highways, and, if this were a controlling element, I would withhold my signature from approving such a service, though I have signed such in the past. The fact that we authorized such services in the past, need not necessarily bind our future action. In my judgment, the questions involved and upon which the Commission must pass, go beyond either the wear and tear upon the highway or the relative amounts of taxes paid by the carriers by rail and by truck.

The services offered by the carriers by rail, as their package freight business is at present conducted, and that of a truck line are very materially different. The truck offers a door-to-door service, while the carrier acts as a bridge to transport the freight after it has been delivered to its freight house, at point of origin, and requires that it be called for and received by the consignee at its depot at the town of destination. In this regard, the practice of the railroads in this country has varied but little in the last fifty or more years. However, one or two exceptions have arisen in the past few months,—that of a carrier near Philadelphia, and one notable exception in this State. During the years which the carriers have carried on their business in the manner above described, the motor truck has been developed, has entered the transportation field, in many instances as a competitor of the rail carriers, and with its door-to-door service, is here to stay. The truck is an economic fact and must be reckoned as such.

The carriers contend that it is not necessary that the public be given this facility; that they (the public) can get along justly and properly with the older and their method. The question arises: When is a service necessary for the public? Within the span of a lifetime, for example, the electric light has been developed. At first, it was a novelty; later on, it was used more, and it became a luxury. In a short span of years, its use has become universal and is recognized as a necessity. Of course, there is no doubt that the public could have gotten along with

the tallow candle and the coal-oil light. The same process of development is true of the telephone, the telegraph and every one of the necessities of the public. They displaced, in whole or in part, other services then being rendered. Even the railroads passed through the same process, displacing freight teams and horse-drawn stages. When enough people demand the use of a service, it becomes necessary and its use will continue, with or without legal sanction. No law, however interpreted, can stop progress.

This question is an economic one, and the carriers can if they will, meet the truck on an economic basis; that is, conduct their business in co-ordination with the truck, at points of origin and destination. The carriers may then perform door-to-door delivery; but, with one or two exceptions, they have not seen fit to undertake the added responsibility and rest content upon a legal interpretation of their right to do business. If the carriers were to co-ordinate their service with trucks, the number of trucks engaged in long-haul service would be materially reduced, and thus, to a considerable extent, stop wear and tear on the highways.

The fact that the railroad carriers pay large sums of taxes, must be considered along with the fact that taxes are chargeable to operating expenses. They thus must enter into and are a part of the rate which is paid by the shipping public for the transportation of the freight.

In the last analysis, the carrier acts as agent, collects the taxes from its patrons and pays them over to the tax-collecting body. It may well be that the common carrier by truck, although it is paying at present five or six different kinds of taxes, is still not paying its fair share, which it, of course, collects through rates from the shipping public, the same as the railroad. If there is a discrimination between the two classes of shippers (by railroad and by truck), as regards the payment of taxes, it can and should be remedied by the Legislature.

The claim is made, at least by inference, that trucks might so enter into competition with the railroad carriers as to impair or stop the collection of taxes. History hardly justifies such a conclusion. Taxes will continue to be collected for governmental purposes, regardless of transportation changes. Controversy over the amount of taxes

to be paid by classes of individuals, is older than recorded history. It is stated, with some show of proof, that in translating some of the most ancient cuneiform bricks of old Babylon, that the writings pertained to a mass meeting and protest as to the amount of taxes levied and the method of their collection by the then King. Thus, taxes antidate railroads, which have not as yet reached the mere century mark. I might venture that when both railroads and trucks shall be no more, ingenuous tax-levying bodies will still find methods of taxing the protesting and more or less recalcitrant people of that time.

(Signed) WARREN STOUTNOUR,
Commissioner.

ORDER

Certificate of Convenience and Necessity
No. 213

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of September, 1924.

In the Matter of the Application of WELLS R. STREEPER, for permission to operate an automobile freight line between Ogden and Garland, Utah, via Brigham City and Tremonton, Utah.	CASE No. 698

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 be granted, and that Wells R. Streeper be, and he is hereby, authorized to operate an automobile freight line between Ogden and Garland, Utah, via Brigham City and Tremonton, Utah.

ORDERED FURTHER, That applicant, Wells R. Steeper, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

ORDERED FURTHER, That applicant shall be governed by the same regulations regarding freight bills and the collection of same, as are applicable to steam and electric carriers.

ORDERED FURTHER, That applicant shall provide adequate depot facilities at each town on the proposed route; and that such depots or warehouses shall be located to the best advantage of the shipping public.

ORDERED FURTHER, That applicant, Wells R. Streeper, shall keep accounts in accordance with the Uniform System of Accounts for Stage Lines, which has been adopted by this Commission.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WELLS R. STREEPER, for permission to operate an automobile freight line between Ogden and Garland, Utah, via Brigham City and Tremonton, Utah.	CASE No. 698

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

September 12, 1924, the Commission issued its Report and Order in Case No. 698, granting Wells R.

Streeper permission to operate an automobile freight line between Ogden and Garland, Utah, via Brigham City and Tremonton, Utah, under Certificate of Convenience and Necessity No. 213.

IT IS NOW ORDERED, That the said Order in Case No. 698 be, and it is hereby, made effective as of October 2, 1924.

By the Commission.

Dated at Salt Lake City, Utah, this 18th day of December, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to construct a State Highway between Fountain Green, Sanpete County, and the Sanpete County-Juab County Line; and also to eliminate the two existing grade crossings; and for the Commission to apportion the expense for the construction of the proposed highway.	CASE No. 699

ORDER

Upon motion of the applicant, and with the consent of the Commission:

IT IS ORDERED, That the application of the State Road Commission of Utah herein be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 19th day of April, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY to the Public Utilities Commission of Utah, for said Commission to so modify or amend the Certificate of Convenience and Necessity heretofore issued to Butters & Speers Company, a Corporation, as to limit the authorized operation of its automobile freight and express line between Magna and Garfield, and intermediate points, only.	CASE No. 700

Submitted June 12, 1924. Decided August 23, 1924.

Appearances:

Ralph H. Jewell, Attorney for Salt Lake & Utah R. R. Co.

F. W. James, Attorney for Butters & Speers Company.

REPORT, FINDINGS AND CONCLUSIONS OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Magna, Utah, April 11, 1924, upon the application of the Salt Lake & Utah Railroad Company, for cancellation or modification of the Certificate of Convenience and Necessity heretofore issued to Butters & Spears Company by the Public Utilities Commission, authorizing it to operate an automobile freight and express line between Salt Lake City and Garfield, Utah.

Said application sets forth, in substance, that the applicant, Salt Lake & Utah Railroad Company, is a corporation, organized under the laws of the State of Maine, and is doing business in the State of Utah as a common carrier, by electric railroad, of passengers, express and freight.

That Butters & Speers Company is a corporation, organized under the laws of the State of Utah, and is engaged in the business of a comomn carrier of freight and express between Salt Lake City and Garfield, Utah, and intermediate points, under a Certificate of Convenience and Necessity issued by the Public Utilities Commission of Utah;

That there is at the present time no public necessity or convenience which is served by the operation of such part of the automobile freight and express line as it extends between Salt Lake City and Magna, Utah, for the reason that the applicant operates between the last mentioned points, seven trains each way each day, except on Sunday, when six trains each way are operated, only;

That transportation service given and depot facilities afforded by the applicant between Salt Lake City and Magna, including all intermediate points, are ample and sufficent for the accommodation of the public, and that neither the necessities nor conveniences of the public are now, or will be in the future, subserved by the operation of the freight and express line of Butters & Speers Company, between said points.

It is further alleged in the said application that the Butters & Speers Company has disregarded and failed to comply with its regularly published tariff, on file with the Commission, the result of which is that shippers of both express and freight over said auto line, have been discriminated against, and to the undue and unreasonable prejudice and disadvantage of the applicant in violation of the provisions of Sections 5, 6 and 7 of Article 3, of the Public Utilities Act of the State of Utah.

The Butters & Speers Company appeared in the case and filed its written motion to dismiss the said application, upon the following grounds:

"1 Because the facts stated in the petition herein are insufficient to constitute, and do not constitute any cause of action against your respondent, Butters & Speers Company.

"2. Because the facts stated in the petition herein are insufficient to justify the relief in and

of said petition sought, or any other relief in the premises.

"3. Because the facts stated in the petition herein do not show that the petitioner is in anywise legally interested therein."

At the hearing, the Commission ruled that it would reserve the right to pass upon the foregoing motion to dismiss, after hearing the evidence to be adduced in behalf of the respective parties and in connection with the main case.

Although denominated an "application" by the complaining party, we think the formal proceeding brought herein, both as to matters stated and the relief sought, indicates that it should be regarded by the Commission as a "complaint" against the service of Butters & Speers Company, under Rule 1, Sub-division 3 of our Rules of Practice and Procedure, rather than an "application" under Subdivision 4 of said rule.

The provisions of our Public Utilities Act of Utah, both with respect as to who may prefer charges and that which may be complained of against a public utility, are most liberal.

Section 4827 of the Act provides:

"Complaint may be made by the Commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization or any body, politic, or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility, including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the Commission * * * * * All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties * * * *."

Section 4829 provides:

> "Any public utility shall have the right to complain to the Commission on any of the grounds upon which complaints are allowed to be filed by other parties, including the fairness, reasonableness or adequateness of any schedule, classification, rate, price, charge, fare, toll, rental, rule, regulation, service or facility of any such public utility, and the same procedure shall be adopted and followed as in other cases except that the complaint may be heard ex parte by the Commission or may be served upon any parties designated by the Commission."

As pointed out, the complaint herein, in substance, charges that at the present time there is not, nor will there be in the future, any public necessity or convenience subserved by the operation of the automobile freight and express line of the Butters & Speers Company; secondly, that it is not adhering to its schedule of rates on file with the Commission in violation of Sections 5, 6 and 7 of Article 3 (Sections 4787, 4788 and 4789 of Chapter 3) of the Public Utilities Act of Utah, which, among other things, provides that in the matter of charges:

> "No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time, * * * nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons."

There may be some question under the provisions of our Public Utilities Act as to the power of this Commission to vacate, annul and set aside a Certificate of Convenience and Necessity, once having issued it, to a public utility, upon the grounds that neither the present nor future public convenience and necessity require the service; but, be that as it may, failure of the Butters & Speers Company to adhere to its published schedule of rates, and discriminatory practices as between shippers, as set forth in the com-

plaint herein, are clearly matters over which the Commission has jurisdiction and under the Public Utilities Act, if, upon hearing and investigation, found to be true, the power to remedy. The motion to dismiss the complaint herein will therefore be denied.

The Commission finds, from the evidence in this case:

1. That the complainant herein, Salt Lake & Utah Railroad Company, is a railroad corporation, organized under the laws of the State of Maine, and doing business as a common carrier in Utah by operating an electric railroad carrying passengers, freight and express, its main line extending from Salt Lake City to Payson, Utah, a distance of approximately sixty-five miles, and it serves one of the richest and most thickly populated sections of the State. It also operates a branch line connecting with its main line at Granger, a point about six miles out of Salt Lake City, which extends to the town of Magna, nine miles distant from Granger, Utah.

2. The Butters & Speers Company is an automobile corporation, organized under the laws of Utah, and is engaged in the business of carrying freight and express over the public highways through a thickly populated district between Salt Lake City and the towns of Magna and Garfield, the latter towns being closely situated to each other. While its principal traffic originates at Salt Lake City and Magna, considerable freight and express is also received and delivered at intermediate points, some of which is picked up and delivered at the countryside through which the highway passes. The principal points served by it, aside from Salt Lake City and Magna, are the towns of Arthur and Garfield, where store deliveries are made of both freight and express.

3. The freight and express service over the public highway given by the Butters & Speers Company originated long before the construction of the electric railroad branch of the complainant into Magna. That said truck service has been justified up to the present time, is evidenced by its operation under a Certificate of Convenience and Necessity heretofore issued by this Commission.

4. That the complainant, Salt Lake & Utah Railroad Company, operates between Salt Lake City and Magna

daily, seven trains each way, except on Sunday, when six trains only are operated each way, carrying express, and, in addition thereto, one freight train each way between said points; that said trains, both freight and express are properly equipped, ample depot facilities are afforded, and the complainant can promptly handle and efficiently carry between Salt Lake City and Magna, and intermediate poionts, all freight and express tendered to it for transportation.

5. That Butters & Speers Company, in the operation of its said automobile truck line, has in some instances failed to adhere to its tariff schedule published and on file with the Commission by charging express rates for freight and vice versa charging freight rates for express resulting in unlawful discrimination in the matter of charges against its patrons and in unfair competition with the complainant, the Salt Lake & Utah Railroad Company.

6. That the necessities and conveniences of the shipping public in the district served by the respective parties to these proceedings are, particularly with reference to the kind of property transported by the Butters & Speers Company, best subserved by the pick-up service and store-door deliveries made by the Butters & Speers Company.

From the foregoing findings of fact, the Commission concludes and decides that the convenience and necessity of the shipping public between Salt Lake City and Magna, and intermediate points, demands a truck service; that an order of this Commission should issue requiring the Butters & Speers Company to adhere strictly to its tariff schedule in the matter of charges, and collect its tariff promptly from shipper or consignee on delivery of each consignment of freight or express. Further, that it amend its tariff schedules so as to more clearly designate what articles will be carried as express and what property as freight.

It is contended in this case by the complainant, that this Commission, under our Public Utitlities Act, has the power to cancel and annul a Certificate of Convenience and Necessity, once having granted it to a public utility, upon a showing made that the public convenience and

necessity is no longer to be subserved by service authorized by it.

As we view the facts and circumstances in the instant case, it has been quite conclusively shown that the necessities and conveniences of the shipping public continues to demand a truck service between Salt Lake City and Garfield, Utah, and intermediate points, and, therefore, we need not pass upon that question in these proceedings.

It is further urged by the complainant that by reason of the fact that the Butters & Speers Company has, in some instances, heretofore failed to adhere to its tariff schedules, the Commission should, for these reasons, make an order cancelling its certificate. As we view the evidence, the violations made by the Butters & Spears Company in this regard were more through inadvertence on ignorance of their duties rather than by wilful intent. Anyway, it must suffice to say that if every public service corporation that commits an irregularity or does some act violative of our Public Utilities Act, is to be put out of business by cancelling its right to operate, then there will be mighty few public conveniences afforded and in the field of transportation, and nothing left for the public to do but walk and carry.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 August, 1924.

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COMPANY to the Public Utilities Commission of Utah, for said Commission to so modify or amend the Certificate of Convenience and Necessity heretofore issued to Butters & Speers Company, a Corporation, as to limit the authorized operation of its automobile freight and express line between Magna and Garfield, and intermediate points, only. } CASE No. 700

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 motion of Butters & Speers Company to dismiss the complaint, without hearing, be, and it is hereby, denied.

ORDERED FURTHER, That the complaint of the Salt Lake & Utah Railroad Company against the service given by Butters & Speers Company, be, and it is hereby, dismissed.

ORDERED FURTHER, That Butters & Speers Company adhere strictly to its tariff schedule in the matter of charges, and collect its tariff promptly from shipper or consignee on delivery of each consignment of freight or express; and further, that it amend its tariff schedules so as to more clearly designate what articles will be carried as express and what property as freight.

ORDERED FURTHER, That Butters & Speers Company 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ANTON L. PETERSON, for permission to operate an automobile passenger stage line between Snowville, Tremonton and Dewey, Utah, and intermediate points. } CASE No. 701

Submitted March 28, 1924. Decided April 14, 1924.

Appearances:

LeGrand P. Backman, for Applicant.

Chris Peterson, for Hadley & Peterson, Protestants.

REPORT OF THE COMMISSION

By the Commission:

On February 16, 1924, the Public Utitlities Commission of Utah received for filing, the application of Anton L. Peterson, for a Certificate of Convenience and Necessity to operate an automobile passenger stage line between Snowville, Tremonton and Deweyville, and intermediate points.

The Commission heard the evidence in this case, March 28, 1924, after due and legal notice had been given.

The applicant was represented by LeGrand P. Backman, who testified that Mr. Peterson holds a mail contract between Snowville and Tremonton, and intermediate points; that at present he is equipped with two, five passenger Ford automobiles, which at the present time, are

sufficient to accommodate the public; that Snowville has a population of approximately six hundred people; that the estimated number of passengers between these points will be from two to five per day, except during the winter months; that it is the desire of the applicant to serve the towns of Blue Creek and Howell, which are situated between Snowville and Tremonton.

Chris Peterson, a brother of the applicant, representing Hadley & Peterson, authorized operators of a stage line between Deweyville, Tremonton and Garland, stated that Hadley & Peterson have no objections to the granting of a Certificate of Convenience and Necessity, permitting Anton L. Peterson to transport passengers for hire from Snowville, Blue Creek and Howell to Deweyville; but their protest covers traffic between Tremonton and Deweyville.

After considering all of the material evidence, the Commission finds that convenience and necessity demand this form of transportation between Snowville and Tremonton, and intermediate points; and that a Certificate of Convenience and Necessity should be issued to Anton L. Peterson, authorizing him to perform this service.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 205

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 14th day of April, A. D. 1924.

In the Matter of the Application of ANTON L. PETERSON, for permission to operate an automobile passenger stage line between Snowville, Tremonton and Dewey, Utah, and intermediate points. } CASE No. 701

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, that Anton L. Peterson be, and he is hereby, authorized to operate an automobile passenger stage line between Snowville, Tremonton and Deweyville, Utah, and intermediate points.

ORDERED FURTHER, That applicant, Anton L. Peterson, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; 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) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of J. H. PERRY, doing business as GOSHEN ELECTRIC COMPANY, for permission to put in effect schedule of rates for electric power furnished for light and power purposes to the residents of the Town of Goshen, Utah County, State of Utah. } CASE No. 702

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. P. Clays, for permission and authority to construct, maintain, conduct and operate a tramway for the purpose of transporting and conveying ore, rock and freight between Wasatch, a railway terminal in Salt Lake County, State of Utah, and Alta, in the Little Cottonwood Mining District, in Salt Lake County, State of Utah, and also to convey and transport ores, rock and freight from intermediate points by means of tramway lines.	CASE No. 703

Decided May 10, 1924.

Appearances:

Willard Hanson, for Applicant.

George H. Watson, for Protestant.

REPORT OF THE COMMISSION

By the Commission:

This application, filed February 19, 1924, by J. P. Clays, Secretary and Treasurer and one of the managers and directors of the Peruvian Consolidated Mining Company, a corporation, organized, existing and doing business under and by virtue of the laws of the State of Utah, requests permission and authority to construct, maintain, operate, conduct and control an aerial tramway from Wasatch, a railway terminal in Salt Lake County, State of Utah, to Alta, in the Cottonwood Mining District, in Salt Lake County, Utah, and intermediate points, and to convey and transport ore, rock and freight of every kind and nature whatsoever, over, along and upon said aerial tramway.

Petitioner alleges that there is great need for an aerial tramway such as is contemplated in this petition, for

the purpose of conveying and transporting ores for various and sundry mining and milling companies in the aforesaid mining district; and further alleges that at the present time there are a large number of mining companies operating and conducting mines in the said mining district; that each and all of said companies are of necessity, under present circumstances and conditions, compelled to convey and transport the ore, rock and minerals mined in said district, by teams for distances averaging from six to nine miles.

Applicant further alleges that the companies now operating and extracting ores and minerals in the said mining district are as follows: Columbus Rexall Consolidated Mining Company, West Toledo Mining Company, Wasatch Mines Company, Emma Silver Mining Company, Michigan Utah Mining Company and South Hecla Mines Company. Petitioner further alleges that in addition to the above named companies, there are a large number of other companies operating in the said mining district, and which mining companies for several years last past have been unable to mine and mill the ores extracted from the various properties, for the reason that said ores are of such low grade that it has been impossible, and will be impossible in the future, to extract same and cause the same to be transported by team and wagon from said mining district to the said railway terminal, by reason of the expense incidental to the transportation of the same between said places; and that there are now within the said mining districts, mining companies who hold and claim large and valuable ore deposits; but on account of the grade of the ore and the high cost of transportation under present conditions and facilities, it has been, and will be in the future, impossible to transport and convey said ores, unless a tramway is built, maintained and operated for said purpose.

Petitioner further alleges that if an aerial tramway were constructed between the aforesaid terminals, a vast amount of ore could and would be transported from said mines which now remain untouched, and, as a result, all of the said mining Companies in the said district would be greatly benefited thereby and the mining industry in the State of Utah would be greatly promoted, and that the general welfare of the people in the State of Utah would be benefited thereby. The Companies holding and owning

large and valuable properties in said mining district and who are at present unable to transport the ores from said mines between said terminals on account of great expense incidental thereto, petitioner alleges, are as follows: The Peruvian Consolidated Mining Company, Alta Consolidated Mining Company, Louise Mining Company, Montaire Mining Company, Cardiff Mining and Milling Company.

Petitioner further alleges that while at the present time a number of mining companies in the said district are transporting ores by team to said railway terminal aforesaid, that said companies could and would, as petitioner is informed and believes and therefore alleges, more advantageously transport their said ores and minerals over said tramway, and could and would transport a large amount of low grade ores which are now being held and retained at the mining properties aforesaid.

Petitioner further alleges that from, on or about the fifteenth day of March to about the fifteenth day of June of each and every year all of said mining companies are unable to transport or convey ore from the various mining properties aforesaid to the railway terminal aforesaid, for the reason that between the said period the melting snow causes roads and highways to become impassable, and that if said tramway were constructed and maintained in said mining districts, the ore, rock and freight in said district could and would be transported over said tramway, without inconvenience and greatly to the advantage and benefit of all of the above named mining companies.

Petitioner alleges that a number of people who are financially able to provide means with which to construct, maintain and operate said tramway, have been interested; that if this petition is granted, petitioner believes and therefore alleges, that he will be in a position to raise such money as may be necessary to construct, maintain and operate said aerial tramway, and to, in all respects comply with the order, rulings and regulations of the Commission; that if this application is granted, petitioner will, within a reasonable length of time, commence the construction of said tramway; that he has carefully investigated the probable cost of the construction of said tramway, and has caused to be investigated the probable savings incident to the mining and transportation of high grade and low grade ore in said district; and alleges that he is able

to secure franchises and rights-of-way over and upon public and private property over which the same will be constructed, and has investigated all of the circumstances and conditions surrounding the same; and petitioner is informed and believes that the total cost of constructing said tramway and properly and adequately equipping the same would not exceed the sum of $250,000.

Petitioner alleges that he would be able to transport and convey ore from the various mines in said mining district to said railway terminal on the following basis and at the following prices to-wit:

Ore of the value:

From $12.50 per ton or less	$1.50 per ton
Ore 12.50 to $17.50 per ton	1.75 per ton
Ore 17.50 to 22.50 per ton	2.00 per ton
Ore 22.50 to 27.50 per ton	2.25 per ton
Ore 27.50 to 35.00 per ton	2.50 per ton
Ore 35.00 to 50.00 per ton	2.75 per ton
Ore 50.00 per ton	3.00 per ton
Freight transported from Wasatch to Alta	4.00 per ton

Petitioner further shows that there is now constructed between the aforesaid railway terminal and Alta, in said mining district, a certain narrow gauge railway, which was built and constructed for the purpose of transporting and conveying ores from the said mining district to the said railway terminal; that said railway has not been used or operated for approximately three years last past, for the reason that ores and freight could not be transported over the same for more than four or five months during the year; that the cost of transporting the same averaged from $2.20 to $2.70 per ton during the period that said railway was able to operate.

Petitioner further shows that the present cost of transporting ore by team or wagon for all grades, is $3.50 per ton, and that at the present time there are no proper or adequate facilities for transporting ore between such mining district and said railroad terminal; but that if the said tramway were built and constructed between said terminal and said mining district, it would be possible and practicable to serve adequately all of the mining interests in said district, and at the same time develop the mining industry in said district and in the State of Utah,

for the reason that it will be reasonable and practicable to convey low grade ore to said railway terminal, and which ore at the present time has no value sufficient to convey the same by team and wagon, and will greatly benefit each and all of the mining companies now holding or owning properties in said district.

After due notice, as provided by law, the case came on regularly for hearing, March 3, 1924.

Mr. R. D. Seymour, witness on behalf of the applicant, testified that he was a tramway and contracting engineer, with some thirty-five years' practice, acquainted and familiar with conditions in Little Cottonwood Canyon, and described the mining activities in and about Alta. He testified that a railroad formerly handled the ore tonnage from Alta to Wasatch; but that the last two or three years, the railroad had not been operated at all, the ores at the present time being transported by team, some twenty or twenty-five teams being engaged in the business of transporting ores.

Witness Seymour further testified that the proposed tramway would originate at Wasatch, traversing one side of the canyon to a point called Daniels Flat, where an anchor station is to be placed, extending thence to the Sells Mine, where it is intended to locate a terminal at a convenient place, so that the tramway can be connected with any of the mines in Alta Gulch, also the projected Peruvian branch running off south about 4,000 feet, to the Peruvian property, originates here, and at this same point, another line is projected almost due south to the Alaska claims.

Witness Seymour stated further that the property of Mr. Clays, the applicant in this case, is almost entirely undeveloped; that the principle development in Alta is in the main Alta Gulch, up as far as the divide on the Michigan-Utah property. He further stated that it is almost impossible to get anything out of this section without a tramway; that this section is almost entirely undeveloped as far as American Fork Canyon. The main terminal of the tramway will be located on the Hellgate Mining Company's property, and leading from this terminal will be branches to the different mines.

