Report of the

Public Utilities Commission

of Utah

to the Governor

ANNUAL REPORT

1925

COMMISSIONERS

January 1, 1925, to March 31, 1925

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

April 1, 1925, to December 31, 1925

ELMER E. CORFMAN, President
THOMAS E. McKAY
GEORGE McGONAGLE
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 year 1925.

COURT CASES

Under date of June 20, 1