Witness further testified that the construction of the main line tramway will cost about $200,000.00, and that conditions in Alta are such as to justify the expenditure of that sum of money; that such conditions have existed for five years last past.

Witness Seymour testified further that teams operate whenever the weather permits, and sometimes have transported ore nearly all winter; that the tramway would operate under all conditions, and gave as his opinion that practically all of the camps were shut down at the time of the hearing, for lack of transportation. Witness was unable to give the tonnage that would be produced if transportation facilities were furnished. He stated the information could not be given by anyone, because the tonnage would have to be developed; that only three or four producing mines were shipping by team. Witness Seymour stated that no right-of-way had as yet been procured, as this was awaiting the granting of a certificate by the Commission.

Mr. R. O. Dobbs, Mining Engineer, testified as to his knowledge of the mining camp at Alta and Little Cottonwood Canyon, and that the railroad between Alta and Wasatch had not been operated for some time, as, he understood, it had not proved to be a paying proposition; on account of the short time which the railroad was able to operate during the year, owing to weather conditions; that during the winter, with interruptions for a few days, or possibly a week, the ore was transported by teams, using bob-sleighs and wagons that during the time the snow is melting, there is no sleighing or wagon hauling, as the road itself becomes very rough, on account of the melting snow. He gave as his opinion that by permitting mines to ship a greater tonnage of ore and a lower grade of ore; that is, permit them to ship practically the whole of of the ore as they developed it, would allow them to take their ore out at a great deal less cost and put out a greater tonnage, and would be the means of operating many of the mines and the development of a lot of properties that are now only prospects. He further testified that except for an occasional interference by snowslides, which, of course, would have to be taken into consideration in the cost of hauling the ore, the tramway would be a practical method of transporting the ore, and mentioned various mines that would probably ship over the tramway, when they reach

their ore bodies that other mines had ore that could be shipped, if there were a cheaper and more continuous method of transportation; that the tramway would offer cheaper rates for low grade ores than existed at present; that higher grade ore rates would be probably about the same as is the cost by present methods of transportation.

Upon cross-examination, the witness stated that the mines with which he was connected or had specific knowledge of, only a very small amount of ore had been blocked out, in some cases a negligible amount. Witness stated that he had estimated that about three hundred tons of ore per day would be necessary, at favorable rates, to insure the financial success of the business; that this amount of tonnage would be sufficent to warrant the operation of the tramway. He testified that, in his opinion, it would not be long until there would be sufficient tonnage to supply the tramway and make it successful for years to come, from an investment standpoint.

Mr. George H. Watson, General Manager of the Alta Merger Mines Company and the Emma Mines, appeared in protest, and stated that the present method of hauling by team had proved feasible and the only dependable method thus far developed for transporting the ores, that there was not sufficient tonnage developed in the camp to warrant the operation of a tramway, and that such an investment would not be profitable, and, on account of the lack of tonnage, would be a failure; and that the camp, in the end, would be discredited rather than helped by having a tramway constructed at this stage of development of the camp.

Mr. Watson further testified that there was great danger from snowslides, and many interruptions to the service would occur for that reason; and that the attempts to build tramways heretofore in the canyon, had resulted in failures; and asked that the granting of a certificate be denied or withheld.

Before the Commission may grant a Certificate of Convenience and Necessity, it must determine that the service as proposed to be given and as described in the record, comes within the scope of the Public Utilities Act, and more particularly Section 4818, relating to the granting of Certificates of Convenience and Necessity,

authorizing the construction and operation of certain classes of public utilities, or, under certain circumstances and conditions existing, as set forth in the last clause of Paragraph 1, Section 4818, authorizing the construction of any kind of public utility.

Section 4783, Paragraph 14, defines the term "common carrier" as follows:

> "The term 'common carrier,' when used in this title, includes every * * * corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, engaged in the transportation of persons or property for public service over regular routes between points within this State."

Paragraph 28, Section 4782, defines the term "public utility" as follows:

> "The term 'public utility,' when used in this title, includes every common carrier * * * where the service is performed for or the commodity delivered to the public or any portion thereof. The term 'public or any portion thereof,' as herein used, means the public generally, or any limited portion of the public including a person, private corporation, municipality, or other political subdivision of the state, to which the service is performed or to which the commodity is delivered, and whenever any common carrier * * * performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier * * * is hereby declared to be a public utility subject to the jurisdiction and regulation of the Commission and the provisions of this title. Furthermore, when any person or corporation performs any such service or delivers any such commodity to any public utility herein defined, such person or corporation and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction and regulation of the Commission, and to the provisions of this title."

In construing this section, we have no difficulty in arriving at the conclusion that this service as outlined in the evidence, is a common carrier service and likewise is a public utility.

Section 4818 provides that certain classes of public utilities shall procure, in the first instance, from this Commission, a certificate of public convenience and necessity before beginning the construction or operation of such utilities. Not all classes of public utilities are, however, subject to ths section of the Act.

Paragraph 1, Section 4818, provides as follows:

"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."

Not all public utilities nor, indeed, all common carriers, even, are included under the first part of this section. In this section, as originally passed by the Legislature, railroad corporations were excluded, and in 1919, a special session of the Legislature was called, which amended the

section so as to make railroad corporations subject to the provisions of this section. No additional utilities were, however, added, nor has the Act been amended since. It might be said that the language "line, route, plant or system" is additional to the enumeration of the utilities stated in this portion of the paragraph, and thus includes all utilities under this clause;—however, if that be true, it would not have been necessary to have convened the Legislature to have included railroad corporations under this section, and we conclude that tramways are clearly not amenable to this portion of the section The last clause of Paragraph 1, however, provides as follows:

> " * * 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 locations of the lines, plants, or systems affected as to it may seem just and reasonable."

A former public utility, a narrow gauge railroad, had previously operated and transported ores from Alta to Wasatch, over substantially the same route as is now proposed to construct the tramway. However, this utility had not been operated for some years, and it did not appear as an aggrieved party in this case, as provided in part of the section last above quoted.

Under all the circumstances and facts shown to exist, we are of the opinion that this case does not come within the provisions of the section of the act authorizing the Commission to issue a Certificate of Convenience and Necessity before the tramway is constructed, and that the Commission has no jurisdiction to authorize or deny the construction of the tramway.

The case is accordingly dismissed.

However, it may be said in passing, that if said tramway is constructed and such service as has been outlined in this case is given to the public, then, and in that event, it

will be necessary for the common carrier to file its schedules, rules and regulations with the Commission, and its charges, fares, tolls, rentals, etc., will be subject to regulation and supervision of the police power of the State, as provided in the Public Utilities Act.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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, 1924.

In the Matter of the Application of J. P. Clays, for permission and authority to construct, maintain, conduct and operate a tramway for the purpose of transporting and conveying ore, rock and freight between Wasatch, a railway terminal in Salt Lake County, State of Utah, and Alta, in the Little Cottonwood Mining District, in Salt Lake County, State of Utah, and also to convey and transport ores, rock and freight from intermediate points by means of tramway lines.	CASE No. 703

This case being at issue upon petition and protest on file, and having been duly heard and sumitted 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, dismissed.

ORDERED FURTHER, That if said tramway is constructed and such service as has been outlined in this case is given to the public, then, and in that event, it will be necessary for the common carrier to file its schedules, rules and regulations with the Commission, and its charges, fares, tolls, rentals, etc., will be subject to regulation and supervision of the police power of the State, as provided in the Public Utilities Act.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of G. L. SANDERSON, for permission to operate an automobile passenger stage line between Eureka and the Tintic Standard Mine at Dividend, Utah, and intermediate points.	CASE No. 704

Submitted June 11, 1924. Decided June 28, 1924.

Appearance:

G. L. Sanderson, Applicant.

REPORT, FINDINGS AND CONCLUSION OF THE COMMISSION

By the Commission:

This matter was brought on regularly for hearing, before the Commission, at Salt Lake City, Utah, on the 11th day of June, 1924, after due notice given for the time and in the manner provided by statute, there being no appearances in opposition thereto, and the Commission, after hearing the evidence in behalf of the applicant, now reports, finds and concludes as follows:

1. That the applicant, G. L. Sanderson, is a resident of Eureka City, Juab County, State of Utah, and that he has had approximately three years' experience in the operation of passenger automobiles for hire.

2. That Eureka City is the mining center of Tintic Mining District, in Juab County, Utah, and at Dividend, about four miles distant therefrom, the Tintic Standard Mine operates a large milling plant, for the treatment of ores, employing a large number of men, who reside at Eureka City and at intermediate points.

3. That there is no passenger service given, by rail or otherwise, between Eureka City and Dividend, and said employees are greatly in need of some means of transportation in going to and from their homes to their work at said mill.

4. That the applicant proposes, if granted a Certificate of Convenience and Necessity so to do, by the Commission, to operate daily over the public highways between Eureka City and Dividend, two passenger automobiles, of sufficient capacity to accommodate the needs of said employees, leaving Eureka City at 7 o'clock a. m. and 5 o'clock p. m., and leaving Dividend at 2:30 o'clock a. m. and 5 o'clock p. m., and to make such additional trips each day by automobile as will meet the needs of said employees, charging said employees therefor, fifteen cents each way as a fare, and with an additional charge of fifteen cents for each employee, to be paid by the said Mining Company.

5. That there is now in operation under a Certificate of Convenience and Necessity, an automobile passenger bus line between Payson City, in Utah County, and Eureka City, in Jaub County; but the applicant herein proposes to so operate over the route applied for by him, in such a manner as will not in any way interfere or conflict with the service being given by the operator of the above mentioned route.

From the foregoing findings of fact, and after investigation, the Commission concludes that the applicant, G. L. Sanderson, should be granted a Certificate of Convenience and Necessity to operate an automobile passenger stage line, for hire, over the public highways between

Eureka City and Dividend, in Juab County, and intermediate points, and to charge fares therefor in accordance with his application herein, subject, however, to his complying with the statutes of Utah and the rules and regulations of this Commission now or that may hereafter be made applicable to "automobile corporations," and upon his filing his schedules of rates herein as provided by law.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 211

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 28th day of June, 1924.

In the Matter of the Application of G. L. SANDERSON, for permission to operate an automobile passenger stage line between Eureka and the Tintic Standard Mine at Dividend, Utah, and intermediate points. } CASE No. 704

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

IT IS ORDERED, That the application be granted, and that G. L. Sanderson be, and he is hereby, authorized to operate an automobile stage line for the transportation

of passengers between Eureka and the Tintic Standard Mine at Dividend, Utah, and intermediate points.

ORDERED FURTHER, That applicant, G. L. Sanderson, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of GEORGE STOCKMAN, for permission to operate an automobile stage line between Coalville, Utah, and Salt Lake City, Utah. } CASE No. 705

Submitted April 17, 1924. Decided May 12, 1924.

Appearances:

P. H. Neeley, for Applicant.

Dan B. Shields, for Howard Hout, Protestant.

REPORT OF THE COMMISSION

By the Commission:

The application of George Stockman, filed with the Commission, February 27, 1924, shows that his principal place of business and post office address is Coalville, Summit County, State of Utah; that he is at present engaged in the garage business; and that he is financially

able to conduct said automobile stage line in a proper manner.

Applicant further alleges that public convenience and necessity require that an automobile stage line be operated between Coalville and Salt Lake City, via Silver Creek and Parley's Canyon, during such parts of the years as the public highway may be kept open to public travel, and asks the Commission to issue a certificate authorizing such service.

The case came on regularly for hearing, in the manner provided by law, March 28, 1924, at the office of the Commission, 303 State Capitol, Salt Lake City, Utah, at ten o'clock a. m. Evidence was received in support of the application to the effect that there are many persons who desire to travel between Coalville and Salt Lake City, and there is no direct and convenient way of travel between said places; that the schedule of train service between Coalville and Salt Lake City is such that it takes the "better part of three days to spend one day in either place," and that an automobile stage line can be so conducted as to permit a person desiring to do so to spend the greater part of the day in Salt Lake City.

The application was protested on behalf of Howard Hout, who it was alleged, at present holds a certificate authorizing the same service as is set out in the application.

The protestant further alleges that his principle place of business and post office address is Salt Lake City, Utah; that heretofore, at the request of certain of the residents in Coalville, Utah, said Howard Hout made an application before the Commission for a Certificate of Convenience and Necessity to operate an automobile passenger line between Salt Lake City and Coalville, Utah, and that thereafter, upon hearing duly had, said Certificate of Convenience and Necessity was granted to Howard Hout and he thereupon immediately began to conduct a stage line and operated the same between the above named points. It was further alleged that during the winter season, as a result of road conditions, he was unable to operate over certain portions of the route with safety and comfort to his patrons, and accordingly service was discontinued during this period.

Protestant alleges further that at the present time, the Certificate of Convenience and Necessity heretofore referred to is in existence; but authority has been granted to said Howard Hout to discontinue during the period of time when the roads are impassable for such service.

It is further alleged that said Howard Hout has equipment and is able financially and otherwise to supply the people of Coalville and intermediate points with all necessary service, and that there is no public necessity for any additional service.

The record shows that a certificate authorizing the same service as set out in the application, is now held by the protestant, Howard Hout; that authority was granted, upon his written request, dated January 10, 1924, to discontinue service until such time as the roads are open and passable, when he would resume said service.

All things considered, it appears that there is at present ample accomodations for the traveling public, and it does not appear that an additional stage line is necessary. The application should accordingly be denied.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of May, 1924.

In the Matter of the Application of GEORGE STOCKMAN, for permission to operate an automobile stage line between Coalville, Utah, and Salt Lake City, Utah. } CASE No. 705

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

IT IS ORDERED, That the application of George Stockman, for permission to operate an automobile stage line between Coalville, Utah, and Salt Lake City, Utah, be, and it is hereby denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of LOGAN CITY, for permission to adjust rates for electrical power in the City of Logan. } CASE No. 706

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MARION B. LEWIS, for permission to operate an automobile passenger stage line between Heber City and the Park-Utah Mine (at Keatley, Utah) and Midway, Utah. } CASE No. 707

Submitted April 22, 1924. Decided May 21, 1924.

Appearances:

L. C. Montgomery, Attorney for Applicant.

Bert A. Dannenberg
J. H. Miller
Andrew Murdock } for Heber City Chamber of Commerce, Protestant.

REPORT OF THE COMMISSION

CORFMAN, Commissioner:

This matter came on regularly for hearing, before the Commission, at Heber City, Utah, on the 22nd day of April, 1924, after due and legal notice given, upon the petition of Marion B. Lewis, for a Certificate of Convenience and Necessity authorizing and permitting him to operate an automobile passenger stage over the public highway, between Heber City and the Town of Midway and the Park-Utah Mine at Keatly, in Wasatch County, State of Utah. At said hearing, the applicant withdrew his application for permission to operate between Midway and said mine, and the Heber City Chamber of Commerce appeared in opposition to the said application to operate between Heber City and the said mine.

The Commission, having heard the evidence of the respective parties, and having duly considered the same, now, after full investigation of the facts and conditions pertaining to said application, reports, finds and decides as follows:

1. That the Park-Utah Mine is situated about twelve miles distant from Heber City and about two miles, on a direct line, from Park City, Utah.

2. That said Park-Utah Mine, in its mining operations, employes daily about 115 men, who have their homes at and live in Heber City and Midway, going to and from the mine once each day.

3. That there is now being operated under authority and by permission of the Public Utilities Commission of Utah, an automobile passenger stage line between Heber City and Park City, but not directly to said mine.

4. That the applicant has had sufficient experience and is provided with suitable equipment to efficiently operate an automobile stage line between Heber City and the said mine.

5. That at the present time, practically the only passengers to be carried to and from said mine, are the said mine workers living at Heber City and Midway, and

many of them are the owners of automobiles, and by mutual arrangements with their fellow workmen are carrying them back and forth from said mine to Heber City, with their privately owned automobiles.

6. That for the present, and for some time past, all persons desiring transportation between the points applied for by the petitioner, are and have been amply accommodated.

From the foregoing facts, the Commission concludes and decides that the public convenience and necessity for the present does not require the operation of an automobile passenger stage line between Heber City and the Park-Utah Mine at Keatley, Utah, and, therefore, the application of Marion B. Lewis should be denied.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 May, 1924.

In the Matter of the Application of MARION B. LEWIS, for permission to operate an automobile passenger stage line between Heber City and the Park-Utah Mine (at Keatley, Utah).	CASE No. 707

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

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

IT IS ORDERED, That the application of Marion B. Lewis, for permission to operate an automobile passenger stage line between Heber City and the Park-Utah Mine (at Keatley, Utah) be, and it is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Mater of the Application of WALLACE JONES, for permission to operate an automobile stage line between Heber City and Myton, Utah.	CASE No. 708

ORDER

Upon motion of the applicant, and with the consent of the Commission:

IT IS ORDERED, That the application of Wallace Jones, for permission to operate an automobile stage line between Heber City and Myton, Utah, be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 17th day of April, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of GUST JOHNSON, L. O. HOUGHTON and KATHRYN STILWELL, for permission to operate an automobile passenger and freight line betwwen St. George and Salt Lake City, Utah, and intermediate points. } CASE No. 709

Submitted August 22, 1924. Decided September 10, 1924.

Appearances:

Willard Hansen and A. G. Hougaard. } for Applicants.

For Protestants:

B. R. Howell, for Receiver of the Denver & Rio Grande Western Railroad System.

Robert B. Porter and Dana T. Smith } for Los Angeles & Salt Lake R. R. Co.

Ralph H. Jewell } for Salt Lake & Utah Railroad Co. and American Railway Express Company.

John F. MacLane and George R. Corey } for Utah Light & Traction Company.

W. C. Hurd, for Utah Central Truck Line.

Robert L. Judd, for { C. G. and G. R. Parry, doing business as Parry Brothers; Covington-Barton-Hamblin Freight Line; Fawcett & Knell Stage Line, and Dailey Stage Line.

Joseph Carling, Owner and Manager of Fillmore & Salt Lake Stage Line.

REPORT OF THE COMMISSION

By the Commission:

This case came on regularly for hearing, May 5, 1924, at 10:30 a. m., in the office of the Commission.

The evidence in support of the above petition discloses that the applicant, Gust Johnson, is a garage manager; that Mr. L. O. Houghton is a mechanic, and that Mrs. Kathryn Stilwell is employed by and renders service to the Utah Children's Home Society; and all of said applicants are residents of Salt Lake City, Utah; that said applicants, Johnson and Houghton, have had brief experience with stage lines; that their equipment at the present time consists of a 1915, 3-18 Packard; a 1917 Twin Six, second series Packard; and a 1913 Pierce Arrow.

The petitioners represented that there is no direct passenger baggage or freight lines operating between the town of St. George and Salt Lake City, Utah; that the cities and towns to be served between said terminals, with their approximate populations, are: beginning at St. George, on the south, having a population of 2,850 people; Washington, population 200; Leeds, 130 people; Kanaraville, population 286; Cedar City, 2,462 people; Enoch, 115; Summit, 110; Parowan, 1640; Paragonah, 449; Beaver, 1,827; Clove, population not given; Joseph, 224; Elsinore, 843; Richfield, 3,500; Venice, 36; Sigurd, 136; Aurora, 126; Salina, 1,451; Redmond, 649; Axtel, population not given; Centerfield, 566; Gunnison, 1,115; Sterling, 104; Manti, 2500; Ephraim, 2,287; Chester, 183; Moroni, 1,555; Fountain Green, 1,169; Nephi, 2,603; Mona, 190; Santaquin, 1,000; Payson, 3,000; Salem, 609; Spanish Fork, 4,036; Springville, 3,010; Provo, 10,303; Pleasant Grove, 1,682; American Fork, 2,763; Lehi, 2,078; Sandy, 1,000; Murray, 4,584; and Salt Lake City the northern terminal.

While in some instances there are independent stage or automobile lines which operate between some of the above mentioned cities and towns, the petitioner alleged that public necessity and convenience will be served by direct automobile stage lines operating between the above mentioned terminals, and that such lines will not conflict, in any material way, with such independent stage lines

which are now operating between any of the aforesaid communities, and that there are no direct passenger, baggage or freight lines between Salt Lake City and any of the above mentioned cities and towns, except a certain steam railroad which operates between Marysvale, Piute County, Utah, and Salt Lake City, Utah, and operated, confucted and controlled by the Denver & Rio Grande Western Railroad Company, which said road conveys and transports passengers, baggage and freight between the said town of Marysvale and Salt Lake City, and which passes through and serves the territory adjacent to the towns of Richfield, Sigurd, Salina, Gunnison, Manti, Ephraim, Spanish Fork, Springville, Provo, Pleasant Grove, American Fork, Lehi, Murray and Salt Lake City; and except a certain steam railroad operated by the said Denver & Rio Grande Western Railroad Company between the cities of Manti, Ephraim, Moroni, Fountain Green and Nephi, in said State.

Petitioners further alleged that there is no automobile stage line and no means whatsoever by which passengers, baggage and freight can be conveyed and transported between said town of St. George and Salt Lake City, except the steam railroads, as aforesaid, and except for certain interurban electric lines operating between Payson and Salt Lake City, and intermediate points, and except certain traction lines operating between the towns of Murray and Sandy and Salt Lake City.

The applicants further represented that the above mentioned transportation facilities were entirely inadequate to meet the needs and necessities of the people residing, especially between Richfield, on the south, and Salt Lake City, on the north; that the Denver & Rio Grand Western Railroad Company operates but one passenger train out of Salt Lake City, with terminal at Marysvale, Utah, each day, and one train out of Marysvale, Utah, with a terminal at Salt Lake City, each day; that this train leaves Salt Lake City at about eight o'clock in the morning, and that the train out of Marysvale leaves that city at an early hour in the morning; and that no matter how great the needs or necessities of a person might be to be transported between any of the towns along this route, he is prevented from passing from one point to another, unless he finds it convenient to take passage upon

one of the trains above mentioned, or unless he is fortunate enough to own a private conveyance.

The petitioners represented that the geographical situation of some of the towns along the route demonstrated the need of additional service. Gunnison, Redmond, Centerfield, Sterling, Moroni, Fountain Green and Santaquin are thus situated. The station of the Denver & Rio Grande Western Railroad is situated two and one-half to four miles from the citizens residing at Centerfield and Gunnison; that the town of Redmond is likewise so situated, and that the towns of Moroni, Fountain Green and Chester are upon a branch of the Denver & Rio grande Western, which does not operate on Sunday, and that these towns are, therefore, at the present time entirely deprived of transportation facilities on Sunday.

The fruit growers in the fertile valley surrounding the City of Nephi, it was further alleged, cannot transport their fruit to any of these towns or to any of the towns from Nephi through Salt Creek Canyon and on to Richfield, unless by private conveyance and at great expense.

It was further alleged that there is a concrete highway from Salt Lake City to Nephi, Utah, with the exception of a short distance between Payson, Utah, and the Juab County line, and that this distance would be approximately one-half the distance between the City of Salt Lake and the City of Richfield, and that there is also a twelve mile strip of pavement between what is known as Pigeon Hollow, in Sanpete County, and Manti, Utah, which affords unusual facilities for the successful operation of a stage line. It is also alleged that the road through Salt Creek Canyon has been surfaced and graded to such an extent that traffic could pass through said Salt Creek Canyon without interruption, through practically the entire year; that the only time an automobile might not successfully pass through said Canyon would be when the frost is coming from the ground, in the spring of the year; that from Fountain Green to Pigeon Hollow there is an excellent earth road, well surfaced, and that from Manti on to Richifeld, road improvements are in course of construction; that from the City of Richfield through Salt Creek Canyon, automobile traffic, both passenger and freight, could pass without interruption, with the exception of possibly two or three months during the winter, at which

time applicants, as stated in the petition, desire to discontinue service; in fact, applicants alleged that they themselves were not fully convinced of the needs and necessities of the people residing south of the City of Richfield, and that they would be entirely content, for the time being, to limit their operations between Richfield, on the south, and Salt Lake City, on the north.

The distance to be traversed by the proposed stage line is approximately 360 miles, 160 miles from Salt Lake City to Richfield and 200 miles from Richfield to St. George.

T. H. Beacom, as Receiver of the Denver & Rio Grande Western Railroad System, now operating the Denver & Rio Grande Western Railroad, one of the protestants, contends that there is no necessity for the service asked to be established by the petitioners; that protestant's railroad is engaged in the business of a common carrier, for hire, carrying both passengers and freight, and for that purpose operating an interstate steam line of railroad between Denver, Colorado, and Ogden, Utah, and intermediate points; and as a part of said system of railroad, protestant operates a line of railroad between Salt Lake City, Utah, and Marysvale, Utah, via Elsinore, Richfield, Sigurd, Salina, Gunnison, Manti, Ephraim, Springville, Provo, American Fork, Lehi, Murray, and other intermediate points; also operates a line of railroad between Salt Lake City, Utah, and Santaquin, Utah, via Lehi, American Fork, Provo, Springville, Spanish Fork, Payson, and other intermediate points, and also operates a branch line of railroad between Nephi and Manti, Utah, via Fountain Green, Moroni, Chester, Ephraim and other intermediate points. Protestant operates, daily, passenger trains between Salt Lake City, Utah, and Richfield, Utah, and intermediate points; also between Salt Lake City and Payson, Utah, and intermediate points, and a mixed passenger and freight service, daily, except Sunday, between Nephi, Utah, and Manti, Utah, and intermediate points; also a daily freight service between Salt Lake City and Thistle, Utah, and intermediate points; a tri-weekly freight service between Thistle, Utah, and Marysvale, Utah, and intermediate points; that the service so maintained is fully adequate for the traveling public and is now, and for some years past has been, equipped to meet all

public demands; that other railroads, such as the Los Angeles & Salt Lake Railroad and the Salt Lake & Utah Railroad, operate along a part of the route contemplated by the petitioners, and that in addition to the three lines of railroad mentioned, a number of automobile passenger stage lines have been authorized by the Commission, viz.: Cedar City, Utah, to Paragonah, and intermediate points; Salt Lake City, Utah, and Fillmore, Utah, and intermediate points; Cedar City and St. George, and intermediate points; also freight truck service has been authorized between Cedar City and Parowan, and intermediate points; Cedar City and St. George, and intermediate points; and Salt Lake City and Provo, and intermediate points. This protestant alleges, therefore, that complete and adequate transportation facilities are afforded; that service now being offered to the public is full, ample, commodious and efficient, and that no need exists for any additional service in the territory covered by the application.

The Los Angeles & Salt Lake Railroad Company set out that it is a common carrier and operates a railroad between Los Angeles, California, and Salt Lake City, Utah, and intermediate points, and that it furnishes daily train service between Salt Lake City, Utah, and Cedar City, Utah, and intermediate points, including the following towns and cities, through which the applicant above named seeks to operate, namely: Murray, Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork and Nephi, Utah; that the service and transportation facilities furnished the above mentioned towns and cities by this protestant and by other common carriers serving them, is sufficent and that no other service by automobile, or otherwise, is necessary or required.

The Salt Lake & Utah Railroad Company protests upon the grounds that it is the owner of an electric railroad, running from Salt Lake City to Payson, Utah through the cities and towns of Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, Salem and Payson; that protestant operates eight passenger trains each way, each day, between Salt Lake City and Payson; that each of said passenger trains carries express and two of said trains each way, each day, carry express cars in charge of express messengers; that in addition to the above mentioned service, there is a minimum of two freight trains per day, each way, between Salt Lake City and Payson.

Protestant, Salt Lake & Utah Railroad Company, also alleges that it carries the U. S. Mail to points on its line; that the service which the applicants seek to inaugurate parallels practically the full length of the protestant's line of railroad and will also parallel two steam railroads and one or more existing automobile truck lines. Protestant alleges, therefore, that the present transportation service afforded the residents of Salt Lake City, Payson and intermediate points, by the existing transportation facilities, is ample, commodious, convenient and efficient; that there is serious danger of impairment of service now being afforded by the existing transportation companies, if this application is granted.

The Utah Light & Traction Company alleges that it is a street railway corporation and operates a street railroad in Salt Lake City and suburbs and environs, specifically an electric street railroad line from Salt Lake City, in a general southerly direction, through Salt Lake County, to and through the cities of Murray, Midvale and Sandy, in said County, the location or route of its street railroad line being generally paralleled by the highway upon which the applicants propose to operate an automobile stage line. The protestant denies that public convenience and necessity require the operation of said automobile stage line, and alleges, on the contrary, that public convenience and necessity do not require the operation of said line, nor is there any legitimate demand therefor; that the operation of the said proposed automobile stage line will simply compete with and take away travel from existing public utilities having fixed investment to serve said community; that there is not enough travel on the existing street railway and other public utility lines along the route and in the territory proposed to be served by applicant, to absorb or justify existing facilities, and additional facilities are unnecessary.

The American Railway Express Company, a common carrier, conducting an express service between Salt Lake City and Cedar City, Utah, also protests the application filed herein. Protestant conducts such express service over the Los Angeles & Salt Lake Railroad, one train each way daily, serving the following towns: Salt Lake City, Murray, Sandy, Lehi, American Fork, Pleasant Grove, Provo, Spanish Fork, Payson, Nephi (Lund), and Cedar City. Protestant also conducts

such express service over the Denver & Rio Grande Western Railroad, operating two express trains daily each way between Salt Lake City and Springville, and one train each way, daily, between Springville and Payson; and one train, daily, each way between Springville and Elsinore; the following towns on the Denver & Rio Grande Western being served: Salt Lake City, Murray, Lehi, American Fork, Provo, Springville, Spanish Fork, Payson, Nephi, Fountain Green, Moroni, Ephraim, Manti, Gunnison, Salina, Sigurd, Richfield and Elsinore. Similar service is also conducted on the Salt Lake & Utah Railway, five trains each way daily, serving the following points: Salt Lake City, Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, Salem and Payson. Protestant contends that the service which the applicants seek to inaugurate parallels the greater part of the line of the above described express service. Protestant alleges that the service which it now renders the public is ample, commodious, convenient and efficient, and that no need exists for the service proposed to be performed by the applicants, except possibly the territory located between Cedar City and St. George.

W. J. West, J. A. McHale and R. T. McHale, doing business as the Utah Central Truck Line, also protested the granting of the above petition, and alleged that they are now, and for several years last past have been, operating an automobile truck line between Salt Lake City and Provo, Utah, carrying freight and express between said Salt Lake City and Provo, and intermediate points, including Pleasant Grove, American Fork, Lehi and Cresent. Protestants further alleged that the freight and express service so maintained by them is fully adequate for the needs of the public; that they are fully equipped to carry all freight, express, baggage and personal property which may be offered, and that they have invested a large amount of money in automobile trucks and other equipment to enable them to give proper and adequate service.

Joseph Carling, owner and manager of the Fillmore & Salt Lake Stage Line, operates and controls an automobile passenger and freight line between Fillmore City, Utah, and Salt Lake City, Utah and intermediate points. He protested the granting of the above petition for the reason that a portion of the territory proposed to be

covered by the new line is already adequately served by him, namely, from Nephi, Juab County, Utah, via Mona and other points along said line to Salt Lake City, Utah.

C. G. and G. R. Parry, doing business as Parry Brothers, Covington-Barton-Hamblin, Freight Stage Line, Fawcett and Knell Stage Line, and the Dailey Stage Line, all doing business in Southern Utah, protested the granting in of the above petition, upon the ground that the service which is now being rendered the public is ample and convenient, and that no need exists for the proposed service. The Covington-Barton-Hamblin Freight Stage Line operating between St. George and Cedar City, Utah, alleged that they are now handling all freight that is handled over said line, and are equipped to handle as much again as there is now to handle. The Fawcett and Knell Stage Line makes daily trips from St. George to Cedar City, and intermediate points, and the Dailey Stage Line from Cedar City to Paragonah, and allege that their business at the present time is barely sufficent to pay expenses.

A number of petitions were presented by both the applicants and the protestant, Denver & Rio Grande Western Railroad, signed by scores of people residing in the towns and cities through which the proposed stage line would pass. In a few cases, the same names were found on the petition of the applicants, under a carefully worded paragraph, rehearsing the benefits to be derived from and the necessity of the new stage line, as well as on the protests, under another carefully prepared paragraph, declaring that there was no public necessity for the above proposed automobile stage line. Letters from commercial clubs, protesting the granting of the application, were filed with the Commission; also a number of witnesses for both protestants and applicants were called, the former giving their reasons for opposing the petition, which was generally stated that the railroads which served their respective communities were furnishing all that was necessary along transportation lines; and the latter expressing the opinion that there was a necessity for the proposed line.

After a careful consideration of the conditions presented at the hearing, there seems to be very little, if any, necessity for the establishing of the proposed automobile passenger and freight line between St. George, Utah, and

Salt Lake City, Utah. The territory to be served by the proposed line covers more than 360 miles; but, notwithstanding this vast distance, we find the transportation needs are quite adequately met.

Beginning at the northern terminal, Salt Lake City, and going south, we find that Murray and Sandy are served by the Utah Light & Traction Company, the Denver & Rio Grande Western Railroad, and the Los Angeles & Salt Lake Railroad; Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork and Payson are served by the Denver & Rio Grande Western, the Los Angeles & Salt Lake Railroad, and the Salt Lake & Utah Railroad; Santaquin is served by the Denver & Rio Grande Western Railroad and the Los Angeles & Salt Lake Railroad; Mona is served by the Los Angeles & Salt Lake Railroad; Nephi is served by the Los Angeles & Salt Lake Railroad and the Sanpete Branch of the Denver & Rio Grande Western Railroad; Fountain Green and Moroni are served by the Sanpete Branch of the Denver & Rio Grande Western Railroad; Ephraim, Manti, Gunnison, Salina, Sigurd, Richfield and Elsinore are served by the Denver & Rio Grande Western Railroad; Cedar City is served by the Los Angeles & Salt Lake Railroad; Beaver, Parowan and St. George, and intermediate points, are not served directly by any railroad, but are served by stage and freight lines operating between these towns and the Los Angeles & Salt Lake Railroad; St. George is served by the Covington-Barton-Hamblin Freight Line and the Fawcett & Knell passenger line, connecting with the Los Angeles & Salt Lake Railroad at Cedar City; and Parowan and Paragonah, and intermediate points, by the Dailey Stage, likewise connecting with the Los Angeles & Salt Lake Railroad at Cedar City; and Beaver is served by freight and passenger stages connecting with the Los Angeles & Salt Lake Railroad at Milford.

With a possible exception, therefore, of Beaver to Richfield, and a few towns which are from two and one-half to four miles from the railroad stations, such as Gunnison, Centerfield and Redmond, we find very little, if any, necessity for the establishing of a stage line as is contemplated.

It appears that conditions at the present time have not changed very materially from those presented in

Case No. 408, being an application for permission to operate an automobile stage line between Salt Lake City and Richfield, and intermediate points, and the following paragraph taken from the conclusions of the Commission in that case, is applicable, we think, and is hereby made a part of the findings in this case:

> "In reviewing the whole matter as presented, taking into consideration the services which are being rendered, there would seem to be very little necessity for the establishing of an operating utility, such as is contemplated, to give service to the general public as a common carrier over the proposed route, that it is no doubt reasonable to believe that at times when the roads are open and the weather is suitable, some traffic would be given to an automobile stage line between Richfield and Salt Lake City, but to operate as a common carrier, requiring the establishing at designated points of the facilities and conveniences in order to meet the demands of the traveling public, appears to be impracticable and unnecessary under the showing for the authorization of such service.
>
> "Before the Commission would be authorized and warranted in granting permission for the operation of the passenger stage line applied for, it must first find that the facilities now offered by the common carriers are not sufficient and cannot be made so as to meet the wants and demands of the traveling public, and to further find that the proposed service would furnish a convenience and necessity that has not been reached or cannot be reached by the said railroad carriers; and that the applicants' proposed service would be made adequate and sufficient to meet a requirement and demand of the traveling public not now available."

After a careful consideration, therefore, of all the questions involved as presented by the testimony, we are of the opinion that the application should be denied.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 September, 1924.

In the Matter of the Application of GUST JOHNSON, L. O. HOUGHTON and KATHRYN STILWELL, for permission to operate an automobile passenger and freight line between St. George and Salt Lake City, Utah, and intermediate points. } CASE No. 709

The 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

TOWN OF HONEYVILLE, a Municipal Corporation,
Complainant,
vs.
UTAH POWER & LIGHT COMPANY, a Corporation,
Defendant. } CASE No. 710

ORDER

Upon motion of the complainant, and with the consent of the Commission:

IT IS ORDERED, That the complaint of the Town of Honeyville, a Municipal Corporation, vs. the Utah Power & Light Company, a Corporation, be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 13th day of June, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MARION SMITHSON, for permission to transfer Certificate of Convenience and Necessity to operate an automobile stage line between Beaver and Parowan, Utah, to Darrell LeFevre.	CASE No. 711

Submitted June 4, 1924. Decided July 19, 1924.

Appearances:

Marion Smithson, Applicant.

Darrel LeFevre, for himeslf.

REPORT OF THE COMMISSION

McKAY, Commissioner:

Under date of March 31, 1924, Marion Smithson applied to the Public Utilities Commission of Utah for permission to transfer to Darrel LeFevre Certificate of Convenience and Necessity No. 189, issued to him by the Commission, under date of August 8, 1923, permitting the operation of an automobile stage line between Beaver City and Parowan, Utah.

The case came on for hearing in the manner as provided by law, at Milford, Utah, on the 4th day of June, 1924, at the Opera House, at ten a. m.

At the hearing, Mr. Smithson testified that he had previously employed local counsel from Milford to represent him before the Public Utilities Commission in the above entitled application, and had supposed that matters had been satisfactorily arranged, as he had not received advice to the contrary from said counsel.

Assuming that the Commission would not be averse to the transfer of his equipment, Mr. Smithson advised that he disposed of same, consisting of one Ford sedan, to Mr. Darrel LeFevre, and sale of equipment and transfer of right to operate over the Beaver-Parowan route was actually consummated on or about the 24th day of September, 1923.

At the hearing, Mr. Darrel LeFevre testified that he had at that time an application before the Commission, set for hearing the same time as this application, to transfer his Certificate of Convenience and Necessity, together with equipment purchased from Marion Smithson, to one R. C. Mumford, and further testified that sale of equipment and transfer of same has actually been made.

Mr. Darrel LeFevre assumed, as did Mr. Smithson, that matters had been arranged with the Commission for the transfer of the Certificate of Convenience and Necessity held by Mr. Smithson to Mr. LeFevre, by Mr. Smithson's Counsel, and that Darrel LeFevre was the holder of a Certificate of Convenience and Necessity to operate an automobile stage line between Beaver and Parowan, Utah.

After an explanation was made to Mr. LeFevre and Mr. Smithson, that in reality Mr. LeFevre was not the holder of a Certificate of Convenience and Necessity from the Public Utilities Commission, Mr. Smithson advised that the Commission could feel at liberty to treat his application in the above entitled matter, as one to be released from the operation of the stage line operating between Beaver and Parowan, as in reality he had not operated the said stage line for some months.

After a careful consideration of all material facts, and upon request of applicant, the Commission is of the opinion that Marion Smithson should be permitted to withdraw from the operation of the stage line between Beaver and Parowan, Utah, and that Certificate of Convenience and Necessity No. 189, issued to Marion Smithson, August 8, 1923, be cancelled.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

(Signed) WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of July, A. D. 1924.

In the Matter of the Application of MARION SMITHSON, for permission to transfer Certificate of Convenience and Necessity to operate an automobile stage line between Beaver and Parowan, Utah, to Darrell LeFevre.	CASE No. 711

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

IT IS ORDERED, That the above application be treated as an application of Marion Smithson to be released from the operation of the automobile stage line between Beaver and Parowan, Utah, and that Certificate

of Convenience and Necessity No. 189 (Case No. 655), issued to Marion Smithson, under date of August 8, 1923, be, and the same is hereby, cancelled.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the INDEPENDENT POWER & LIGHT COMPANY, for permission to establish an electric light and power system in the towns of Alton, Glendale, Orderville, Mt. Carmel and Kanab, Utah.	CASE No. 712

Decided May 6, 1924.

REPORT OF THE COMMISSION

By the Commission:

In an application filed April 3, 1924, with the Public Utilities Commission of Utah, the Independent Power & Light Company sets forth:

That its principal place of business is Kanab, Kane County, Utah; that its desire is to supply electric power and light, for domestic purposes, for and in the towns of Alton, Glendale, Orderville, Mt. Carmel and Kanab, Utah; that at the present time, these towns are without electric lighting and power facilities.

The Commission, having knowledge of the conditions and being aware of the necessity for the service as petitioned for by the Independent Power & Light Company, finds:

That a Certificate of Convenience and Necessity should be issued to the Independent Power & Light Company,

authorizing it to furnish electric current for lighting and power, in the towns of Alton, Glendale, Orderville, Mt. Carmel and Kanab, Utah.

That a schedule of rates be formulated and filed with this Commission, before rendering service to the public.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 207

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, 1924.

In the Matter of the Application of the INDEPENDENT POWER & LIGHT COMPANY, for permission to establish an electric light and power system in the towns of Alton, Glendale, Orderville, Mt. Carmel and Kanab, Utah.	CASE No. 712

This case being at issue upon petition on file, and having been duly submitted by the parties, and the Commission having knowledge of the conditions and being aware of the necessity for the service as petitioned for, 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 the Independent Power & Light Company be, and it is hereby, authorized to establish an electric light and

power system in the towns of Alton, Glendale, Orderville, Mt. Carmel and Kanab, Utah

ORDERED FURTHER, That applicant shall, in the construction of such electric power system, conform to the standard of construction heretofore prescribed by this Commission.

ORDERED FURTHER, That applicant, the Independent Power & Light Company, before beginning such service in said towns, shall file with this Commission a printed or typewritten schedule of its rates, rules and regulations applying to the towns of Alton, Glendale, Orderville, Mt. Carmel and Kanab, Utah, in the manner prescribed by the Commission's Tariff Circular No. 3.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of April, A. D. 1924.

UTAH LAKE DISTRIBUTING COMPANY, et al.,
Complainants.
vs.
UTAH POWER & LIGHT COMPANY, a Corporation,
Defendant.
} CASE No. 713

Application having been made for an order extending the terms of order of March 29, 1922, Case No. 441, the rates or charges for pumping purposes to October 31, 1924:

IT IS ORDERED, That rates or charges for pumping purposes as covered by order dated March 29, 1922, in Case No. 441, be in effect until October 31, 1924.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity to exercise the rights and privileges conferred by franchise granted by the City of Brigham City, Utah.	CASE No. 714

Submitted April 16, 1924. Decided May 20, 1924.

REPORT OF THE COMMISSION

By the Commission:

Under date of April 16, 1924, the Utah Power & Light Company filed an application with the Public Utilities Commission of Utah, for a Certificate of Convenience and Necessity to exercise the rights and privileges conferred by franchise granted by the City of Brigham City, Utah. Said franchise authorizes the Utah Power & Light Company to construct, maintain and operate in the present and future streets, alleys and public places east of a line described as follows: Beginning at the southwest corner of the southeast quarter of Section 25, Township 9 North, Range 2 West, Salt Lake Base and Meridian, thence north to the middle of said Section 25, thence east to the nort-east corner of the southeast quarter of said Section 25, thence north along the east boundary lines of Sections 25, 24, 13 and 12, all in Township 9 north, Range 2 West, Salt Lake Base and Meridian, in the City of Brigham City, Utah, and its successors, electric light and power lines, together with all the necessary or desirable appurtenances (including underground conduits, poles, towers, wires, transmission lines and telegraph and telephone lines for its own use), for the purpose of transmitting electrical power or energy over said lines to persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

After giving full consideration to this application, the Commission finds that a Certificate of Convenience and Necessity should be issued to the Utah Power & Light

Company to exercise rights and privileges as conferred by franchise granted by the City of Brigham City, Utah.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 209

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of May, 1924.

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 Brigham City, Utah. } CASE No. 714

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 be granted and applicant, Utah Power & Light Company be, and it is hereby, authorized to construct, operate and maintain electric transmission and distribution lines in the City of Brigham City, Utah.

ORDERED FURTHER, That in the construction of such transmission and distribution lines, applicant, Utah Power & Light Company, shall conform to the rules and regulations heretofore issued by the Commission governing such construction.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of the FORD MOTOR COMPANY, for relief from the Commission's Tentative General Order governing clearances. } CASE No. 715

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. H. O'DRISCOLL, for permission to operate an automobile passenger and baggage stage line between Logan and Brigham City, Utah, and intermediate points, via Wellsville Canyon. } CASE No. 716

ORDER

Upon motion of applicant, and with the consent of the Commission:

IT IS ORDERED, That the application of J. H. O'Driscoll, for permission to operate an automobile passenger and baggage stage line between Logan and Brigham City, Utah, and intermediate points, via Wellsville Canyon, be, and it is hereby, dismissed.

Dated at Salt Lake City, Utah, this 19th day of May, 1924.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of PETER LABOROI, operating Spring Canyon Auto Line between Helper and Rains, Utah; CHARLES P. LANGE and ROBERT CORMANI, operating the White Star Line between Helper and Rains, Utah, to consolidate said franchises and to have a new Certificate of Convenience and Necessity issued in the name of Charles P. Lange, Robert Cormani, Peter Laboroi, and John Laboroi, doing business as Spring Canyon Stage Line, and that the new Certificate of Convenience and Necessity read from Helper to Mutual, Utah, and intermediate points.	CASE No. 717

Decided May 17, 1924.

REPORT OF THE COMMISSION

By the Commission:

On June 10, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity Number 150 (Case No. 547) to Peter Laboroi, which authorized the operation of the Spring Canyon Auto Line, between Helper and Rains, Utah.

On the same date, the Commission also issued Certificate of Convenience and Necessity Number 149 (Case No. 546), authorizing Robert Cormani to assume operations of the White Star Stage Line, between Helper and Rains, Utah.

Under date of March 3, 1924, the Commission considered the application of Robert Cormani, for permission to have Certificate of Convenience and Necessity No. 149 (Case No. 546) changed to be in favor of Robert Cormani and Charles P. Lange. In deciding this application, the Commission issued Certificate of Convenience and

Necessity No. 199 (Case No. 685), in favor of Robert Cormani and Charles P. Lange.

Now comes the application of Peter Laboroi, Robert Cormani, Charles P. Lange and John Laboroi, seeking permission to operate an automobile stage line between Helper and Mutual, Utah, and intermediate points, under a new Certificate of Convenience and Necessity.

The Commission, having full knowledge of the conditions of this case, finds that a new Certificate of Convenience and Necessity should be issued in favor of Peter Laboroi, Robert Cormani, Charles P. Lange and John Laboroi, authorizing operation of stage line between Helper and Mutual, Utah, and intermediate points.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 208

Cancels Certificates of Convenience and Necessity Nos. 150 and 199.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 17th day of May, 1924.

In the Matter of the Application of PETER LABOROI, operating Spring Canyon Auto Line between Helper and Rains, Utah; CHARLES P. LANGE and ROBERT CORMANI, operating the White Star Line between Helper and Rains, Utah, to consolidate said franchises and to have a new Certificate of Convenience and Necessity issued in the name of Charles P. Lange, Robert Cormani, Peter Laboroi, and John Laboroi, doing business as Spring Canyon Stage Line, and that the new Certificate of Convenience and Necessity read from Helper to Mutual, Utah, and intermediate points.	CASE No. 717

This case being at issue upon petition on file, and the Commission having full knowledge of the conditions, and having, on the date hereof, made and filed a report containing its findings, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be granted, that Peter Laboroi, Robert Cormani, Charles P. Lange and John Laboroi, be permitted to consolidate their interests and operate an automobile stage line, for the transportation of passengers, between Helper and Mutual, Utah, and intermediate points, said stage line to be operated under the name of the Spring Canyon Stage Line.

ORDERED FURTHER, That applicants, Peter Laboroi, Robert Cormani, Charles P. Lange and John Laboroi, before beginning operation, shall file with the Commission and post at each station on their route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on their line; 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) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of the MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to adjust rates for rural service out of the Richfield Exchange. } CASE No. 718

PENDING

MUTUAL COAL COMPANY, BRIGHAM CITY FRUIT GROWERS ASS'N., THATCHER COAL COMPANY, J. NEWBOLD,

Complainants.

vs.

DENVER & RIO GRANDE RAILROAD CO., OREGON SHORT LINE RAILROAD CO., UTAH IDAHO CENTRAL RAILROAD CO.,

Defendants. } CASE No. 719

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the Alta Auto Bus and Stage Company, a Corporation, for permission to increase passenger fares between Sandy and Alta, Utah. } CASE No. 720

Submitted June 11, 1924. Decided August 4, 1924.

FINDINGS AND REPORT OF THE COMMISSION

Appearances:

Alta Auto Bus & Stage Company, Applicant, by E. C. Despain, Sandy, Utah.

George H. Watson, of Alta, Utah, representing mine owners at Alta, Utah.

By the Commission:

This matter came on regularly for hearing before the Commission at Salt Lake City, Utah, on the 11th day of June, A. D. 1924, upon the application of Alta Auto Bus and Stage Company for an increase in passenger rates, due notice having been given in the manner required by law, and the Commission having heard the evidence adduced in behalf of the Applicant and duly considered the same, now finds and reports as follows:

1. That the Applicant, Alta Auto Bus and Stage Company is an "automobile corporation," duly organized and existing under the laws of the State of Utah.

2. That among other things said corporation is organized for the purpose of transporting persons and property by automobile for hire over the public highways of the State, and is now engaged in carrying passengers and express between the towns of Sandy and Alta in Salt Lake County, Utah, including intermediate points.

3. That the Applicant has invested in equipment devoted to the said service, approximately $6,000.00.

4. That during the months of December, 1923, and January, February, March and April of 1924, the Alta Auto Bus and Stage Company, did not operate over said route and the service was given by another party during said period, without cost to the applicant.

That, exclusive of the above mentioned period, according to Applicant's monthly reports on file with the Commission, for the past year, there has been a net return on Applicant's $6,000.00 investment of $958.68 or more than 15 per cent on the dollar, after allowing for operating expense and for depreciation of equipment.

From the foregoing facts the Commission concludes that the application for an increase in rates, charged by the Alta Auto Bus Company should not now be made. Passenger service between Sandy and Alta, over a rough canyon road, is somewhat hazardous and a difficult service to render and it may be that the present reported rate of return on Applicant's investment is not sufficient, however the Applicant has failed to make any showing that would justify a rate increase. Our Public Utilities Act expressly provides:

> "No public utility shall raise any rate, fare, toll, rental or charge or so alter any classification contract, practice rule or regulation as to result in an increase in any rate, fare, toll, rental, or charge, under any circumstances whatsoever, execept upon a showing before the Commission and a finding by the Commission that such increase is justified."

The Commission in the course of the investigation of this matter has called for and inspected the books of the Applicant. From the books of the Applicant it is utterly impossible to make a finding as to either the receipts or disbursements in the rendering of the service under consideration.

The Applicant is entitled to an adequate return on its investment after deducting operating costs and allowing a resonable sum for depreciation of its property devoted to the public service, provided always the service is adequate and efficiently rendered. According to reports filed with the Commission for one year, from June, 1923 to June 1, 1924, the Applicant received in the operation of its route, gross revenues amounting to $6,556.71. Applicant has failed to make any kind of a showing as to what may justly be allowed either for operating expenses or depreciation on equipment and therefore the Commission is now and will continue to be, unable to determinate what rates and charges for the service are just and reasonable to the Applicant on the one hand and the public on the other, until the Applicant adopts some proper system of bookkeeping and accounting. Therefore, the application herein will be denied.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, 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 August 1924, A. D.

In the Matter of the Application of the Alta Auto Bus and Stage Company, a Corporation, for permission to increase passenger fares between Sandy and Alta, Utah. } CASE No. 720

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

IT IS ORDERED, That the application of the Alta Auto Bus and Stage Company, a Corporation, for permission to increase passenger fares between Sandy and Alta, Utah, be, and the same is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of J. H. O'DRISCOLL, for permission to operate an automobile passenger and baggage stage line between Brigham City, Utah, and the Utah-Idaho State Line, on the State road to Malad City, Idaho. } CASE No. 721

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of FRANK J. HALE, for permission to operate an automobile passenger stage line between Grantsville and Saltair, Utah.	CASE No. 722

Submitted June 11, 1924 Decided June 26, 1924.

Appearance:

Frank J. Hale, Applicant.

FINDINGS, REPORT AND CONCLUSIONS OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, at Salt Lake City, Utah, on the 11th day of June, 1924, after due notice given, as required by law. No one opposed the application.

From the evidence given at the hearing, and after full investigation made, the facts appear to be as follows:

1. That the applicant is a resident of Grantsville, Utah, and has had seven years' experience in the operation of automobiles over the public highways.

2. That Grantsville has a population of about two hundred people, and is about eighteen miles distant from Saltair, a bathing and amusement resort situated on the shores of the Great Salt Lake.

3. That during the summer season, many of the people of Grantsville who are without transportation facilities, desire to visit Saltair during the summer season; that for the accommodation of the people of Grantsville, the applicant, Frank J. Hale, proposes, if granted a certificate of convenience and necessity by the Commission, to operate over the public highway between Grantsville and Saltair, Utah, three days of each week and oftener, if the needs of the people require, during the summer season of each year,

suitable passenger automobile stages to accommodate the needs of the people of Grantsville, charging $1.50 per person as a round-trip fare.

4. That the applicant is provided with suitable equipment and is financially and otherwise able to render such a service to the public.

From the foregoing facts, the Commission concludes and decides that the applicant, Frank J. Hale, should be granted a Certificate of Convenience and Necessity, permitting him to operate an automobile passenger stage line over the public highways between Grantsville and Saltair, Utah, three days each week and oftener, if necessary, during the summer season of each year, upon his filing with the Commission a proper schedule, and upon the express condition that he shall comply in the operation of said stage line, with all the orders, rules and regulations of this Commission and with the statutes of Utah.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 210

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 26th day of June, 1924.

In the Matter of the Application of FRANK J. HALE, for permission to operate an automobile passenger stage line between Grantsville and Saltair, Utah. } CASE No. 722

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

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

IT IS ORDERED, That the application be granted, and that Frank J. Hale be, and he is hereby, authorized to operate an automobile passenger stage line over the public highways between Grantsville and Saltair, Utah, three days of each week and oftener, if necessary, during the summer season of each year.

ORDERED FURTHER, That applicant, Frank J. Hale, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; 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.

[SEAL] (Signed) F. L. OSTLER,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of FRANK J. HALE, for permission to operate an automobile passenger stage line between Grantsville and Saltair, Utah.	CASE No. 722

ORDER

Upon motion of the applicant, and with the consent of the Commission:

IT IS ORDERED, That Frank J. Hale be, and he is hereby, permitted to discontinue the operation of the automobile passenger stage line between Grantsville and Saltair, Utah.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 210, issued June 26, 1924, to said Frank J. Hale (Case No. 722) be, and it is hereby, cancelled.

By the Commission.

Dated at Salt Lake City, Utah, this 19th day of September, 1924.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of J. C. RUSSELL, for permission to increase passenger rates from Lehi to Topliff; also to change schedule of time, and to add a new station on his line. } CASE No. 723

PENDING

In the Matter of the Application of the UTAH CENTRAL TRUCK LINE, a Corporation, for permission to operate a freight and express truck line between Salt Lake City and Provo, Utah. } CASE No. 724

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the RIVERTON PIPE LINE COMPANY, for permission to increase its water rates. } CASE No. 725

Submitted July 14, 1924. Decided October 17, 1924.

Appearances:

Evans and Evans, Attorneys for Applicant.

Seth Pixton, former Secretary of the Riverton Pipe Line Company.

REPORT OF THE COMMISSION

By the Commission:

The application of the Riverton Pipe Line Company, filed June 12, 1924, shows that its principal place of business is Riverton, Salt Lake County, Utah and that it is engaged in the business of distributing water, through a pipe line, to the residents of Riverton and others in the immediate vicinity.

Applicant alleges that it is the owner of a supply of water reasonably sufficient in quantity to supply the inhabitants of Riverton and vicinity with water for culinary and domestic purposes; that it has acquired title to said waters, and, for the purpose of conducting said water from the Bear Canyon, on the east side of Salt Lake Valley, across said valley to Riverton, it constructed a pipe line which for a number of years and until quite recently, applicant alleges has been sufficient and adequate for the purpose for which it was constructed. The pipe line, of wooden construction, has gradually depreciated, until it has now become apparent that extensive repairs and improvements will be necessary, at a considerable cost, estimated to be more than $50,000, and applicant contemplates amendments to its Articles of Incorporation, to raise a part of the necessary funds by the sale of new stock to residents of Riverton.

Applicant further alleges that the rates in effect heretofore have been inadequate for the purpose of paying numerous expenses of maintenance and providing a fund to take care of depreciation. Applicant further alleges that it will be advisable to install meters, for the purpose of conserving the water and distributing the same on a more equitable basis of distribution, and proposes to install a complete meter service, and to base its rates upon the service thus measured.

Petitioner asks that this Commission grant to the applicant the right to charge rates for water from the said pipe line as follows:

1. Two Dollars and Fifty Cents ($2.50) per month for water furnished through metered service up to but not to exceed five thousand gallons and an additional

Twenty-five Cents ($.25) for each one thousand gallons in excess thereof.

2. Seven Dollars and Fifty Cents ($7.50) per quarter for not to exceed fifteen thousand gallons, and Twenty-five Cents ($.25) per thousand gallons in excess thereof.

This case came on regularly for hearing, July 12, 1924, after due notice, in the manner provided by law.

No protestants appeared. Various witnesses for the Company appeared and testified as to the present financial condition of the Company, its need for rehabilitation, its revenues and expenses, the cost of its water rights and the amount of water owned by the Company. Likewise, there was presented much financial and statistical data intended to support the contention of the petitioner that increased rates must be had in order to further conduct the business of supplying water to the residents of Riverton and vicinity.

The record shows that the Riverton Pipe Line Company was organized in October, 1908, with an authorized capital of $25,000.00. This capital was all subscribed for and paid in. The Company purchased from the Bear Canyon Pipe Line Company, also a corporation of the State of Utah, a continuous flow of water from a Bear Canyon creek, equal to 60,000 gallons every twenty-four hours. The Company then constructed an intake tank and approximately five miles of four inch wood pipe, likewise some three inch, two inch and one and one-half inch pipe, including in all about twelve miles of pipe line, serving some sixty customers. Since that time, the number of customers has increased to about two hundred.

The record discloses that during the early history of the Company there were some dividends paid, but not in excess of six per cent on the investment.

About the year 1912, the quantity of water acquired proved inadequate; additional water was purchased, amounting to 72,000 gallons every twenty-four hours for five days, and then no water was delivered on the sixth. This was in addition to the previous purchase. After some further negotiations in 1921 and 1922, it appears the Company now has a primary right to 60,000 gallons and a secondary

right amounting to 72,000 gallons, continuously. Extensions were made out of earnings, as well as a second water right purchased. Earnings used for this purpose amount to about twenty per cent of the outstanding capital, and a stock dividend was declared.

Testimony is to the effect that for five or six years the pipe line has been in a very bad state of repair. Parts of it have been replaced entirely, in some instances with galvanized pipe. The main pipe line, six miles of four inch pipe, is in such a condition that it must now be rebuilt. The Company is without a retirement reserve, and witnesses for the Company testified that they sought a rate sufficiently high to pay them a reasonable rate of interest on the investment, to take care of depreciation. Witness Pixton testified that the total investment of the Company at the present time is $29,250, which includes $11,300 paid for water rights.

While much financial and statistical data is entered into the record, it is not in such form as would give the Commission a proper understanding of applicant's investment and its revenues and expenses. Accordingly, the accountant of the Commission has examined the books of the Company and prepared from them certain financial statements intended to show the financial transactions and results of operation of the property for the past series of years.

The following is a tabulated statement showing the applicant's investment as indicated by its books:

PIPE ACCOUNT

Period of time Covered	Net Investment
February 1, 1909 to June 30, 1909	$13,383,74
June 30, 1909 to Dec. 31 1909	162.34
January 1, 1910 to June 30, 1910	331.17
July 1, 1910 to Dec. 31, 1912	118.09
Total Investment in Pipe and Fittings	$13,995.34

CONSTRUCTION

December 30, 1907 to June 30, 1909	$4,023.39
June 30, 1909 to Dec. 31, 1909	190.52
January 1, 1910 to June 30, 1910	104.75
Total Cost of Construction	$4,318.66

WATER RIGHTS

November 20, 1907, the Riverton Pipe Line Company purchased from the Bear Canyon Pipe Line Company 60,000 gallons of water, delivered every 24 hours	$ 5,500.00
September 7, 1912, the Riverton Pipe Line Company puchased from Jos. M. Smith, L. H. Smith, C. H. Crossgrove and B. A. Crossgrove, 72,000 gallons of water at a uniform flow for 5 days of every six, which equals 1,800,000 gallons per month	5,250.00
February 27, 1922, the Riverton Pipe Line Company purchased from the Bear Canyon Pipe Line Company one sixth of 72,000 gallons of water every 24 hours, making the Riverton Company owner of the entire interest in 72,000 gallons of water every 24 hours	1,050.00
Total Investment in Water Rights	$11,800.00

SUMMARY

Investment in Pipe and Fittings	$13,995.34	
Cost of Construction	4,318.66	
		18,314.00
Less Depreciation Written off	864.00	
		17,450.00
Investment in Water Rights	11,800.00	
TOTAL INVESTMENT		$29,250.00

There is likewise shown "Income and Profit and Loss Account" for the years 1917 to 1923, both inclusive.

OPERATING REVENUES:

	1917	1918	1919	1920	1921	1922	1923
Sale of Water	$2,929.56	$3,137.58	$3,256.00	$3,513.43	$3,672.93	$3,836.01	$3,951.68
Total Revenues	2,929.56	3,137.58	3,256.00	3,513.43	3,672.93	3,836.01	3,951.68
Total Operating Expenses Including Retirements	1,732.98	2,519.57	3,032.57	3,163.01	2,265.76	2,500.07	3,187.84
Operating Income	1,196.58	618.01	223.43	350.42	1,407.17	1,335.94	763.84
DEDUCTIONS:							
Interest and Discounts							
Miscellaneous Dividends	.....	.....	1,876.00	.....	1,345.00	.....	1,345.00
Total Deductions	.....	.....	1,876.00	.....	1,345.00	.....	1,345.00
Net From Operation	1,196.58	618.01	*1,652.57	350.42	62.17	1,335.94	*581.16
Balance Transferred to Surplus	1,196.58	618.01	*1,652.57	350.42	62.17	1,335.94	*581.16
Surplus Account at End of Year	1,556.46	2,174.47	521.90	872.32	934.49	2,270.43	1,689.27

*Denotes red figures.

The difficulty in checking the applicant's financial transactions arises from the fact that it has not been keeping a complete system of accounts applicable to its business. Effective January 1, 1925, the Uniform System of Accounts for Water Utilities will become effective, and all such utilities will be required to keep a uniform system, which will require the reporting of all financial transactions in such a way as to clearly show the financial status of the utility.

Investigation on the part of the Commission discloses that aside from a few minor replacements which probably entered into the earlier years, the following sums were expended by years for replacement purposes:

1919	$1,465.55
1920	570.92
1921	239.03
1922	782.44
1923	1,476.88
Total	$4,534.82

Despite these sums spent for replacements, the property now is in such condition as to require practically the entire replacement of its main pipe line. The amount expended for replacements has averaged roughly $900.00 per year. At least this sum should have been set aside annually for a series of years preceding 1917, so that the utility would have been in a position to continue replacements. This would have precipitated an increase in rates years earlier, but would have insured good service instead of the impaired service the consumer has been receiving. Low rates are not always to the advantage of the consumer. They may be destroying the very service he must have.

The following is a record of dividends declared:

1909	$ 257.50	
1910	1,027.25	
Jan. 1, 1911, to Sept. 30, 1911	1,044.00	
Mar. 31, 1914, to Mar. 31, 1915	4,700.00	—Stock Dividend
Mar. 31, 1915, to Mar. 31, 1916	1,755.25	
Mar. 31, 1916, to Dec. 31 1916	1,206.00	
1919	1,876.00	
1921	1,345.00	
1923	1,345.00	
Total Dividends Declared	$14,556.00	

These dividends, which include a stock dividend to cover extensions made out of earnings, indicate that the average dividend over this series of years, which embraces the entire life of the property, is on the average less than four per cent per annum upon the actual investment in the property. This earning was realized without a sufficient reserve being set aside to take care of retirements. In other words, during the life and history of the property, neither a fair return nor a sum sufficient to make retirements, has been realized. Under the law, the owners of the property are entitled to both. Past rates have been confiscatory.

In the Knoxville Water Case, 212 U. S., Page 13, the Court said:

> "Before coming to the question of profit at all the company is entitled to earn a sufficent sum annually to provide not only for current repairs but for making good the depreciation and replacing the parts of the property when they come to the end of their life. The company is not bound to see its property gradually waste without making provision out of earnings for its replacement. It is entitled to see that from earnings, the value of the property invested is kept unimpaired, so that at the end of any given term of years the original investment remains as it was at the beginning. It is not only the right of the company to make such a provision, but it is its duty to its bond and stockholders, and, in the case of a public service corporation at least, its plain duty to the public."

A refinancing program was submitted to the Commission involving a reduction of the stockholders' equity in the property by about fifty per cent and the sale of new stock. Under the Public Utilities Act, this Commission has no jurisdiction over security issues, and, in all events, is a matter which the utility may or may not accomplish in the future, and is not pertinent to this record.

The financial affairs of this utility came before this Commission for review (Case No. 229), and, in its opinion and order, decided December 10, 1919, the Commission granted increased rates, at the same time pointing out the urgent need of moneys for retirement of property.

After a test of these increased rates, it now appears that the increases were not sufficent to keep pace with expenditures for retirements, and we are now faced with the necessity of granting further increases, if the business of supplying water to the inhabitants of Riverton by this utility is to be continued. The sums spent for retirements during the past series of years, as shown by the record, have not been adequate, and it now appears that at least twice the amount heretofore expended for retirements must be expended in the next series of years in order to keep the water system in operation. If this were done under present rates there would be practically no return upon the property.

The record shows that the Company may be able to secure some new customers, when its pipe line has been repaired so that the necessary water may be conveyed; but there are not sufficent customers, available to which the utility may look for increased net revenues to keep its property operating without increased rates.

The application of the Company to install water-meters, should be granted. The installation of water meters not only results in a saving of water, but largely removes discrimination among the various classes of customers. These advantages may be reflected in lower rates later on. It is impossible to forecast precisely what revenues will accrue under a strict enforcement of the water meter regulation and the introduction of the new schedule. We find, however, the increased rates are no more than necessary at this time, and that an emergency exists in the affairs of this utility wherein the continued operation of the plant is jeopardized.

The Commission will permit the revised schedule to remain in effect for a test period of one year, during which time the utility will be required to keep the Uniform Classification of Accounts for Water Utilities, and the Commission will thus ascertain the sufficiency of the revenue to insure the continued operation of the property.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]

Attest:
(Signed) F. L. OSTLER, 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 October, 1924.

In the Matter of the Application of the RIVERTON PIPE LINE COMPANY, for permission to increase its water rates. } CASE No. 725

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

IT IS ORDERED, That the application be, and it is hereby, granted, and that the Riverton Pipe Line Company be, and it is hereby, permitted to charge rates for water from its pipe line as follows:

1. Two Dollars and Fifty Cents ($2.50) per quarter for water furnished through metered service up to but not to exceed five thousand gallons, and an additional Twenty-five Cents ($.25) for each one thousand gallons in excess thereof.

2. Seven Dollars and Fifty Cents ($7.50) per quarter for not to exceed fifteen thousand gallons, and Twenty-five Cents ($.25) per thousand gallons in excess thereof.

ORDERED FURTHER, That the said revised schedule shall remain in effect for a test period of one year, during which time the utility will be required to keep the Uniform Classification of Accounts for Water Utilities, and the Commission will thus ascertain the sufficiency of the revenues to insure the continued operation of the property.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of the MOTOR TRANSPORTATION COMPANY, for permission to operate an automobile passenger, freight and express line between Vernal, Utah, and the Utah-Colorado State Line. } CASE No. 726

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH RAPID TRANSIT COMPANY, for permission to increase its fares and rates. } CASE No. 727

Submitted August 4, 1924. Decided September 27, 1924.
Appearance:

D. L. Stine, for Applicant.

REPORT OF THE COMMISSION

By the Commission:

The applicant, Utah Rapid Transit Company, filed its application, June 18, 1924, for increased rates, upon its street railway system in Ogden City and Weber County, Utah.

The petitioner herein, the Utah Rapid Transit Company, shows that it is a corporation, created and existing under and by virtue of the laws of the State of Delaware, and duly authorized by law to transact business within the State of Utah. Petitioner alleges that it owns and operates an electric street railway system in Ogden City and in Weber County, Utah, under and by virtue of franchises from said Ogden City and Weber County, Utah.

Applicant alleges that the revenues derived from the operation of its lines are now, and have been for several years past, insufficient to meet its payrolls, cost of

materials and supplies, interest on bonded debt and other borrowed money, the payment of which items is absolutely necessary in the conduct, operation and maintenance of its properties as a street railway; and further, that due to its lack of earnings, petitioner has not credit standing and has been forced, for several years last past, to forego necessary and required maintenance to the point where it is no longer possible to continue this policy and provide safe and efficient service to its patrons. It is alleged by petitioner that it has never paid any dividends or earnings on its capital stock, and is in arrears for several years on the interest on its mortgage debt, and will, in the next year, be faced with a requirement under the terms of the mortgage on its properties, to set aside a sinking fund to apply on its mortgage debt.

It is further alleged that petitioner has adopted all the latest improved equipment and methods of economies, in an effort to aid and improve its financial conditions; but, nevertheless, the rates and fares now in effect over petitioner's street railway lines in Ogden City, do not yield a reasonable or adequate return for the service rendered.

Petitioner further alleges that the present rates and fares in effect over the street car lines of petitioner are lower than any in the United States for the service rendered, and the proposed fares sought in its petition are lower than the average street car fares in cities of the United States comparable in any way with the City of Ogden.

It is further alleged by petitioner that unless its revenues are increased, it cannot keep pace with the natural growth and development of Ogden City, and extend and develop its properties as the growth of the city demands; that petitioner is in dire financial distress, and that this petition is presented as an emergency application; that it is not only necessary but imperative that petitioner have increased revenues at once, if it is to function longer as a street railway system.

Applicant seeks to change and amend its present tariff naming rates and fares, together with rules and regulations now on file with the Commission, in the following manner:

FIRST: By striking out and omitting therefrom the

following words and figures in Item No. 1, reading as follows, to-wit:

"ITEM No. 1

"The one way fare on any line within the City limits of Ogden, is five (5) cents."

and substitute in lieu thereof the following amendment, reading as follows, to wit:

"ITEM No. 1

" The one way fare on any line within the City limits of Ogden is Seven (7) cents, but three tickets or tokens the equivalent of three fares, will be sold for twenty cents."

and, SECOND: By striking out and omitting therefrom the following words and figures in Item No. 2, reading as follows, to-wit:

"ITEM No. 2

"Commutation tickets of forty (40) fares for one dollar ($1.00) will be issued to students of public schools."

and substitute in lieu thereof the following amendment reading as follows, to-wit:

" Commutation tickets of forty (40) fares for one dollar and forty cents ($1.40) will be issued to students of public schools."

This case came on regularly for hearing, before the Commission, July 16, 1924, at Ogden, Utah, after due notice had been given to the public and its constituted authorities, in the manner provided by law.

There were no protests, in writing or otherwise.

The property in question is an electric street railway, comprising approximately thirty-nine miles of track. The record shows that applicant or its predecessor has operated the same for over a period of twenty years. During the existence of the Company, the fare has been five cents. The record shows that during and after the war period, when prices were at their highest level, the Company decided to continue the five cent fare, and endeavored to increase revenues by making the service more attractive,

rather than seek increased revenues through a higher level of rates. This policy has been maintained to the present; but the increased service has not been followed by increases in revenues in the proportion anticipated. Applicant now faces the necessity of seeking increased rates, in order to carry its street railroad business.

In support of its application, petitioner entered numerous exhibits and presented testimony which tended to show the book cost of the property now employed in the service of the public; its revenues and expenses; the general need of the rehabilitation of its property so as to give adequate service, and an estimate of the increased revenues which would accrue under the proposed increased rates. Various other statistical data intended to support its conclusion that no alternative exists, except to increase rates, if the operation of the street railway in Ogden is to be continued, were likewise submitted.

Exhibit No. 2 purports to be "investment in Road and Equipment," in accordance with the classification of accounts prescribed by the Commission. The investment shown by the exhibit is based on an appraisal as of January 1, 1920, at the time of the incorporation of the Utah Rapid Transit Company, plus the actual expenditures for additions and betterments since that date.

EXHIBIT No. 2

INVESTMENT IN ROAD AND EQUIPMENT

Way and Structures

501	Engineering and Superintendence	$ 2,033.91
502	Right-of-way	12,105.15
504	Grading	40,484.56
505	Ballast	44,640.16
506	Ties	112,065.60
507	Rails, Fastenings and Joints	290,416.39
508	Special Work	23,392.77
510	Track and Roadway Labor	239,843.44
511	Paving	194,762.86
512	Roadway Machinery and Tools	1,147.92
515	Bridges, Trestles and Culverts	20,840.79
516	Crossing, Fences and Signs	6,337.92
519	Poles and Fixtures	127,298.98
521	Distribution System	193,492.38
	Total Expenditures for Way and Structures	$1,309,168.71

Equipment

530	Passenger and Combination Cars	$ 192,946.74
532	Service Equipment	13,707.94
533	Electric Equipment of Cars	100,175.00
	Total Expenditures for Equipment	$ 306.829.68

General and Miscellanous

546	Law Expenditures	$ 23.00
547	Interest during Construction	11,920.00
548	Injuries and Damages	29.75
550	Miscellaneous	5,790.03
	Total General and Misc. Expenditures	$ 17,762.78
	GRAND TOTAL	$1,633,761.17

Investment as of:		Increase over Jan. 1, 1920
January 1, 1920, Inventory	$1,501,971.91	$.....
January 1, 1921, Inventory	1,508,438.58	6,466.67
January 1, 1922 Inventory	1,621,593.79	119,621.88
January 1, 1923, Inventory	1,631,224.57	129,252.66
January 1, 1924, Inventory	1,633,761.17	131,789.26

The record discloses that at the time this property was segregated from the Utah Idaho Central Railroad, an engineering inventory and inspection and appraisement was made of the property. Witness Mulcahy testified that at that time the property was examined as to its physical condition, as to type of construction, and each engineering item comprising the system was appraised as to cost of reproduction and a value placed upon each type of construction in each line. Summarized, a complete inventory was made and unit prices applied. These unit prices were claimed to be prices less than the peak prices of the war period and something more than the old pre-war prices. In other words, a compromise price between the representatives of the two companies was reached, which was agreed to be a fair price and at which eventually the property could be reproduced.

Testimony is to the effect that in fixing prices, the depreciated condition of the property was taken into consideration, after an inspection by engineers as to the apparent physical condition of the particular items. That is to say, the amount of the actual tangible depreciation was taken into consideration. This property value was then used as a basis for accounting and is the basis of Exhibit No. 2.

The segregation came about through the sale of certain properties to a new corporation. For the city lines, the Utah Rapid Transit Company undertook to refund and assume a first mortgage of $1,000,000, and the physical appraisement, less this mortgage, was paid for in non-par common stock.

Whether or not the book value of the property would be supported if the Commission were to make a detailed physical inventory, manifestly cannot be determined from this record; nor, as will hereafter be shown, is it necessary for the present purpose to ascertain precisely the present value of the property.

The Commission, in passing upon the question involved in this case does not accept at this time as final the statement of book values presented by petitioner. Such reference as is made to the book value of petitioner, is intended merely to indicate that the financial condition of the petitioner is such that under this petition, for the purpose of passing upon the question herein involved, it is not necessary to enter minutely into a consideration of the present value of the property. This will be made apparent by a consideration of the earnings of the petitioner during recent years. The lack of earnings is such as to take this case out of the class of cases where it is necessary to determine within reasonably precise limits the value of the property for rate-making purposes.

Petitioner's Exhibit No. 6 shows "Statement of Earnings" by years, 1920 to 1923, as follows:

	1920	1921	1922	1923
101 Passenger Revenue	$277,865.02	$298,093.11	$283,111.12	$272,723.89
104 Mail Revenue	.....	342.48	342.48	437.81
106} 107} Freight Revenue	12,676.06	13,880.68	13,183.22	24,651.34
Revenue from other Operations	1,425.14	1,448.00	1,480.83	1,388.35
	$291,966.22	$313,764.20	$298,117.65	$299,201.39
Operating Expenses				
Way and Structures	$ 37,968.20	$ 81,591.14	$ 29,093.74	$ 27,545.53
Equipment	41,079.88	42,675.41	38,141.24	38,743.46
Power	29,654.75	35,832.21	37,568.70	34,476.18
Transportation	101,727.55	104,788.16	97,728.33	95,369.11
Traffic	514.10	530.17	42.97	514.29
General and Miscellaneous	35,957.71	35,300.22	39,539.67	49,623.01
Total Operating Expenses	$246,902.19	$300,717.31	$242,114.65	$246,271.58
Net Operating Revenue				
Net Operating Revenue	$ 45,064.03	$ 13,046.89	$ 56,003.00	$ 52,929.81
Less Taxes Assignable to Railway Operations	13,960.80	12,513.83	10,825.64	11,471.66
Operating Income	31,103.23	533.06	45,177.36	41,458.15
Non-Operating Income	120.00	2,526.04	2,519.19	2,174.76
Gross Income	$31,223.23	$ 3,059.10	$ 47,696.55	$ 43,632.91
Deductions				
Interest on Funded Debt	60,000.00	67,664.90	68,268.84	67,234.73
Balance Transferred to Profit and Loss—Deficit	*$28,776.77	*$64,605.80	*$20,572.29	*$23,601.82

*Denotes red figures.

The earnings for the last four years would yield the rates of return indicated below, on the valuation shown:

Year	Return of 8% On Valuation of:	Return of 6% On Valuation of:	Return of 5½% On Valuation of:
1920	$390,300	$520,400	$567,800
1921	38,300	51,000	55,600
1922	596,200	795,000	867,200
1923	545,400	727,200	793,300

Upon the claim book value of the property (Exhibit No. 2), the return by years is as follows:

	1920	1921	1922	1923
Approximate Valuation	$1,500,000	$1,550,000	$1,625,000	$1,632,000
	2% plus	2%	2.9% plus	2.6% plus

According to Witness Mulcahy, the earnings set up in these years were at the expense of proper maintenance of the property, and have not been sufficient to meet interest on funded debt, as shown by Exhibit No. 6.

Exhibit No. 7 is a "Recapitulation of Deferred Maintenance" to date. This is intended to show the amount of money necessary to put the physical property in good operating condition. That is to say, a well maintained though not an extravagantly maintained property, a property that would render 100 per cent efficient service to the public. As heretofore indicated, as regards book cost, it is not necessary for the Commission to pass upon the question of deferred maintenance in the property, for the reason that after operating expenses are paid, under this showing, among other matters, we have the question of confiscation of property to consider, and to find likewise that an emergency exists as regards the continued operation of this property. No Commission, we take it, would feel called upon to simply meet this question with the present dismissal of the same. The law and practice is against any such procedure. All competent court authority requires that conditions must be met as at the time the investigation is made.

In speaking of the regulation of rates, the Supreme Court of the United States, in the Knoxville Water Company Case 212 U. S., Page 1, said:

> "It is a delicate and dangerous function, and ought to be exercised with a keen sense of justice on the part of the regulatory body, met by a frank disclosure on the part of the company to be regulated. The courts ought not to bear the whole burden of saving property from confiscation, though they will not be found wanting where the proof is clear. The legislature and subordinate bodies, to whom the legislative power has been delegated, ought to do their part. Our social system rests largely upon the sanctity of private property, and that state or community which seeks to invade it will soon discover the error in the disaster which follows: The slight gain to the consumer, which he would obtain from a reduction in the rates charged by public service corporations, is as nothing compared with his share in the ruin which would be brought about by denying to private property its just reward, thus unsettling values and destroying confidence. On the other hand, the companies to be regulated will find it to their lasting interest to furnish freely the information upon which a just regulation can be based."

This record shows that the possibilities for new business in applicant's field are such that it cannot expect from increased business the relief which it must have in order to carry on its street railroad business. There has been no question of extravagance in operation raised and it clearly appears from this record that operating expenses generally have been held to a minimum. Economical equipment has been purchased and used for several years in a commendable endeavor to overcome increased costs. There exists no other method of providing the revenue absolutely required, except increased rates. The cost of giving service must be borne by those who use the service, and we conclude that the showing is clear and positive that the existing rates are not adequate to insure the continued successful operation of the street railway system. The proposed increases in rates, when applied to the present business of the petitioner, will, we believe, all things considered, result in only such increased earnings as will insure the continued successful operation of the property

and permit petitioner to meet its financial obligations, and, with a proper maintenance of the property, the rates, as a whole, carried in this opinion will, at most, barely escape the test of confiscation.

The application should be granted.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 27th day of September, 1924.

In the Matter of the Application of the UTAH RAPID TRANSIT COMPANY, for permission to increase its fares and rates. } CASE No. 727

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

IT IS ORDERED, That the application be, and it is hereby, granted, and that the Utah Rapid Transit Company be, and it is hereby, permitted to change and amend its present tariff naming rates and fares, together with rules and regulations now on file with the Commission, in the following manner:

FIRST: By striking out and omitting therefrom the following words and figures in Item No. 1, reading as follows to-wit:

"ITEM No. 1

"The one way fare on any line within the City limits of Ogden, is five (5) cents."

and substitute in lieu thereof the following amendment, reading as follows, to-wit:

"ITEM No. 1

"The one way fare on any line within the City limits of Ogden is Seven (7) cents, but three tickets or tokens, the equivalent of three fares, will be sold for twenty cents."

and, SECOND: By striking out and omitting therefrom the following words and figures in Item No. 2, reading as follows, to-wit:

"ITEM No. 2

"Commutation tickets of forty (40) fares for one dollar ($1.00) will be issued to students of public schools."

and substitute in lieu thereof the following amendment reading as follows, to-wit:

"Commutation tickets of forty (40) fares for one dollar and forty cents ($1.40) will be issued to students of public schools."

ORDERED FURTHER, That such change and amendment in the present tariff of the Utah Rapid Transit Company, which results in an increase in its fares and rates, shall become effective October 1, 1924.

ORDERED FURTHER, That schedules and tariffs naming such increased fares and rates, 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. 727, dated September 27, 1924."

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOSEPH F. HANSEN and JAMES H. Wade, to have the Certificate of Convenience and Necessity owned by Joseph F. Hansen changed to read to James H. Wade, only; and that one stage line be operated between Price and Castle Gate, Utah via Helper, Utah, instead of two stage lines.	CASE No. 728

Decided June 28, 1924.

REPORT OF THE COMMISSION

By the Commission:

On May 16, 1924, James H. Wade and Joseph F. Hansen filed joint application with the Public Utilities Commission of Utah, for an order changing the Certificate of Convenience and Necessity owned by Joseph F. Hansen so that same will read to James H. Wade, only, and that only one stage line be operated between Price and Castle Gate, Utah, via Helper, Utah, instead of two lines.

The Commission, being fully advised in the matter, finds that only one passenger stage line should be authorized to operate between Price and Castle Gate, via Helper, Utah; and that Certificate of Convenience and Necessity No. 34, issued in Case No. 361, should be cancelled, allowing Certificate of Convenience and Necessity No. 202

(Case No. 689) as the only certificate, for said service between said points, to remain in effect.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 28th day of June, 1924.

In the Matter of the Application of JOSEPH F. HANSEN and JAMES H. Wade, to have the Certificate of Convenience and Necessity owned by Joseph F. Hansen changed to read to James H. Wade, only; and that one stage line be operated between Price and Castle Gate, Utah via Helper, Utah, instead of two stage lines.	CASE No. 728

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

IT IS ORDERED, That Certificate of Convenience and Necessity No. 34, issued in Case No. 361, to Joseph F. Hansen and James H. Wade, be, and it is hereby cancelled.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 202 (Case No. 689), issued to James H. Wade, be, and it is hereby, permitted to remain in effect, authorizing automobile stage service, for the transportation of passengers, between Price and Castle Gate, Utah, via Helper, Utah.

ORDERED FURTHER, That James H. Wade 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) F. L. OSTLER,
Secretary.

[SEAL]

S. ROLIO, ET AL.,
Complainants.
vs.
MILLER DITCH COMPANY, a Corporation,
Defendant.
} CASE No. 729

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity to construct, maintain and operate a steam electric generating station in Salt Lake City, County of Salt Lake, State of Utah, to be used in conjunction with the Jordan Steam Plant.
} CASE No. 730

Decided July 23, 1924.

REPORT OF THE COMMISSION

By the Commission:

Under date of June 23, 1924, the Utah Power & Light Company filed application for Certificate of Convenience and Necessity to construct, maintain and operate

a steam electric generating station in Salt Lake City, Utah. Said application sets forth that applicant is a corporation of the State of Maine, and is qualified to transact business in the State of Utah; that it is the owner of extensive hydro-electric generating plants and transmission and distribution systems in Utah; that demands for electric energy supplied from its interconnected power system, exceed the supply furnished by the hydro-electric generating plants owned and leased by applicant; that the Jordan Steam Plant, which has been used in furnishing emergency service to the interconnected system, is now being used almost continuously; that in order to render service to the present consumers, take care of future development, and provide facilities for emergency service, it is desired to construct, maintain and operate a generating station to be used in connection with the Jordan Steam Plant.

The Commission, after investigation and being fully advised in the premises, finds that a Certificate of Convenience and Necessity should be issued to the Utah Power & Light Company to construct, maintain and operate a generating station to be used in conjunction with the Jordan Steam Plant, as outlined in its application.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]
Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

Certificate of Convenience and Necessity
No. 212

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of July, 1924.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity to construct, maintain and operate a steam electric generating station in Salt Lake City, County of Salt Lake, State of Utah, to be used in conjunction with the Jordan Steam Plant. } CASE No. 730

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

IT IS ORDERED, That the application be granted and applicant, Utah Power & Light Company, be, and it is hereby, authorized to construct, maintain and operate a steam electric generating station in Salt Lake City, County of Salt Lake, State of Utah, to be used in conjunction with the Jordan Steam Plant, as outlined in its application.

ORDERED FURTHER, That in the construction of such steam electric generating station, applicant, Utah Power & Light Company, shall conform to the rules and regulations heretofore issued by the Commission governing such construction.

By the Commission.

(Signed) D. O. RICH,
Acting Secretary.

[SEAL]

In the Matter of the Application of the UTAH CENTRAL TRANSFER COMPANY, E. D. LOVELESS and W. H. BRADFORD, for permission to transfer auto freight line between Provo and Eureka, Utah and intermediate points, to E. D. LOVELESS and W. H. BRADFORD. } CASE No. 731

PENDING

In the Matter of the Application of FRANK HERBERT, for permission to haul freight and passengers by team and wagon and by automobile from Salina, Sevier County, to the Coal Camps in Salina Canyon, Sevier County, Utah. } CASE No. 732

PENDING

In the Matter of the Application of K. SATOW, for permission to operate an automobile stage line between Helper and Coal City, Utah. } CASE No. 733

PENDING

In the Matter of the Application of the STEEL CITY INVESTMENT COMPANY, for permission to modify its rules filed with the Commission in its application in Case No. 687. } CASE No. 734

PENDING

In the Matter of the Application of W. H. BRADFORD and E. D. LOVELESS, doing business under the firm name and style of UTAH CENTRAL TRANSFER COMPANY, operating an automobile freight line between Provo and Eureka, Utah, for permission to operate an automobile freight line between Payson and Nephi, Utah. } CASE No. 735

PENDING

In the Matter of the Application of LLOYD W. HOSKINS, for permission to operate an automobile stage line for the transportation of passengers between Garfield, Arthur, Magna and Bingham Canyon, Utah. } CASE No. 736

PENDING

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, OREGON SHORT LINE RAILROAD COMPANY, DENVER & RIO GRANDE WESTERN RAILROAD CO., UTAH IDAHO CENTRAL RAILROAD COMPANY, SALT LAKE & UTAH RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY and WESTERN PACIFIC RAILROAD COMPANY, for permission to increase rates for the transportation of plaster within the State of Utah.

CASE No. 737

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the INLAND RAILWAY COMPANY, for an order authorizing and allowing the sale and transfer of all the assets and property of said Company to the Inland Crystal Salt Company, and also authorizing and allowing it to bring proceedings for its disolution.

CASE No. 738

Submitted September 5, 1924. Decided September 25, 1924
Appearances:

Messrs. Richards and Mitchell, Attorneys for Applicant.

FINDINGS AND REPORT OF THE COMMISSION
By the Commission:

On the 21st day of August, 1924, the Inland Railway Company, a railroad corporation, filed herein an application for an order of the Commission, authorizing and permitting it to sell, transfer and convey all of its property and assets to the Inland Crystal Salt Company, a corporation.

Said matter came on regularly for hearing before the Commission, at its office in Salt Lake City, Utah, on the 5th day of September, 1924, after due notice given in the manner and for the time required by law. From the evidence adduced in behalf of said applicant, and after due investigation, the Commission now finds, concludes and reports as follows:

1. That the Inland Railway Company is a railroad corporation, organized and existing under and by virtue of the laws of the State of Utah; but it is not now engaged in the business of a common carrier.

2. That the Inland Crystal Salt Company is a corporation, organized and existing under and by virtue of the laws of the State of Utah, having for its business purposes, among other things, the production of salt from the waters of Great Salt Lake, in Salt Lake County, Utah.

3. That the applicant, Inland Railway Company, owns and operates over and between the property of the Inland Crystal Salt Company and a certain railroad owned and operated by the Salt Lake, Garfield & Western Railway Company, between Salt Lake City and Great Salt Lake, in Salt Lake County, Utah, a railway approximately three miles in length, and said line now is, and for many years last past has been, used and operated for the sole purpose of serving the salt plant of the Inland Crystal Salt Company, by carrying for hire its products from said salt plant to the line of Salt Lake, Garfield & Western Railway Company, and for switching cars in and about said industrial plant, for the sole accommodation of said Inland Crystal Salt Company, and is now used and operated for no other purpose whatsoever.

4. That the Inland Railway Company is lawfully indebted to the Inland Crysall Salt Company in the sum of $59,881.98, which indebtedness is secured to the said Inland Crystal Salt Company by a first mortgage lien upon the entire property of the said Inland Railway Company.

5. That the said Inland Railway Company proposes, under authority duly conferred by resolutions of its board of directors and its stockholders, respectively, to sell, transfer and convey to the Inland Crystal Salt for said $59,881.98 indebtedness, and in consideration of the can-

cellation thereof, all of its property and assets, including said railroad and its equipment, and to the end that it may discontinue all business operation and wind up its affairs as a corporation.

6. That the indebtedness aforesaid was created in the financing of the Inland Railway Company, for the purpose of constructing, maintaining and operating said railroad, to be used as a plant facility of the Inland Crystal Salt Company.

7. That said line of railroad is so located and constructed that it has not for a long time heretofore and will not be able in the immediate future to render any service to shippers other than the Inland Crystal Salt Company and its employees working at the said salt plant.

From the foregoing facts, the Commission now finds, concludes and decides that the Inland Railway Company's railroad is now and has been operated since its organization as a mere adjunct of the industrial business of the Inland Crystal Salt Company, and that it is not now, and never has been, a public utility within the meaning of the Public Utilities Act of the State of Utah.

The Commission therefore concludes and decides that it has no jurisdiction over the property and business affairs of the Inland Railway Company, and, for this reason, the application herein should be dismissed, for want of jurisdiction.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]
Attest:

(Signed) F. L. OSTLER, 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 September, 1924.

In the Matter of the Application of the INLAND RAILWAY COMPANY, for an order authorizing and allowing the sale and transfer of all the assets and property of said Company to the Inland Crystal Salt Company, and also authorizing and allowing it to bring proceedings for its disolution. } CASE No. 738

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

IT IS ORDERED, That the application herein be, and it is hereby, dismissed, for want of jurisdiction.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SOUTHERN PACIFIC COMPANY for permission to discontinue the operation of its station at West Weber, Utah as an agency station. } CASE No. 739

Submitted November 18, 1924 Decided December 16, 1924.

Appearances:
Messrs. Bagley, Judd & Ray, Attorneys for Applicant.
Citizens of West Weber, Protestants.

REPORT OF THE COMMISSION

CORFMAN, Commissioner:

Due and legal notice having been given, as required by law, this matter, upon the application of the Southern

Pacific Company, and the written protest of citizens of West Weber, Utah, came on regularly for hearing before the Commission, at Ogden, Utah, on the 18th day of November, 1924, at 10:30 o'clock a. m.

From the evidence adduced at said hearing, and after due investigation had, the Commission finds, reports and decides as follows:

1. That the applicant, Southern Pacific Company, is a corporation, oganized and existing under the laws of the State of Kentucky, and is authorized to do and transact a general railroad business in the State of Utah, by virtue of having complied with the laws of Utah, relating to and governing foreign corporations.

2. That the applicant has for many years last past owned and operated a steam railroad between Ogden, Utah, and Pacific Coast points, and has maintained and operated an agency station at West Weber, Utah.

3. That West Weber is a point about six miles west of Ogden, Utah, a terminal of the applicant's railroad. There is but one business house, a store, at West Weber, and the population is widely scattered. The traffic originating at West Weber consists largely of farm products, principally sugar beets, that are loaded at the station and hauled by the applicant to nearby sugar factories. Cars for loading sugar beets are ordered out of the applicant's yards at Ogden by the management of the sugar factories. Some potatoes are also shipped out of West Weber. The potatoes are purchased by dealers and commission men doing business at Ogden, where the refrigerator cars are ordered sent out to West Weber, after first being precooled and iced at Ogden. Farmers and other local shippers from West Weber can and generally do arrange by telephone for empty cars to be sent out from the applicant's yards at Ogden. There are no tolls charged by the telephone company between Ogden and West Weber, and all shippers of carload lots out of West Weber, as a rule, make arrangements for the handling of their traffic directly with the agencies maintained by applicant at Ogden, without aid or assistance from the agent at West Weber station. The freight received at West Weber in carload lots consists almost entirely of coal. In less than carload lots, a small amount of merchandise is received at West Weber, as is also some

farm machinery. Practically no shipments of freight in less than carload lots are sent out of West Weber. The same is true with respect to express shipments. During the year ending November 15, 1924, of a total of 268 cars which were loaded at West Weber, only three were placed at the station for loading through the agent at West Weber.

4. Two passenger trains over the applicant's line of railroad stop at West Weber daily. The agent at West Weber is off duty when these trains stop. Passengers board the trains and pay the conductors their fares. The total revenue received by the agent at West Weber by sale of tickets to passengers would not exceed $10.00 in a year. Conductors' cash collection from passengers for a like period would not exceed that amount.

5. The expense of maintaining an agency station at West Weber, including agent's salary, $168.00 per month, averages from year to year about $2,150.00. The annual revenue derived by applicant from all sources from year to year, handled directly by the agent at West Weber, does not exceed $600.00.

6. The applicant maintains at West Weber a well built freight and passenger depot, with ample platform space for the accommodation of the public. The applicant has in its employ a signal maintainer, who occupies quarters in close proximity to the depot. Freight delivered at West Weber by applicant could be placed by the signal maintainer in the freight depot under lock and key, to be called for at the convenience of the consignee. Outbound freight could be left on the receiving platform at the depot by the consignor, for billing by freight conductors, and the bill-of-lading left for the consignor, when he is not present at the passing of the train, in a box or some convenient place where the shipper could receive it.

From the foregoing facts, the Commission concludes and decides that all traffic, passenger, freight and express, at West Weber station can be quite as safely, efficiently and expeditously handled without, as with a station agent, and with but very little inconvenience on the part of the public; that the revenues derived by reason of the maintenance of an agency station at West Weber are so incommensurate with the costs that it should be, for the best interests of the general public, discontinued, as an

agency station, subject, however, to applicant exercising due care in handling all traffic, so that the traveling public will not be subjected to unnecessary inconvenience, and so freight and express will be properly protected from the elements and from theft while being delivered and received at said point.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:
(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
Commissioners.

[SEAL]
Attest:
(Signed) F. L. OSTLER, 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 December, 1924.

In the Matter of the Application of the SOUTHERN PACIFIC COMPANY for permission to discontinue the operation of its station at West Weber, Utah as an agency station. } CASE No. 739

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

IT IS ORDERED, That the application be granted, and that the Southern Pacific Company be, and it is hereby, authorized to discontinue its station at West Weber, Utah, as an agency station, subject, however, to applicant

exercising due care in handling all traffic, so that the traveling public will not be subjected to unnecessary inconvenience, and so freight and express will be properly protected from the elements and from theft while being delivered and received at said point.

ORDERED FURTHER, That said order be made effective upon thirty days' notice to the public.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of the DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, T. H. BEACOM, Receiver Thereof; BINGHAM & GARFIELD RAILWAY CO.; UTAH RAILWAY COMPANY; UTAH TERMINAL RAILWAY COMPANY; and CARBON COUNTY RAILWAY COMPANY, for permission to increase the minimum carload weights on coal in the State of Utah.

CASE No. 740

PENDING

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of trains between Frisco and Newhouse, Utah.

CASE No. 741

PENDING

In the Matter of the Application of RAYMOND S. RICKETSON and KATHRYN STILWELL, for permission to operate an automobile passenger and light express line between the town of Payson, Utah County, State of Utah, and Beaver City, Beaver County, State of Utah, and intermediate points.

CASE No. 742

PENDING

In the Matter of the Application of JACK LOFTIS and ROBERT R. LOFTIS, for permission to operate an automobile stage line between Richfield and Emery, Utah. } CASE No. 743

PENDING

In the Matter of the Application of J. C. RUSSELL, for permission to operate a milk truck line between Lehi and Salt Lake City, Utah. } CASE No. 744

PENDING

In the Matter of the Application of MORTENSEN and RASMUSSEN to withdraw from and W. R. MARTIN to assume the operation of an automobile stage line between Milford and Beaver, Utah. } CASE No. 745

PENDING

In the Matter of the Application of FRED N. FAWCETT and B. F. KNELL to withdraw from and LOUIS R. LUND and B. L. COVINGTON to assume the operation of an automobile passenger stage line between St. George and Cedar City, Utah. } CASE No. 746

PENDING

In the Matter of the Application of SAMUEL JUDD and FRANK JUDD to withdraw from and LOUIS R. LUND and B. L. COVINGTON to assume the operation of the automobile passenger stage line between St. George and Enterprise, Utah. } CASE No. 747

PENDING

In the Matter of the Application of BERNELL BATEMAN, for permission to operate an automobile truck line, for the transportation of milk and dairy products, between Lehi and Salt Lake City, Utah.	CASE No. 748 PENDING

In the Matter of the Application of B. L. COVINGTON to transfer to JOSEPH J. MILNE his interest in the automobile freight truck line between St. George and Cedar City, operated in connection with E. O. Hamblin and A. R. Barton.	CASE No. 749 PENDING

In the Matter of the Application of the NATIONAL COAL RAILWAY COMPANY, for permission to construct a line of railroad in Carbon County, Utah, to connect with the main line of the Utah Railway.	CASE No. 750 PENDING

LOGAN CITY, a Municipal Corporation, *Plaintiff.* vs. UTAH POWER & LIGHT COMPANY, a Corporation, *Defendant.*	CASE No. 751 PENDING

In the Matter of the Application of LEONARD G. CHARLES, for permission to operate an automobile passenger and freight line between Tooele City and Bauer, Utah.	CASE No. 752 PENDING

In the Matter of the Application of MYRLE ALLSOP, for permission to operate an automobile truck line, for the transportation of milk, from Crescent and Sandy, Utah, via State Street.	CASE No. 753 PENDING

JOHN A. WINDER, *Complainant,* vs. SOUTHERN UTAH TELEPHONE COMPANY, *Defendant.*	CASE No. 754 PENDING

In the Matter of the Application of HARVEY DEAN, for permission to operate an automobile passenger, baggage and express line between Beaver City and Parowan, Utah.	CASE No. 755 PENDING

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to construct, maintain and operate a hydro-electric generating station (Cutler Development) in Box Elder and Cache Counties, State of Utah.	CASE No. 756 PENDING

In the Matter of the Application of WALTER J. BURTON and V. S. AMUSSEN, for permission to operate an automobile passenger stage line between Salt Lake City and Ogden, Utah, and intermediate points.	CASE No. 757 PENDING

In the Matter of the Application of P. D. STURN to withdraw from and ALVA L. COLEMAN to assume the operation of the automobile passenger stage line between Salt Lake City and Heber City, Utah, via Provo. } CASE No. 758

PENDING

In the Matter of the Application of S. E. POTTER and ARTHUR GRANGE to require MIKE SERGAKIS to buy petitioners' interest or sell them his interest in the Arrow Auto Line, a Corporation. } CASE No. 759

PENDING

In the Matter of the Application of the CITY OF ST. GEORGE, for permission to increase its rates for water in the City of St George, Utah. } CASE No. 760

PENDING

In the Matter of the Application of I. B. GLENN and WILFORD BAUGH, for permission to operate an automobile stage line, for the transportation of passengers and baggage, between Wellsville and Richmond, Utah. } CASE No. 761

PENDING

APPENDIX I.

Part 2—Ex Parte Orders Issued.

During the period covered by this report, the Commission issued 222 Special Permissions, practically all of which were for reductions in existing rates or fares. They may be classified as follows:

Name	Number
American Railway Association	2
American Railway Express Company	2
Ballard & Thompson Railroad Company	1
Bamberger Electric Railroad Company	5
Bountiful Light & Power Company	1
Denver & Rio Grande Western Railroad Co.	89
Eureka-Payson Stage Line	1
Fawcett, F. N.	1
Local Utah Freight Bureau	25
Los Angeles & Salt Lake Railroad Company	30
Oregon Short Line Railroad Company	22
Pacific Freight Tariff Bureau	11
Salt Lake-Ogden Transportation Company	1
Salt Lake & Utah Railroad Company	5
Southern Pacific Company	3
Streeper, W. R.	1
Telluride Power Company	1
Union Pacific Railroad Company	4
Utah Gas & Coke Company	2
Utah-Idaho Central Railroad Company	5
Utah Light & Traction Company	5
Utah Power & Light Company	1
Utah Railway Company	1
Western Pacific Railroad Company	3
Total	222

APPENDIX I.

Part 3—Special Dockets—Reparation.

Number		Amount
100	F. C. Dauncey vs. Utah Gas and Coke Co.	$ 1.05
101	Mrs. E. M. MacGregor vs. Utah Gas and Coke Company	1.48
102	L. Ranal vs. Utah Gas and Coke Company	18.00
103	W. C. Lyne vs. Utah Gas and Coke Company	7.50
104	Mrs. N. W. Tanner vs. Utah Gas and Coke Company	3.15
105	L. E. Nelson vs. Utah Gas and Coke Co.	10.06
106	Mrs. T. Jarvis vs. Utah Gas and Coke Co.	

Number		Amount
107	Silver King Coalition Mining Company vs. Denver & Rio Grande Western R. R. Co.	79.48
108	W. C. Wagstaff vs. Utah Gas and Coke Co.	10.63
109	J. H. Collins vs. Utah Gas and Coke Co..	3.85
110	Carbon County Ry. Co. vs. Denver and Rio Grande Western Railroad Co....	49.95
111	Utah Canning Company vs. Oregon Short Line Railroad Company	69.61
112	Utah Consolidated Mining Co. vs. Tooele Valley Ry. Co. and Western Pacific Railroad Company	88.91
113	A. B. Bangerter vs. Utah Gas and Coke Co.	2.29
114	Eastern Iron & Metal Co. vs. Denver & Rio Grande Western Railroad System.	15.83
115	Utah Canning Co. vs. Union Pacific Railroad Company	29.72
116	F. H. Wilson vs. Utah Gas and Coke Co..	3.00
117	M & L Coal & Wood Co. vs. Bamberger Electric Railroad Co., et al.	39.90
118	M. H. Witaker vs. Los Angeles & Salt Lake Railroad Company	102.16
119	Morton Salt Co. vs. Los Angeles & Salt Lake Railroad Co.	30.45
120	Amalgamated Sugar Co. vs. Utah-Idaho Central Railroad Company	461.89
121	Amalgamated Sugar Co. vs. Utah-Idaho Central Railroad Co. and Denver & Rio Grande Western Railroad System....	2,232.39
122	Security Storage Co. vs. Denver & Rio Grande Western Railroad System....	.....
123	Columbia Steel Corporation vs. Los Angeles & Salt Lake R. R. Co. and Denver & Rio Grande Western R. R. System..	364.59
124	Utah-Idaho Sugar Company vs. Salt Lake & Utah Railroad Company.....	10.34
125	Utah Fuel Company vs. Denver & Rio Grande Western Railroad System....	448.35
126	Utah Oil Refining Co. vs. Denver & Rio Grande Western Railroad System....	11.21
127	U. O. Lumber Co. vs. Utah-Idaho Central Railroad Company	2.85

Number		Amount
128	M. H. Nanney vs. Utah Gas & Coke Company	8.38
129	Morgan Canning Co. vs. Union Pacific Railroad Company	47.82
130	L. E. Burr vs. Los Angeles & Salt Lake Railroad Company	227.57
131	American Smelting & Refining Co. vs. Denver & Rio Grande Western Railroad System	30.40
132	Country Club of Salt Lake City vs. Denver & Rio Grande Western Railroad System	12.90
133	Utah-Idaho Sugar Company vs. Salt Lake & Utah Railroad Company	.....
134	J. S. Dunn vs. Western Pacific Railroad Company, et al.	10.98
135	Steve Jankovitch vs. Western Pacific Railroad Company, et al.	12.88
136	International Smelting Co. vs. Tooele Valley Railway Co. et al.	1,000.35
137	Asbestolate Products Co. vs. Oregon Short Line Railroad Co. and Southern Pacific Company	206.90
138	Kirke M. Decker vs. Utah Gas and Coke Co.	1.76
139	Henry H. Chase vs. Utah Gas and Coke Co.	2.25
140	Security Storage Co. vs. Oregon Short Line Railroad Company	.....
141	Provo Pressed Brick & Tile Co. vs. Denver & Rio Grande Western R. R. Co. and Union Pacific R. R. Co.	.....
142	Salt Lake Insecticide Co. and Bogue Supply Co. vs. Western Pacific Railroad Company	158.72
143	Tintic Standard Mining Co. vs. Western Pacific Railroad Co., et al.	5,396.13
144	Morgan Canning Co. vs. Union Pacific Railroad Company	27.04
145	Mrs. Ruby Allen vs. Utah Gas and Coke Co.	9.00
146	Utah Oil Refining Co. vs Denver & Rio Grande Western Railroad System	129.71
147	Ben Redman vs. Utah Gas and Coke Co.	16.83
148	Ralph S. Jones vs Utah Gas & Coke Co.	5.21

Number		Amount
149	Asbestolate Products Co. vs. Southern Pacific Company	280.57
	Total	$11,684.04

APPENDIX II.

Part 1—Grade Crossing Permits.

The Commission issued sixteen Highway Grade Crossing Permits during the period covered in this report. These permits granted authority to construct grade crossings and prescribed the necessary safety precautions established by this Commission:

The permits were issued as follows:

Number	Issued to	Location
81	Denver & Rio Grande Western Railroad Company	Le Grande
82	Denver & Rio Grande Western Railroad Company	Ogden
83	Oregon Short Line Railroad Company	Brigham City
84	Denver & Rio Grande Western Railroad Company	Manti
85	Ogden Union Railway & Depot Co.	Ogden
86	Los Angeles & Salt Lake Railroad Co.	Delta
87	Los Angeles & Salt Lake Railroad Co.	Iron Springs
88	Denver & Rio Grande Western Railroad Company	Salt Lake City
89	Orgeon Short Line Railroad Company	Salt Lake City
90	Denver & Rio Grande Western Railroad Company	Castilla
91	Los Angeles & Salt Lake Railroad Co.	Infirmary Lane
92	Los Angeles & Salt Lake Railroad Co.	Pleasant Grove
93	Denver & Rio Grande Western Railroad Company	Mammoth
94	Tooele Valley Railway Company	Tooele City
95	Oregon Short Line Railroad Company	Murray
96	Bamberger Electric Railroad Co.	Ogden

APPENDIX II.

Part 2—Certificates of Convenience and Necessity were issued, as follows:

Certificate Number	Case Number	Classification	Between *At	And	To Whom Issued
198	687	Water	*Steel City Ironton		Steel City Investment Company
199	685	Passenger Stage	Helper	Rains	Robert Cormani and Charles P. Lange
200	694	Truck Line	Salt Lake	Lark	A. P. Hemingsen
201	683	Truck Line	Meadow	Fillmore	Charles E. Duncan
202	689	Passenger Line	Price	Castle Gate	James H. Wade
203	693	Truck Line	Parowan	Cedar City	W. H. Warrington
204	680	Passenger Line	St. George	Cedar City	F. W. Fawcett & B. F. Knell
205	701	Passenger Line	Snowville, Tremonton	Deweyville	Anton L. Peterson
206	696	Electric	*Cedar City		Dixie Power Co.
207	712	Electric	*Alton, Glendale, Orderville, Mt. Carmel & Kanab		Independent Power & Light Co.
208	717	Passenger Line	Helper	Rains	Spring Canyon Stage Line
209	714	Electric	*Brigham City		Utah Power & Light Company
210	722	Passenger Line	Grantsville	Saltair	Frank J. Hale
211	704	Passenger Line	Eureka	Dividend	G. L. Sanderson
212	730	Electric	*Salt Lake		Utah Power & Light Company
213	698	Truck Line	Ogden	Garland	Wells R. Streeper
214	690	Passenger Line	Salt Lake	Fillmore	T. M. Gilmer

APPENDIX III.

General Orders

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 13th day of June, A. D. 1922.

In the Matter of the Rates, Fares and Charges of carriers by railroad subject to the Public Utilities Act of Utah.

GENERAL ORDER No. 9

IT APPEARING, That on May 16, 1922, the Interstate Commerce Commission, in its Decision No. 13293, required all carriers subject to its jurisdiction to esttablish reduced rates for the transportation of all commodities in interstate traffic, where such rates were increased by virtue of Ex Parte 74, and have not subsequently been reduced by order of the Commission or otherwise;

IT FURTHER APPEARING, That such reduced rates are required by said decision to be made effective July 1, 1922;

IT FURTHER APPEARING, That, by Special Permission No. 59060, dated June 7, 1922, the Interstate Commerce Commission authorized interested carriers to effect such reductions by special supplements and by such permission waived the requirement of Tariff Circular No. 18-A, to the extent set forth therein;

IT FURTHER APPEARING, That rates applying on like traffic in intrastate commerce in Utah should be reduced concurrently with and to the same extent as provided by the Interstate Commerce Commission in Decision 13293;

IT IS ORDERED, That the statutory notice required be Section 4785, Compiled Laws of Utah, 1917, be

waived and carriers by railroad be permitted to publish such reduced rates effective on Utah intrastate traffic, effective July 1, 1922.

ORDERED FURTHER, That said carriers be permitted to publish such reduced rates applying in Utah, in the manner permitted by Interstate Commerce Commission Special Permission No. 59060.

ORDERED FURTHER, That publication naming such reduced rates shall bear upon the title page the following notation:

> "Issued upon less than statutory notice, under authority of Public Utilities Commission of Utah, General Order No. 9, dated June 13, 1922."

(Signed) A. R. HEYWOOD,
WARREN STOUTNOUR,
JOSHUA GREENWOOD,
Commissioners.

[SEAL]
Attest:

(Signed) T. E. BANNING, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of December, A. D. 1922.

In the Matter of distribution of cars for coal loading by common carriers within the State of Utah.

GENERAL ORDER No. 10

It appearing that on December 23, 1919, the United States Railroad Adminstration issued Circular C. S. 31 (Revised) governing the distribution of cars at coal mines, for coal loading, said circular becoming effective, January 10, 1920;

And it appearing that the purpose of said circular C. S. 31 (Revised) is to provide an equitable distribution of equipment between coal mines;

And it appearing that the provisions of said circular C. S. 31 (Revised) should apply to intrastate traffic in Utah uniformly with interstate traffic:

IT IS ORDERED, That Circular C. S. 31 (Revised) issued by the United States Railroad Administration, December 23, 1919, effective January 10, 1920, be, and it is hereby, adopted, as governing the rating of coal mines and distribution of coal cars to coal mines located in Utah, so far as such rating and distribution applies to intrastate traffic in Utah.

ORDERED FURTHER, That this order shall be effective on and after the 1st day of January, 1923.

(Signed) T. E. BANNING,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of January, A. D. 1923.

In the Matter of distribution of cars for coal loading by common carriers within the State of Utah.

SUPPLEMENT No. 1

Cancelling

GENERAL ORDER No. 10

It appearing that on December 20, 1922, the Commission issued its General Order No. 10, adopting United States Railroad Administration Circular C. S. No. 31

"Revised," covering the distribution of cars at coal mines to become effective January 1, 1923;

And it appearing that the purpose of General Order No. 10 has been fulfilled:

IT IS ORDERED, That General Order No. 10 be, and it is hereby, revoked, annulled and set aside.

By the Commission.

(Signed) T. E. BANNING,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of December, A. D. 1922.

In the Matter of Applications by common carriers for permission to publish reduced rates, fares and charges upon less than statutory notice.

GENERAL ORDER No. 11

Applications by common carriers by railroad for permission under Section 4785, Compiled Laws of Utah, 1917, to publish reduced rates, fares and charges effective on less than 30 days' notice to the public and the Commission being under consideration;

And it appearing that applications are received which do not specifically set forth the reasons for publishing such reduced rates, rules and regulations, on less than statutory notice;

And it appearing that applications are frequently received asking authority to reduce certain rates on less than 30 days' notice in order to equalize rates with other carriers, which rates should properly be established on statutory notice.

IT IS ORDERED, That applications by common carriers by railroad, under Section 4785, Compiled Laws of Utah, 1917, for permission to establish reduced rates, fares or charges on less than statutory notice, shall be prepared and filed in the following form:

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

CARRIERS No.....

.....192.....

The..... by..... Its.....
(Name of carrier) (Name of Officer) (Title of)

.....(This to be used when one line is involved)
(Officer)

OR

The..... by..... Its.....
(Name of carrier) (Name of Officer) (Title of)

....., for itself and in behalf of
(Officer)

.....
(Name of participating carriers)

(This to be used when more than one line involved)

OR

..... Agent .....
(Name of agent) (Name of Bureau)

for.....
(Name of participating carriers)

(To be used when application is for bureau tariffs)

.....hereby makes application for permission to publish on.....days notice to the Commission and the

Public the following reduced rates on.....from
(Commodity)

(between) .....
Rate Minimum

To (and) .....

Your applicant further represents that said rates above mentioned will be published in.....
(State complete Tariff Authority)

and will supersede and take the place of the rates on like traffic from and to the above named points which are set forth in.....on file with the
(State complete Tariff Authority)

Commission, such rates being: (Here state present rates, minimum weight, point of origin and destination).

And your applicant further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made: (Here state facts, etc.)

.....
(Railroad or Agent).

By.....

Its.....
(Title of Officer)

ORDERED FURTHER, That this Order shall become effective January 1, 1923.

(Signed) T. E. BANNING,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 26th day of December, A. D. 1922.

In the Matter of Uniform Classification of Accounts for Electrical Corporations operating within the State of Utah.

GENERAL ORDER No. 12

The matter of uniform classification of accounts for electrical corporations operating within the State of Utah being under consideration;

And it appearing that Section 4816, Compiled Laws of Utah, 1917, provides that the Commission shall have the power to establish system of accounts to be kept by public utility subject to its jurisdiction, and further provides as follows:

> "When the Commission shall have prescribed the forms of accounts, records or memoranda to be kept by any public utility corporation for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, excepting such accounts, records, or memoranda as shall be explanatory of and supplemental to the accounts, records, or memoranda prescribed by the Commission."

And the Commission having investigated the Uniform Classification of accounts for electrical corporations prepared by the committee on Statistics and Accounts of public utilities, appointed by the National Association of Railway and Utilities Commissioners and presented to that organization at the annual convention in Detroit, Michigan, November 14, 1922;

And it appearing advisable to adopt such classification of accounts as governing the accounts of electrical corporations within the State of Utah.

IT IS ORDERED, That the uniform system of accounts for electrical corporations presented to the National Association of Railway and Utilities Commissioners at its annual convention at Detroit, Michigan, in 1922, be, and it is hereby adopted as the uniform system of accounts governing electrical corporations operating within the State of Utah.

IT IS THEREFORE ORDERED, That all electrical corporations operating within the State of Utah shall on and after January 1, 1923, keep its accounts in accordance with the rules prescribed in such classification.

Printed copies of this classification will shortly be distributed by the Commission. Pending receipt of the printed copies, utilities may obtain copies of this classification from the Law Reporting Company, 233 Broadway, New York City, New York.

IT IS FURTHER ORDERED, That a copy of this order be forthwith served on all electrical corporations within the State of Utah.

(Signed) A. R. HEYWOOD,
WARREN STOUTNOUR,
JOSHUA GREENWOOD,
Commissioners.

[SEAL]
Attest:

(Signed) T. E. BANNING, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of December, A. D. 1922.

In the Matter of Uniform Classification of accounts for gas corporations operating within the State of Utah.

GENERAL ORDER No. 13

The matter of uniform classification of accounts for gas corporations operating within the State of Utah being under consideration:

And it appearing that Section 4816, Compiled Laws of Utah, 1917, provides that the Commission shall have the power to establish system of accounts to be kept by the public utility subject to its jurisdiction, and further provides as follows:

> "When the Commission shall have prescribed the forms of accounts, records or memoranda to be kept by any public utility corporation, for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state, or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records, or memoranda prescribed by the Commission."

And the Commission having investigated the uniform classification of accounts for gas corporations prepared by the Committee on Statistics and Accounts of Public Utilities appointed by the National Association of Railway and Utilities Commissioners, and presented to that organization at its annual convention in Detroit, Michigan, November 14, 1922;

And it appearing advisable to adopt such classifications of accounts as governing the accounts of gas corporations within the State of Utah:

IT IS ORDERED, That the uniform system of accounts for gas corporations presented to the National Association of Railway and Utilities Commissioners at its annual convention at Detroit, Michigan, in 1922, be, and it is hereby, adopted as the uniform system of accounts governing gas corporations operating within the State of Utah.

IT IS FURTHER ORDERED, That all gas corporations operating within the State of Utah shall on and

after January 1, 1923, keep its accounts in accordance with the rules prescribed in such classification.

Printed copies of this classification will shortly be distributed by the Commission. Pending receipt of the printed copies, utilities may obtain copies of this classification from the Law Reporting Company, 233 Broadway, New York City, New York.

IT IS FURTHER ORDERED, That a copy of this order be forthwith served on all gas corporations within the State of Utah.

(Signed) A. R. HEYWOOD,
WARREN STOUTNOUR,
JOSHUA GREENWOOD,
Commissioners.

[SEAL]
Attest:

(Signed) T. E. BANNING, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of August, A. D. 1924.

GENERAL ORDER No. 14

The matter of a uniform classification of accounts for water corporations, as defined by Chapter 2, Section 4782, Compiled Laws of Utah, 1917, being under consideration, and the Commission having investigated the Uniform Classification of Accounts for Water Utilities, prepared by the Committee on Statistics and Accounts of Public Utilities appointed by the National Association of Railway and Utilities Commissioners, and recommended for adoption by State Commissions at the annual meeting of the National Association of Railway and Utilities Commissioners at Atlanta, October, 1921, and revised at the Convention at Detroit, Michigan, November, 1922:

And it appearing advisable to adopt such Uniform Classification of Accounts:

IT IS ORDERED, That the Uniform Classification of Accounts for Water Utilities, prepared by the Committee on Statistics and Accounts appointed by the National Association of Railway and Utilities Commissioners be, and is hereby, adopted as a Uniform Classification of Accounts governing Water Utilities operating in the State of Utah.

ORDERED FURTHER, That all Water Utilities operating within the State of Utah, shall, effective January 1, 1925, keep all accounts in accordance with the rules prescribed in such Uniform Classification of Accounts.

IT IS ORDERED FURTHER, That a copy of this Order be forthwith served upon all Water Utilities operating within the State of Utah.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 24th day of November, A. D. 1924.

GENERAL ORDER No. 15

The matter of a Uniform Form of Annual Report for Gas Corporations and Electric Corporations, operating in the State of Utah, in accordance with the Uniform Classification of Accounts for such utilities heretofore ad-

opted by the Commission under General Orders Nos. 7 and 8, being under consideration, and the Commission having investigated the Standard Form of Annual Report for Gas Corporations and Electric Corporations, prepared by the Committee on Statistics and Accounts appointed by the National Association of Railroad and Utilities Commissioners and submitted to the National Association of Railroad and Utilities Commissioners at its Convention at Phoenix, Arizona, during November, 1924:

And it appearing advisable to adopt such Standard Form of Annual Report for Gas Corporations and Electric Corporations:

IT IS ORDERED, That the Standard Form of Annual Report for Gas Corporations and Electric Corporations, prepared by the Committee on Statistics and Accounts appointed by the National Association of Railroad and Utilities Commissioners, be, and it is hereby, adopted as a uniform form of report governing future annual reports filed with the Commission by Gas Corporations and Electric Corporations operating in the State of Utah:

IT IS FURTHER ORDERED, That each Gas Corporation and each Electric Corporation, operating in the State of Utah, shall report to the Public Utilities Commission of Utah in conformity with said Standard Form of Annual Report so adopted as aforesaid, as follows:

For the year ending December 31, 1923, on or before December 31, 1924:

For the year ending December 31, 1924, on or before March 31, 1925, and for each and every year thereafter said annual report not later than the 31st day of March following:

IT IS ORDERED FURTHER, That a copy of this Order be served upon all Gas Corporations and upon all Electric Corporations operating in the State of Utah.

(Signed) THOMAS E. McKAY,
WARREN STOUTNOUR,
E. E. CORFMAN,
Commissioners.

[SEAL]
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of December, A. D. 1924.

SUPPLEMENTAL ORDER

to

GENERAL ORDER No. 15

Good cause being shown, and it appearing that the time limit fixed and provided by the Commission's General Order No. 15, for the filing of standard reports by certain public utilities of Utah, for the year ending December 31, 1923, is too short:

IT IS NOW THEREFORE ORDERED, That said time limit be, and the same is hereby, extended to the 3rd day of February, 1925.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
WARREN STOUTNOUR,
Commissioners.

[SEAL]
Attest:

(Signed) F. L. OSTLER, Secretary.

APPENDIX IV.

(Re: Public Utilities Commission of Utah Case No.163)

Opinion filed May 7, 1924.

IN THE SUPREME COURT OF THE STATE OF UTAH

Jeremy Fuel & Grain Co., et al.,
Plaintiffs.

vs.

The Public Utilities Commission of Utah,
Defendant.

FRICK, J.

The plaintiffs, pursuant to our statute, made application to this court for a writ of review against the Public Utilities Commission of Utah, hereinafter called Commission. The writ was duly issued and in obedience thereto the Commission has certified to this court a complete transcript of the proceedings had before it in the proceeding hereinafter referred to.

It appears from the transcript aforesaid that the plaintiffs are coal dealers in Salt Lake City, Utah, and as such commenced a proceeding before the Commission against the Denver & R. G. R. R. Co., in which, stating it in the language of their counsel, plaintiffs "asked" for reparation on shipments of coal that had been made from various points of origin in the Castle Gate Group of mines * * * to Salt Lake City from March 8, 1917, to December 31, 1917." Reparation was sought upon the grounds that the freight charged by said railroad company were excessive; that they were "as a matter of law discriminatory;" that the "charges exacted were in violation of the long-and-short haul clause and that the charges were unreasonable." Plaintiffs therefore insisted that the Commission should order the railroad company to repay to them large sums of money as reparation for the alleged excessive freight rates paid by them to said company.

The railroad company appeared in the proceeding before the Commission, produced evidence there, and has filed a brief in this court.

The Commission has certified to this court many hundreds of pages of oral testimony as well as many pages of documentary evidence which was submitted to the Commission by both sides on the hearing on plaintiffs' application. The plaintiffs in their brief have set forth the tariff sheet which they contend controlled the shipments in question. The Commission, as hereinafter appears held that the rates contained in said sheet were proportional rates and did not control the shipments here in question. For plaintiffs' benefit we here append the tariff sheet referred to, which reads as follows:

Commodity	From	Index No.	To	Rate in Cts. (Per ton of 2000 lbs.)
Coal Bituminous C. L. Min. 40,000 lbs. (C. F. 17-4478)	Clear Creek, Utah. Winter Quarters .. Scofield, Utah..... Hale, Utah ..... Castle Gate, Utah . Storrs, Utah		Midvale, Utah	125* ⑥
	Standardville, Utah (C. F. 17-4918) Helper, Utah ..... Price, Utah		Salt Lake City, Utah....	125* ⑦
	Panther, Utah .... Cameron, Utah		Midvale, Utah	135* ⑥
	E. Hiawatha, Utah Mohrland, Utah ... Black Hawk, Utah . Sunnyside		Salt Lake City, Utah....	135* ⑦ 125

*Reduction. ⑦ Applies only on traffic destined to stations on the Salt Lake & Los Angeles R. R.

In view that plaintiffs' contention is clearly stated by the Commission in its decision, we here take the liberty of reproducing that statement, viz:

> "That between 1917 and February, 1918, the defendant published and filed with the Public Utilities Commission of Utah, a rate of $1.25 per ton, in car-

load lots, from points of origin to Salt Lake City, except from the stations of Sunnyside and Thompson, which was $1.35 per ton; that coal was shipped over said route from its origin to said destination in keeping with the said rates to consumers other than the plaintiffs herein; and for such transportation the defendant demanded and collected the sum of $1.60 per ton on all coal, with the exception of slack for which a charge of $1.30 per ton was paid (except from Sunnyside and Thompson, which was $1.70 and $1.40 respectively), and that such rates and charges were collected during the times mentioned in the complaint, from the same points of origin along the same route as that shipped and delivered to the Salt Lake, Garfield & Western Railroad Company for the sum of $1.25 per ton; that the rates demanded and collected from complainants herein were in excess of the legal rates, and that said excessive rates so collected were unlawful, unjust, unreasonable and discriminatory to the extent that they exceeded $1.25 per ton, and to that extent that the said rates exceeded the rates carried in Supplements Nos. 8, 9, and 10, to D. & R. G. Freight Tariff 4614-E.

"That said rates, charged and collected, were excessive and unreasonably high."

The Commission, after stating the contentions of the defendant, in its decision comments as follows:

"The hearing on the above case began March 11, 1920. The evidence submitted by the complainants was to the effect that they were dealers and shippers of coal transported by the defendant company, and that the rates paid during the time in question were as set out and alleged, namely, $1.60 per ton for coal other than slack, and $1.30 per ton for slack coal; that the rate collected from the Salt Lake, Garfield & Western Railway Company was $1.25 from Carbon County points to Salt Lake City; that some of the bills-of-lading carried Salt Lake City as the destination while others were designated Salt Lake, Garfield & Western Railway, that cars of coal were shipped to Salt Lake City and placed on the track for exchange with the Salt Lake Garfield & Western Railway Company and taken to the yards of

said Salt Lake, Garfield & Western Railway Company and consumed by it for fuel and power purposes; that the coal so delivered to the Salt Lake, Garfield & Western Railway was not sold in competition with the coal shipped to the complainants herein, with the exception of a limited amount which was used in Salt Lake City without knowledge or consent of said defendant company and for which said Salt Lake, Garfield & Western Railway Company was required to pay an additional freight rate, sufficient to increase the rate to $1.60 per ton.

"Considerable testimony was submitted, consisting of tariff, waybills, etc., special attention being called to the destination of coal shipped to Salt Lake, Garfield & Western Railway Company; also to the question of excessive, unreasonable rates in connection with the movement of coal.

"In the matter of tariffs, rates and waybills referred to, it might be well here to call attention to Case No. 9, The Marsh Coal Company, et. al., vs. The Denver & Rio Grande Railroad Company, in which this Commission carefully and clearly analyzed and passed upon the main question raised in this case. (See pages 64, 65, 66, 67 and 68, Report of Public Utilities Commission of Utah, Volume 1), which analyzes the testimony in said case and finds the issues against the contention of plaintiffs in said case, which would seem to be decisive of the questions raised here. Unless additional evidence has been given to take it outside of the rule laid down in that case, we are of the opinion that the evidence does not justify the Commission in holding adversely to the rule promulgated in said Case No. 9 * * * ."

The Commission then quotes from Comp. Laws of Utah 1917, parts of Secs. 4788 and 4838 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 * * * ."

4838. "When complaint has been made to the Commission concerning any rate, fare, toll, rental, or charge for any product or commodity furnished or service performed by any public utility, and the Commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity or service in excess of the schedules, rates, and tariffs on file with the Commission, or has discriminated under said schedules against the complainant, the Commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; provided, no discrimination will result from such reparation."

The Commission concludes:

"So, under the above provisions, the rates, schedules and tariffs on file with the Commission at the time complained of were the schedules, rates and fares charged and collected from complainants, and not in excess thereof. No order of reparation could legally be made by this Commission. As to the question of proportional rates, the Commission finds that the rates attacked by the complainants and collected by the defendant company were the legal rates at the time complained of, and that the charge of $1.25 per ton charged the Salt Lake, Garfield & Western Railway Company was a proportional rate."

In arriving at a proper conclusion in this proceeding it is of the utmost importance that we keep in mind that the Commission, in fixing and promulgating rates or charges for service rendered by the public utilities of this state acts merely as an arm of the legislature and that in discharging its duties the Commission cannot, and does not, exercise judicial functions, its acts are therefore reviewable by this court only in the manner and to the extent stated in the statute. In view that the reasons why the power of this court to review the acts of the Commission is limited are fully set forth in Salt Lake City vs. Utah Light & Traction Co., 52 Utah 210, 173

Pac, 556, it is not necessary to repeat those reasons here.

It is, however, important to keep in mind the provisions of our statute relating to that subject, Comp. Laws Utah 1917, Sec. 4834, where the powers of this court to review the decisions of the Commission are enumerated, provides:

> "The review shall not be extended further than to determine whether the Commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or of the State of Utah. The findings and conclusions of the Commission on questions of fact shall be final and shall not be subject to review. Such questions of facts shall include ultimate facts *and the findings and conclusions of the Commission on reasonableness and discrimination.*" (Italics ours.)

Here, thus, is a clear, explicit and unambiguous statement of both the power and the limits of that power. Beyond that we cannot go.

As before stated, the decision of the Commission is based upon both oral and documentary evidence which covers many hundreds of pages of typewritten matter. Some of the evidence most favorable to plaintiffs' contention is copied in their brief. It is now contended, however, that notwithstanding all of the evidence produced by them and by the railroad company at the hearing, the controversy, nevertheless, should be determined in their favor as a matter of law. In support of their contention they cite, among other cases, the following: Crescent Coal & M. Co. vs. C. & E. I. R. R. Co., 24 I. C. C., p. 156; Arkansas Pass C. & D. Co. vs. G. H. & S. A. Ry. Co., 27 I. C. C., p. 409; Hoskew Lbr. Co. vs. N. C. & St. L. Ry., 34 I. C. C., p. 335; Wausan Advancement Assn. V. C. & N. W. Ry., 28 I. C. C., p. 460. The gist of the opinions in the foregoing cases is that "tariffs should be construed according to the plain import of the language employed therein." No doubt the foregoing is a correct statement of the law so far as it goes. In order to arrive at the meaning, however, of a particular phrase or

sentence that may be used in a tariff sheet, or elsewhere, the phrase or sentence must always be considered in connection with the subject-matter and the circumstances to which the language refers. If, therefore, reference is made to foot notes or to other extraneous matters, the notes or other references, if any, must be considered in connection with the language used, and if there are any technical terms used these must likewise be given their full meaning and effect. Then again, if it becomes necessary to produce evidence, as was the case in the proceeding before the Commission, that also must be considered so far as material in arriving at a just conclusion. Moreover, all of the foregoing citations to which reference has been made are merely opinions rendered by the Interstate Commerce Commission in proceedings pending before it and are not authoritative decisions emanating from courts of last resort. We make the foregoing observation merely to show that in those cases the Interstate Commerce Commission merely stated abstract rules of construction which in no way can or do affect, much less control, the decision of the Commission which we are asked to review.

In this proceeding the Commission spent many days in hearing evidence and went into the whole matter, including the foot notes and other references contained on the tariff sheet, and after hearing all the evidence, including matters submitted to it upon a rehearing, the Commission arrived at the conclusion which it deemed to be in accordance with the evidence and conformable to our statute. In addition to all that the tariff sheets in question were on file with the Commission as provided by our statute.

The plaintiffs and numerous others, as the record discloses, paid the tariff rates demanded, which the defendant contended, and which the Comimssion found, were the rates designated in the tariff sheet here in controversy. The finding of the Commission was necessarily based upon the evidence submitted to it both for and against plaintiffs' contention. It may be conceded that in considering the evidence submitted by both sides the Commission may have erred in its judgment in arriving at a conclusion. If that be so, however, it is not a matter that this court can correct. This court may likewise err in attempting the same thing. Be that as it may, however, the legislature

has withheld from us the right to review mere errors of judgment, precisely as it has withheld from us the right to review the judgments of the legislature itself in fixing rates. The fixing of rates is a legislative and not a judical function. The Commission decided that the rate charged was not unreasonable, excessive, or discriminatory. The statute, as has been shown, expressly provides that such conclusions of the Commission, when based upon the evidence, are to be considered as facts and are not reviewable. Whether a particular rate is or is not unreasonable or discriminatory no doubt may depend upon many facts and circumstances, all of which must be considered by the Commission. Where such is the case and the Commission has found the facts we cannot interfere although we might be inclined to find them different.

Then again, one of the controlling questions before the Commission was whether the rate in question was a proportional rate. The Commission, upon the whole evidence, found it to be a proportional rate. That, standing alone, is a very strong circumstance why the decision of the Commission should be upheld. No constitutional rights are involved, and none are claimed.

In addition to all that has been said, however, the further question arises, namely: Can this court direct the Commission to allow or to disallow reparations in such cases? Our statute, Sec. 4838, supra, provides that the Commission may order the public utility to make reparations only in cases where "no discrimination will result from such reparation." Where, therefore, as here, plaintiffs have sold coal to their customers in accordance with the tariff rates paid by them, how can this court, as matter of law, say that to allow them to recover back a certain amount of the freight paid by them will not result directly or indirectly in discrimination in favor of the plaintiffs? The Commission may or may not have considered that phase of the matter.

Keeping in mind, also that the Commission found that the rates in question here were the rates that were on file with the Commission at the time the alleged excessive charges were paid by the plaintiffs and that the charges paid by them were the regular rates and were not excessive, how can this court interfere without set-

ting aside the findings of the Commission and thus disregard our statute?

Finally, we remark that we do not deem it necessary in this proceeding to consider the question raised by the Attorney General, namely, whether the Commission has the power to make reparation in a proceeding like the one in question. While it is true, as contended by the Attorney General, that some courts have held that the Commission is without jurisdiction under statutes similar to ours, yet, in view that the findings and conclusions of the Commission must be sustained upon other grounds, that question is not necessarily involved and hence we express no opinion upon it. We, however, take the liberty of here citing, among other cases which are referred to by the Attorney General, the following: Texas & Pac. Ry. Co. vs. Road Comm. of La., 137 La. 1059, 69 So. 837, followed in Ford vs. La. S. R. Co., P. U. R. 1916 A 342; Santa Fe Coal & Copper Min. Co. vs. Atchinson T. & S. F. Ry. Co., 21 N. W. 496, 155 Pac. 1093; Taylor-Williams Coal Co. vs. The Public Utilities Comm. of Ohio, 97 Oh. St. 284, 119 N. E. 459; Wheeling Steel Comp. vs. Public Service Co., P. U. R. 1922D 67.

For reasons stated this court is of the opinion that the findings and conclusions of the Commission should be, and they accordingly are sustained and affirmed, with costs.

We concur:

(Signed) A. J. WEBER, C. J.
VALENTINE GIDDEON, J.
S. R. THURMAN, J.
J. W. CHERRY, J.

APPENDIX V.

TELEPHONE UTILITIES OPERATING IN THE STATE OF UTAH

PRIVATE UTILITIES — SMALL UTILITIES

Name of Utility and Name of Corresponding Officer	Total No. Customers	Lines with Which Connected
Bear River Valley Telephone Co., Paul Heitz, Mgr., Tremonton	500	
Big Springs Electric Co., E. R. Anderson, Mgr., Fountain Green*...		
Castle Dale Telephone Co., Edmund Crawford, Secy., Castle Dale...	82	M. S. T. & T.
Chester Farmers Circuit, W. M. Allred, Secretary.....	12	M. S. T. & T.
Escalante Telephone Co., Lester Spencer, Escalante, Utah.....	100	
Fairview Telephone Co., Roy B. Cox, Owner, Fairview.....	150	M. S. T. & T.
Garfield County Tel. & Tel Co., Benj. Cameron, Mgr. Panguitch...	125	M. S. T. & T. and Western Union.
Geneva Resort Co., Frank Eastmond, 238 S. 11th E. Salt Lake City*		
Green River Valley Telephone Co., L. H. Green, Owner.....	100	M. S. T. & T. and Midland Tel. Co.
Grouse Creek Telephone Co., C. Kimber, President, Grouse Creek..	40	
Gunnison Telephone Co., Leo N. Gledhill, Sec., Gunnison.....	230	M. S. T. & T.
Joseph & Cove Telephone Co., Walter F. Brown, President.....	24	
Kamas-Woodland Telephone Co., J. W. Blazzard, Mgr., Kamas.....	90	M. S. T. & T.
Manti Telephone Co., Pratt Allred, Secretary, Manti.....	375	M. S. T. & T.
Millard County Tel. & Tel. Co., T. C. Callister, Mgr. Fillmore.....	163	Peoples Telephone Co.
Moroni Telephone Co., J. R. Blackhan, Sec., Moroni.....	120	M. S. T. & T.
New Castle Telephone Co., R. M. Gillis, New Castle	15	M. S. T. & T. Southern Utah
North Logan Telephone & Elec. Light Co., Peter Larsen, Sec., Logan	33	M. S. T. & T.
Park Valley-Rosette Telephone Co., A. M. Seely, Sec., Park Valley..	23	
Peoples Progressive Tel. Co., J. S. P. Bouler, Sec., Gunlock.....	11	Southern Utah
Peoples Telephone Co., T. Clark Callister, Mgr., Fillmore.....	300	Millard Co. T. & T. & M. S. T. & T.
Redd Boyles Telephone Co., O. W. Porter, Mgr., Blanding*.....		
Southern Utah Telephone Co., E. H. Snow, Mgr., St. George.....	221	Peoples Progressive & Newcastle
Uintah Railway Co., L. C. Sprague, Gen'l Mgr., Mack, Colo.....	12	M. S. T. & T. & Uintah Telep.
Uintah Telephone Co., Lynn Strong, Mgr., Vernal	500	M. S. T. & T. & Uintah Ry. Co.
Utah-Wyoming Indep. Telephone Co., R. Kennedy, Mgr., Randolph..	94	M. S. T. & T.
Union Telephone Co., Mtn. View, Wyo.*.....		
Wayne County Tel. & Tel. Co., Fred Brown, Mgr., Loa, Utah.....	25	Salina Tel. Co. & Wayne Co. Indep.
West Side Telephone Co., Hinckley*.....		

Total Small Private Telephone Utilities..... 29

*Awaiting Report.

APPENDIX V.

TELEPHONE UTILITIES OPERATING IN THE STATE OF UTAH

MUNICIPAL UTILITIES — Small Utilities

Name of Utility and Name of Corresponding Officer	Total No. Customers	Lines with Which Connected
Midland Telephone Company, J. W. Corbin, Mgr., Moab, Utah.....	150	M. S. T. & T. & Green River Valley
Salina Telephone Co., C. J. Olsen, Mgr., Salina, Utah.....	85	M. S. T. & T. & Wayne Co. Telep. Co.
Wayne County Indep. Tel. Co., E. P. Pectol, Sec., Torrey, Utah....	14	Wayne Co. T. & T. Co. & Salina Tel.

Total Small Municipal Telephone Utilities..... 3
Total Small Private Telephone Utilities..... 29

Grand Total Small Telephone Utilities.....32

THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

UTAH OPERATIONS, YEAR ENDED DECEMBER 31, 1923

Operating Revenues

Exchange Service Revenue	$1,806,727.56	
Toll Service Revenue	718,524.70	
Miscellaneous Operating Revenue	104,290.13 Red	
Telephone Operating Revenue		$2,420,962.13

Operating Expenses

Maintenance Expenses	$ 332,952.58	
Traffic Expenses	599,711.51	
Commercial Expenses	178,730.79	
Insurance, Accidents and Damages	4,496.51	
Telephone Franchise Requirements	137.00	
Depreciation of Plant and Equipment	487,987.28	
Telephone Operating Expenses		$1,604.025.67

Other Deductions

General Expenses, Employees Benefit Fund and Net Messenger	$ 76,017.22	
Uncollectible Opr. Revenue	15,938.40	
Taxes and Franchises	245,716.84	
Rentals	14,297.49	
Amortization of Intangibles	2,323.23	
Total Other Deductions		$ 354,293.18
Total Telephone Operating Expenses and Other Deductions.		$1,958,318.85
Telephone Operating Income		$ 462,643.28

SMALL STEAM ROADS IN UTAH, STATE COMMISSION FORM C, YEAR ENDED DEC. 31, 1923.

Item	NAME OF ROAD				
	Carbon County Ry.	Ballard & Thomson R. R.	St. John & Ophir R. R.	Deep Creek R. R.	Eureka Hill Ry.
Railway Operating Revenues:					
Rail Line Transportation Revenues	$ 5,197.55	$ 2,597.64	$24,065.37	$41,609.06	$39,357.06
Incidental Operating Revenues	12.00		523.63	776.80	
Joint Facility Operating Revenues					
Total Railway Operating Revenues	$ 5,209.55	$ 2,597.64	$24,589.00	$42,385.86	$39,357.06
Railway Operating expenses:					
Maintenance of Way and Structures	$ 1,747.22	$ 7,620.75	$15,629.05	$ 5,764.48	$23,388.75
Maintenance of Equipment	1,253.96	990.41	8,739.59	2,561.14	8,445.10
Traffic Expenses	97.80	30.00	10.00	92.62	
Transportation Rail Line Expenses	5,182.09	4,577.13	18,232.16	9,218.35	20,145.83
Miscellaneous Operating Expenses	391.13				
General Expenses		1,181.99	2,088.33	2,662.81	5,943.28
Total Railway Operating Expenses	$ 8,672.20	$14,400.28	$44,699.13	$20,299.40	$57,922.96
Net Revenue from Ry. Operations	*3,462.65	*11,802.64	*20,110.13	22,086.46	*18,565.90
*Denotes Deficit.					
Total Mileage of Road Operated	6.42	5.50	8.92	47.15	7.00
Taxes, 1923			$ 1,985.60	$ 5,180.85	

SMALL STEAM ROADS IN UTAH, STATE COMMISSION FORM C, YEAR ENDED DEC. 31, 1923.

Item	NAME OF ROAD			
	Goshen Valley R. R.	Tooele Valley Ry.	Inland Ry. Co.	Uintah Ry.
Railway Operating Revenues:				
Rail Line Transportation Revenues	$ 60,245.54	$165,290.75	$ 12,606.36	$394,542.69
Incidental Operating Revenues	129.00	4,055.18	187.00	36,830.76
Joint Facility Operating Revenues				
Total Railway Operating Revenues	$ 60,374.54	$169,345.93	$ 12,793.36	$431,373.45
Railway Operating expenses:				
Maintenance of Way and Structures	$ 9,543.49	$ 26,042.44	$ 3,450.82	$ 88,119.09
Maintenance of Equipment	1,258.00	44,725.95	2,275.05	74,856.32
Traffic Expenses	249.68	2,877.07	14.80	2,970.39
Transportation Rail Line Expenses	11,289.39	93,369.57	6,963.34	108,435.05
Miscellaneous Operating Expenses				42,260.23
General Expenses	4,967.56	6,761.29	3,038.33	74,309.72
Total Railway Operating Expenses	$ 27,308.12	$173,776.32	$ 15,742.34	$390,950.80
Net Revenue from Ry. Operations	$ 33,066.42	$ 4,430.39*	$ 2,948.98*	$ 40,422.65
*Denotes Deficit.				
Total Mileage of Road Operated	11.34	8.65	5.20	73.05
Taxes, 1923	$ 2,722.70	$ 3,982.41	$ 584.93	$ 29,420.50

ELECTRIC RAILROADS OPERATING IN UTAH, YEAR ENDED DEC. 31, 1923.

ITEM	NAME OF ROAD			
	Bamberger Electric R. R.	Salt Lake & Utah R. R.	Utah Idaho Central R. R.	Salt Lake Garfield & W. R. R.
Railway Operating Revenues:				
Revenue From Transportation	$577,407.26	$852,310.17	$786,729.39	$163,250.80
Revenue From Other Railway Operations	7,936.13	25,151.03	51,771.22	1,755.36
Total Operating Revenues	$585,343.39	$877,461.20	$838,500.61	$165,006.16
Railway Operating Expenses:				
Way and Structures	$103,578.58	$ 84,934.62	$ 93,418.10	$ 13,040.86
Equipment	67,737.20	60,676.99	64,820.88	28,680.05
Power	60,081.56	76,161.98	85,304.88	22,376.46
Conducting Transportation	72,339.76	126,718.73	168,862.62	24,604.70
Traffic	12,862.86	19,878.47	7,860.33	10,225.46
General and Miscellaneous	140,800.49	164,439.98	105,052.17	16,376.74
Transportation for Investment—CR.			455.86	
Total Operating Expenses	$457,400.45	$532,810.77	$524,863.12	$115,304.27
Net Revenue From Railway Operations	$127,942.94	$344,650.43	$313,637.49	$ 49,701.89
Mileage of Road Operated	36.25	76.10	144.66	16.73
Taxes, 1923	$ 48,248.66	$ 69,912.61	$ 72,624.40	$ 10,796.91

STREET RAILWAY UTILITIES IN UTAH, YEAR ENDED DEC. 31, 1923.

Item	NAME OF LINE Utah Light and Traction Co	Utah Rapid Transit Co.
Railway Operating Revenues:		
Revenue from Transportation	$1,846,489.48	$ 297,813.04
Revenue from other Railway Operations	11,257.05	1,388.35
Total Operating Revenues	$1,857,746.53	$ 299,201.39
Raiway Operating Expenses:		
Way and Structures	$ 158,629.83	$ 27,545.53
Equipment	133,393.17	38,743.46
Power	252,628.31	34,476.18
Conducting Transportation	607,579.63	95,369.11
Traffic	5,073.56	514.29
General and Miscellaneous	175,331.57	49,623.01
Transportation for Investment—Cr.	446.68	
Total Operating Expenses	$1,332,189.39	$ 246,271.58
Net Revenue from Railway Operations	$ 525,557.14	$ 52,929.81
Miles of Road Operated	143.81	37.06
Taxes, 1923	$ 135,400.00	$ 11,471.66

LARGE ELECTRICAL UTILITIES IN UTAH, YEAR ENDED DEC. 31, 1922

ITEM	NAME OF ELECTRICAL UTILITY				
	Utah Power & Light Co.	Telluride Power Co.	Dixie Power Co.	Clark Electric Co.	Deseret Power Co.
Operating Revenues:					
Sales of Current	$6,319,947.23	$ 176,224.35	$48,606.22	$34,520.17	$16,337.23
Miscellaneous Revenues	42,960.73	9,848.76	4,680.94	14,307.54	5,177.54
Total Operating Revenues	$6,362,907.96	$ 186,073.11	$53,287.16	$48,827.71	$21,514.77
Operating Expenses:					
Steam Power Generation	$ 11,595.50	$ 4,297.56	$	$	$
Hydro Electric Generation	343,009.24	22,360.63	10,764.30	6,520.67	
Electric Energy from Other Sources	9,674.80				6,397.82
Transmission Expenses	201,384.15	14,993.22	528.40	1,509.58	1,744.02
Distribution Expenses	395,754.94	14,572.97	3,778.42	3,545.31	2,767.22
Utilization Expenses	49,832.74	1,414.68	169.63		1,218.92
Commercial Expenses	268,743.95	12,160.68	4,957.85	2,793.33	2,929.43
New Business Expenses	57,353.86	1,393.97	112.15		158.65
General and Miscl. Expenses	1,727,364.59	34,958.59	12,830.78	5,167.54	8,424.52
Conversion and Storage Expense		406.24	191.36		
Total Operating Expenses	$3,064,713.77	$ 106,558.54	$33,332.89	$19,536.43	$23,640.58
Uncollectible Bills	$ 32,368.02	744.10	1,272.99	65.64	
Taxes Assignable to Electric Oper.	$ 775,556.00	$ 16,350.00	$ 5,249.90	$ 2,068.83	$ *

*Not Available.

GAS UTILITIES IN UTAH, YEAR ENDED DEC, 31, 1922.

ITEM	NAME OF UTILITY		
	Utah Gas & Coke Co.	Utah Valley Gas & Coke Co.	Utah Power & Light Co.
Operating Revenues:			
Sales of Gas	$636,081.94	$ 55,094.68	$ 95,307.06
Miscellaneous Revenues	8,153.48	874.60	5,627.78
Total Oper. Revenues	$644,235.42	$ 55,969.28	$100,934.84
Operating Expenses:			
Production Expenses	$189,285.24	$ 17,654.27	$ 72,433.81
Trans. and Dist. Expenses	40,064.17	1,135.36	11,867.53
Commercial Expenses	38,670.82	1,945.57	6,953.21
New Business Expenses	21,156.58		725.15
Gen. and Miscl. Expenses	80,760.54	1,830.00	17,762.85
Total Operating Expenses	$369,937.35	$ 21,655.20	$109,742.55
Uncollectible Bills	$ 782.28	$ 120.00	*
Taxes, 1922	$ 58,978.43	$ 790.00	$ *

*Shown in Electrical Report.

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

MUNICIPAL UTILITIES

Name of Utility and Corresponding Officer	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
American Fork City Water Dept., Daniel Dean, Supt. Water Sys.	613	4	609	613		
Annabella Municipal Water Works, James H. Barney, Clerk	61		61	4		57
Aurora Municipal Water Works*						
Bountiful City Water Works, H. J. W. Burningham, Water Master	463	3	460	461	2	
Brigham City Corpn., Eliza Thompson, City Treas.	1,257	176	1,081			1,257
Beaver Municipal Water Works*						
Bicknell Municipal Works*						
Cedar City Water System, S. F. Leigh, Supt. Water Dept.	490		490			
Circleville Town Waterworks Dept., Ed. P. Taillmer, Supt.	88		88			88
Clarkston Town Waterworks, H. M. Godfrey, Supt.	121		121	121		
Coalville City Munic. Water Dept., F. D. Williams, City Recorder	178		178			178
Corinne City Water Works., Wm. Bosley, Water Master	70		70	70		
Castle Dale Municipal Water Works*						
Centerfield Municipal Water Works*						
Centerville Municipal Water Works*						
Central Municipal Water Works*						
Duchesne City Water Works, Nellie Johnson, City Rec.	118		118	118		
Elsinore Water Works, Peter C. Christensen, Water Supt.	160		160	160		
Enterprise Water System, T. H. Lamb, Water Supt.	110		110	110		
Ephraim Water Works, Archie Larson, Supt. Water Wks	550	2	548	550		

*Not Reported.

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

MUNICIPAL UTILITIES

Name of Utility and Corresponding Officer	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
Eden Water Works*						
Emery Municipal Water Works*						
Fairview Water Works, E. H. Anderson, City Treas.	210	64	146	210		
Farmington City Water Works, J. R. Udy, Supt.	235		235	234	1	
Freedom Irrigation Water Works	48		48	16	32	
Fillmore Municipal Water Works*						
Fountain Green Municipal Water Works*						
Garland City Water Works, Della Hall, City Recorder	196		196	9	7	180
Glenwood City Water Works, Rudolph Rickenbach, Jr., Pres.	62		62	62		
Goshen Town Waterworks, John Jasperson, Clerk	105	2	103	38		67
Gunnison City Water Works, R. L. Tollestrup, Supt Water Dept.	287		287			287
Heber City Water Works Sys., Wm. Cummings, Supt.	479		479	228		251
Helper City Water Dept., T. C. Smiley, City Recorder	400		400	400		
Honeyville Town Water Works, Hyrum M. Booth, Supt.	86		86	86		
Huntington City Water System, Wm. J. Green, Jr.	180		180			180
Hyde Park Town Water System, Lorenzo Peters, Supt.	124		124	124		
Hyrum City Munic. Water Works, Niels Johnson, Supt.	358		358	211		147
Hoytsville Water Works*						
Joseph Water System, John T. Lott, Water Master	55		55	55		
Junction Municipal Water Works*						
Kanosh Water Sys., Grant D. Staples, Supt. Water Works	117		117	117		
Koosharem Water Works, Alpheus O. Hatch, Supt.	65		65			

*Not Reported.

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

MUNICIPAL UTILITIES

Name of Utility and Corresponding Officer	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
Kaysville Water Sys., Bruce Major, Supt. Water Dept...	217	2	215	217		
Kamas Municipal Water Works*						
Kanarra Municipal Water Works*						
Lehi City Water Works, A. D. Christopherson, Supt....	410	11	399	283		127
Lewiston City Water System, John J. Poulson, Supt.....	225		225	225		
Loa Water Works Co., W. S. McClellan, Secretary.....	79		79	79		
Logan City Water Works Dept., E. T. Hawkins, Treas...	2,187	62	2,125	2,187		
Lyman Water Works Co.	30		30	30		
Levan Municipal Water Works*						
Manti City Water Works, Bernard Parry, Supt. Water Works	479	223	256	479		
Mantua Water Works, Austin Larsen, Town Clerk.....	38	36	2	38		
Mayfield Municipal Water Works, Ed. V. Bunderson, Treas.	81		81	81		
Mendon City Water Works, E. J. H. Crecock, Water Mst..	223		223	223		
Midvale City Water Works, A. A. Larson, Supt. W. Works	495	7	488	208		287
Moroni City Water Works, Heber Christensen, Supt. Water Works.	236	227	9	236		
Mount Pleasant Water Works, W. E. S. Watson, Col.....	560	2	558	560		
Murray City Water Dept., T. T. McDonald, Engineer...	691	7	684	691		
Manila Municipal Water Works*						
Marysvale Municipal Water Works*						
Meadow Municipal Water Works*						
Midway Water Works*						
Milford Municipal Water Works*						
Minersville Municipal Water Works*						

*Not Reported.

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

MUNICIPAL UTILITIES

Name of Utility and Corresponding Officer	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
Monroe Municipal Water Works*						
Morgan City Municipal Water Works*						
Myton Municipal Water Works*						
Nephi City Water Works	534	494	40	85		449
Newton City Water Works, Amos Griffin, Clerk	112		112	112		
Ogden City Water Works Dept., A. T. Corey, Asst. Supt.	9,000	600	8,400	700		8,300
Orderville Water System Co., F. A. Porter, Mgr.	400		400	400		
Orangeville Water Works*						
Panguitch Water System, James M. Sargent, Mayor	240		240	240		
Paragoonah Water System, Calvin Robinson, Treas.	94		94	94		
Park City Municipal Water Works, Susanna Shield, City Rec.	881		881	881		
Paradise Water Works Co., W. T. James, Secy.	90		90	90		
Payson City Waterworks, W. H. Madsen	578	82	496	462		116
Perry Town Water Works, M. W. Peters, Clerk	65	65		65		
Pleasant Grove Water Works, Hensen Nielson, Supt.	375	3	372	375		
Portage Town, Municipal Water System, Arthur Gibbs, Clerk	65	65		65		
Price Water Dept., Price City, J. W. Plant, Supt.	681	657	24	681		
Parowan Municipal Water Works*						
Provo Municipal Water Works*						
Redmond Water Works, James C. Christensen, Supt. Water Dept.	120		120	120		

*Not Reported.

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

MUNICIPAL UTILITIES

Name of Utility and Corresponding Officer	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
Richmond City Water Works, H. J. Johnson, Water Supt.	275		275	275		
Richfield Municipal Water Works*						
Roosevelt Municipal Water Works*						
St. George City Water Works, R. C. Lund, Jr., Supt. Water Works	478	132	346	478		
Salina City Water Works, John Clawson, Water Supt.	295	12	283	295		
Salem Municipal Water Syt. J. A. Warren, Water Supt.	79		79	21		58
Salt Lake City Mun. Water Works, W. K. Burton, Supt.	25,797	13,860	11,937	25,797		
Sandy City Waterworks, A. Robert Larsen, Supt., Wtwks.	319	22	297	319		
Santaquin Town Waterworks, George E. Kirkham, Town Clerk	225		225	225		
Silver City Waterworks, V. H. Gates, Collector	100	45	55	100		
Smithfield City Waterworks, Leo. O. Law, Supt. Wtrwks.	618	1	617	204	141	273
Spanish Fork Water Works, Silas H. Snell, Supt. Water Works	750		750	750		
Springville Municipal Waterworks System, W. W. Harrison, City Rec.	713	2	711	569	144	
Stockton Water System, James J. Murray, Watermaster	77		77	77		
Santa Clara Municipal Waterworks*						
Scofield Municipal Waterworks*						
Siguard Municipal Waterworks*						
Tooele City Waterworks, J. D. Gallohn, Supt. Waterworks	850	47	803			850
Town of Bingham Canyon, F. W. Quinn, Town Clerk	416	5	411	416		
Tremonton City Water Department, Ray Enyatt, Treas.	223		223			223
Tropic Municipal Waterworks*						

*Not Reported.

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

Name of Utility and Corresponding Officer	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
Vernal Municipal Waterworks*						
Wellington Town Waterworks, C. H. Hartley, Supt. Waterworks	78	61	17	78		
Wellsville City Water System, James R. Cogren, Treas.	275	3	272	275		
Willard City, Waterworks, Chas. P. Elseg, Recorder	125		125	125		
Wales Municipal Waterworks*						
Widtsoe Municipal Waterworks*						

Total Municipal Water Utilities..... 112

*Not Reported.

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

PRIVATE WATER UTILITIES

Name and Officer in Charge of Correspondence	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
Alton Farmers Assn.*						
Birch Creek Canyon Water Co., R. R. 43680, Adams Ave. Ogden	122	1	121	121		
Blue Mountain Irrigation Co.*						
Clinton Pipeline & Water Co., A. C. Patterson, Sec., Clinton	25			25		
Crystal Waterworks Co., Elmer Tibbitts, Sec., Providence	26			26		
Center Water Works, Sarah Muir, Sec., Heber R.F.D.*.						
Daniel Waterworks, Wm. S. Plummer, Heber City*						
Echo Water System Co., A. R. Jones, Sec., Echo	19			19		
Ferron Water Works Co., W. H. Worthen, Sec., Ferron	85			85		
Francis, S. & Sons Co., Jas. E. Francis, Mgr., Morgan	26		26	15	11	
Glendale Water System Co., J. W. Hopkins, Sec., Glendale	39		39	39		
Grouse Creek (East) Water Co., Elmer Kimber, Sec., Grouse Creek	36		36		36	
Henefer Pipeline Co., Geo. P. Jones,, Sec., Henefer	66		66	66		
Hooper Irrigation Co., T. W. Read, Sec., Hooper & West Weber	300				300	
Kanab Irrigation Co., F. A. Lindquist, Sec., Kanab	153				153	
Kanab West Side Irrigation Co.*						

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

PRIVATE WATER UTILITIES

Name and Officer in Charge of Correspondence	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
Layton Water System, E. M. Whitesides, Mgr., Layton..	158	3	155	158		
Leamington Pipewater Co., Leamington*.....						
Maxwell Water Co., Albert Maxwell, Mgr., Moab.....	11		7	11		4
Miller Ditch Co., W. C. Pugh, Box 44 R. 4, Murray....	95	92	3	95		
Moab Pipe Line Co., John Peterson, Sec., Moab.....	140		140	140		
Maser Water System, Vernal*.....						
Mammoth Mining Co., Eureka*.....						
New Harmony Pipeline Co., Geo T. Prince, Sec., New Harmony.....	26		26	26		
Oak City Pipe Water Co., Oak City*.....						
Peerless Water Co., Benj. R. Tibbitts, Sec., Providence..	47		47	47		
Peterson Pipeline Co., Reinhardt Olsen, Mgr., Peterson..	6		6	6		
Pioneer Water Works, C. J. Mohr, Sec., Providence.....	27		27	27		
Pioneer Water Works, John Lowry, Jr., Sec., Manti....	44		44	44		
Plain City Water Co., Plain City*.....						
Reservoir and Pipeline Co., Hulda L. Brown, Sec., Woods Cross.....	34		34	34		
Riverton Pipeline Co., Lonetta B. Madsen, Sec., Riverton	195		195	195		
Smithfield East Bench Water Co., H. W. Noble, Sec., Smithfield.....	38		38	38		
Summit Water System Co., J. P. Dalley, Sec., Summit..	28		28			28

WATER UTILITIES OPERATING IN THE STATE OF UTAH.

Name of Utility and Corresponding Officer	Total No. Customers	Basis of Charge: Meters	Basis of Charge: Flat Rate	Kind of Use: Culinary	Kind of Use: Irrigation	Kind of Use: Both
South Jordan Pumping & Pipeline Co., Sandy, R. D. 2*..						
Thurber Water Supply & Irrigation Co., Geo. C. Brinkerhoff, Sec., Bicknell	47			38	9	7
Teasdale Water Works Co., F. C. Pectol, Sec., Teasdale..	58		58	58		
Ukon Water Co., David Larson, Sec., Fielding & East Garland	86	86		86		
Wanship Pipeline Co., Wm. Carter, Pres., Wanship....	12		12	12		
West Side Water System, W. R. Wilson, Sec., Murray, R. D. No. 5	155	155		155		

Total Private Water Utilities..... 41
Total Municipal Water Utilities..... 112

Grand Total Water Utilities..... 153

ELECTRICAL UTILITIES OPERATING IN THE STATE OF UTAH.

MUNICIPAL UTILITIES — SMALL UTILITIES

Name of Utility and Name of Corresponding Officer	Total No. Cust.	Lighting Cust.	Power Cust.	Self Generation	From Whom Purchased
Beaver City Elect Power Plant, J. F. Smith, Chm. Li. Comm., Beaver*					
Brigham City Muni. Elect. Dept., Ruel M. Eskelsen, City Mgr.	1,525	1,300	225	Yes	
Ephraim City Elect. Light & Power Plant, J. H. Jensen, Supt.	575	500	75	Yes	
Fairview Muni. Light Plant, Lew Peterson, Supt.	307	300	7	Yes	
Green River City Elect. Light Plant*					
Heber Light & Power Plant, W. E. Homer, Mgr.	744	730	14		U. P. & L. Co.
Hyrum City Muni. Light & Power Plant, Chase. O. Carlson, Supt.	406	382	24		U. P. & L. Co.
Levan Elect. System, J. H. Gunderson, City Electrician	114	113	1		Big Sps. Elec.
Manti Muni. Corp., Parley Westenskow, Elect.	492	480	12	Yes	
Mantua Muni. Elect. Light Co., Austin Larsen, Town Clerk	63	63			U. P. & L. Co.
Monroe Light & Power Plant, Glen Winget, Councilman	230	225	5	Yes	
Mt. Pleasant Elect. Light Plant, W. E. Watson, Col.	609	579	30	Yes	
Murray City Corp. Elect. Dept., E. A. Parkinson, Elect.	1,599	1,561	38	Yes also	U. P. & L. Co.
Nephi City Elect. Light Plant*					

*Awaiting Report.

ELECTRICAL UTILITIES OPERATING IN THE STATE OF UTAH.

MUNICIPAL UTILITIES — SMALL UTILITIES

Name of Utility and Name of Corresponding Officer	Total No. Cust.	Lighting Cust.	Power Cust.	Self Generation	From Whom Purchased
Paragoonah City Corp. Elect. Dept., Thos. A. Topham Tn. Pres.	82	82		Yes also	Parowan City
Parowan City Electric Plant*					
Payson City, Elect. Plant, D. L. Coombs, City Elect.	750	725	25		U. S. R. S.
Perry Town, Elect. Light Co., M. W. Peters, Tn. Clerk	60	60			Brigham City
Price Muni. Elect. Department*					
Salem Muni. Light & Power System, J. A. Warren City Electrician	152	149	3		U. S. R. S.
Spanish Fork Muni. Light & Power System., Wm. J. Huff, City Electrician	846	832	14		U. S. R. S.
Spring City Municipal Electric Light Plant, L. A. Allred, Collector	237	237		Yes	
Springville, The, Elect. Light System, Wm. N. Grooms, Supt. and Chief Engineer	915	872	43	Yes also	U. S. R. S.
Total Municipal Utilities, Electric, 23					

U. P. & L. Co. Utah Power & Light Co.
U. S. R. S. United States Reclamation Service.

ELECTRICAL UTILITIES OPERATING IN THE STATE OF UTAH.

PRIVATE UTILITIES — SMALL UTILITIES

Name of Utility and Name of Corresponding Officer	Total No. Cust.	Lighting Cust.	Power Cust.	Self Generation	From Whom Purchased
Big Springs Electric Light Co.*					
Blanding Irrigation Co.*					
Blue Mountain Irrigation Co., Monticello*					
Bountiful Light & Power Co., Blanche Lewis, Secretary, Bountiful	870	802	68		U. P. & L. Co.
Daniel Power & Light Co., A. E. Bjorkman, Pres., Heber City	41	40	1		Heber P. & L. Co.
Elect. Power & Milling Co., John H. Taylor, Mgr. Orangeville	210	210		Yes	
Goshen Electric Co.*					
Kamas Woodland Tele. Co., J. W. Blazzard, Mgr. Kamas	125	125		Yes	
Leland Elect. Light & Tel. Co., Willard Peterson, Sec., Leland	51	50	1		Span. Fk. City
Moab Light & Power Co., W. E. Hammond, Sec., Moab	170	165	5	Yes	
Morgan Elect Light & Power Co., F. R. Ryan, Pres., Morgan	312	302	10		U. P. & L. Co.
North Logan Tel. & Elect. Light Co., Peter Larsen, Secretary, Logan	54	54			U. P. & L. Co.
Swan Creek Elect. Co., G. H. Robinson, Treas. Laketown	227	225	2	Yes	

*Awaiting Report.

ELECTRICAL UTILITIES OPERATING IN THE STATE OF UTAH.

PRIVATE UTILITIES — SMALL UTILITIES

Name of Utility and Name of Corresponding Officer	Total No. Cust.	Lighting Cust.	Power Cust.	Self Generation	From Whom Purchased
Tribune Light, Heat & Power Plant, F. J. Westcott, Secretary, City	11	9	2	Yes	
Uintah Power & Light Co., A. C. Emert, Mgr., Roosevelt.	425	400	25	Yes	
Vernal Milling & Light Co., Wm. H. Siddoway, President, Vernal	545	530	15	Yes	
Wasatch Power Co., R. W. Burton, Col. Trs. Co. Receiver, City	15	10	5	Yes	

Total Private Electrical Utilities.....17
Total Municipal Electrical Utilities 23

Grand Total Small Electrical Util. 40

UNION PACIFIC RAILROAD CO., YEAR ENDED DEC. 31, 1923.

Operations within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 4,554,556.61	$ 4,337,600.23	$ 216,956.38
Incidental Operating Revenues	88,349.82	88,349.82	
Joint Facility Operating Revenues	4,609.75	4,609.75	
Total Railway Operating Revenues	$ 4,647,516.18	$ 4,430,559.80	$ 216,956.38
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 522,119.22		
Maintenance of Equipment	865,493.48		
Traffic	62,315.73		
Transportation Rail Line Expenses	1,195,999.29		
Miscellaneous Operating Expenses	85,843.60		
General Expenses	119,059.62		
Transportation for Investment—CR.	3,444.63		
Total Railway Operating Expenses	$ 2,847,386.31		
Net Operating Revenues	1,800,129.87		
Average Mileage of Road Operated	104.35		
Averages per Mile of Road:			
Operating Revenues	$ 44,537.77		
Operating Expenses	27,286.88		
Net Operating Revenues	17,250.89		
Utah Taxes, 1923	132,093.10		

LOS ANGELES & SALT LAKE RAILROAD CO., YEAR ENDED DEC. 31, 1923.

Operations within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 9,540,550.99	$ 7,863,352.57	$ 1,677,198.42
Incidental Operating Revenues	223,634.70	130,409.40	93,225.30
Joint Facility Operating Revenues	39,323.39		39,323.39
Total Railway Operating Revenues	$ 9,803,509.08	$ 7,993,761.97	$ 1,809,747.11
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 1,475,490.06		
Maintenance of Equipment	2,037,846.44		
Traffic	243,423.56		
Transportation Rail Line Expenses	3,042,614.50		
Miscellaneous Operating Expenses	244,489.03		
General Expenses	255,013.01		
Transportation for Investment—CR.	14,085.55		
Total Railway Operating Expenses	$ 7,284,791.05		
Net Operating Revenues	$ 2,518,718.03		
Average Mileage of Road Operated	553.28		
Averages per Mile of Road:			
Operating Revenues	$ 17,702.89		
Operating Expenses	13,154.67		
Net Operating Revenues	$ 4,548.22		
Utah Taxes, 1923	$ 421,933.00		

OREGON SHORT LINE RAILROAD CO., YEAR ENDED DEC. 31, 1923.

Operations within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 9,592,514.81	$ 8,799,511.95	$ 793,002.86
Incidental Operating Revenues	188,337.63	26,431.53	161,906.10
Joint Facility Operating Revenues	57,622.24		57,622.24 Cr.
Total Railway Operating Revenues	$ 9,723,230.20	$ 8,825,943.48	$ 897,286.72
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 890,553.73		
Maintenance of Equipment	962,947.15		
Traffic	61,803.04		
Transportation Rail Line Expenses	2,366,132.90		
Miscellaneous Operating Expenses	127,729.88		
General Expenses	220,905.98		
Transportation for Investment—CR.	4,439.25		
Total Railway Operating Expenses	$ 4,625,633.43		
Net Operating Revenues	$ 5,097,596.77		
Average Miles of Road Operated	241.64		
Averages per Mile of Road:			
Operating Revenues	$ 40,238.50		
Operating Expenses	19,142.67		
Net Operating Revenues	$ 21,095.83		
Utah Taxes, 1923	$ 320,359.60		

SOUTHERN PACIFIC COMPANY, YEAR ENDED DEC. 31, 1923.

Operations within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 5,887,203.57		
Incidental Operating Revenues	104,444.99		
Joint Facility Operating Revenues	17,973.84	Not Available.	
Total Railway Operating Revenues	$ 6,009,622.40		
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 641,380.91		
Maintenance of Equipment	792,068.74		
Traffic	78,851.70		
Transportation Rail Line Expenses	1,536,211.01		
Miscellaneous Operating Expenses	92,447.10		
General Expenses	133,467.50		
Transportation for Investment—CR.	16,759.76		
Transportation—Water Line	5,410.88		
Total Railway Operating Expenses	$ 3,263,078.08		
Net Operating Revenues	$ 2,746,544.32		
Average Mileage of Road Operated	260.59		
Averages per Mile of Road:			
Operating Revenues	$ 23,061.60		
Operating Expenses	12,521.89		
Net Operating Revenues	$ 10,539.71		
Utah Taxes, 1923	$ 208,000.00		

THE DENVER & RIO GRANDE WESTERN RAILROAD SYSTEM, YEAR ENDED DEC. 31, 1923.

Operations within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$11,890,576.02		
Incidental Operating Revenues	329,614.73		
Joint Facility Operating Revenues	45,760.34	Not Available	
Total Railway Operating Revenues	$12,265,951.09		
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 1,693,900.40		
Maintenance of Equipment	3,322,621.34		
Traffic	183,576.02		
Transportation Rail Line Expenses	3,964,990.41		
Miscellaneous Operating Revenues	266,330.04		
General Expenses	324,436.95		
Transportation for Investment—CR.	20,248.92		
Total Railway Operating Expenses	$ 9,735,606.24		
Net Operating Revenues	$ 2,330,344.85		
Average per Mile of Road Operated	695.11		
Averages per Mile of Road:			
Operating Revenues	$ 17,646.06		
Operating Expenses	14,005.85		
Net Operating Revenues	$ 3,640.21		
Utah Taxes, 1923	$ 652,971.26		

THE WESTERN PACIFIC RAILROAD CO., YEAR ENDED DEC. 31, 1923

Operations within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 1,979,738.89	$ 1,785,141.03	$ 194,597.86
Incidental Operating Revenues	60,059.20	8,421.47	51,637.73
Joint Facility Operating Revenues	6,329.47		6,329.47
Total Railway Operating Revenues	$ 2,046,127.56	$ 1,793,562.50	$ 252,565.06
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 288,696.09		
Maintenance of Equipment	305,974.31		
Traffic	55,105.07		
Transportation Rail Line Expenses	612,058.07		
Miscellaneous Operating Expenses	58,816.44		
General Expenses	53,700.77		
Transportation for Investment—CR.	5,833.41		
Total Railway Operating Expenses	$ 1,368,517.34		
Net Operating Revenues	$ 677,610.22		
Average Mileage of Road Operated	143.72		
Averages per Mile of Road:			
Operating Revenues	$ 14,236.90		
Operating Expenses	9,522.11		
Net Operating Revenues	$ 4,714.79		
Utah Taxes, 1923	$ 100,100.00		

UTAH RAILWAY COMPANY, YEAR ENDED DEC. 31, 1923.

Operations entire line within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 1,657,031.71	$ 601,748.07	$ 1,055,283.64
Incidental Operating Revenues	631.80		631.80
Joint Facility Operating Revenues			
Total Railway Operating Revenues	$ 1,657,663.51	$ 601,748.07	$ 1,055,915.44
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 323,648.28		
Maintenance of Equipment	441,180.91		
Traffic	4,604.04		
Transportation Rail Line Expenses	446,419.21		
Miscellaneous Operating Expenses			
General Expenses	67,043.96		
Transportation for Investment—CR.	3,800.88		
Total Railway Operating Expenses	$ 1,279,095.52		
Net Operating Revenues	$ 378,567.99		
Average Mileage of Road Operated	102.18		
Averages per Mile of Road:			
Operating Revenues	$ 16,222.98		
Operating Expenses	12,518.06		
Net Operating Revenues	$ 3,704.92		
Utah Taxes, 1923	$ 76,533.02		

BINGHAM & GARFIELD RAILWAY CO., YEAR ENDED DEC. 31, 1923.

Operations entire line within the State of Utah.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 443,372.37	$ 236,470.98	$ 206,901.39
Incidental Operating Revenues	12,869.18		12,869.18
Joint Facility Operating Revenues			
Total Railway Operating Revenues	$ 456,241.55	$ 236,470.98	$ 219,770.57
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 67,884.84		
Maintenance of Equipment	62,539.45		
Traffic	20,728.19		
Transportation Rail Line Expenses	119,238.21		
Miscellaneous Operating Expenses	2,146.59		
General Expenses	61,136.25		
Transportation for Investment—CR.			
Total Railway Operating Expenses	$ 333,673.53		
Net Operating Revenues	$ 122,568.02		
Average Mileage of Road Operated	34.80		
Averages per Mile of Road:			
Operating Revenues	$ 13,110.39		
Operating Expenses	9,588.32		
Net Operating Revenues	$ 3,522.07		
Utah Taxes, 1923	$ 37,317.61		

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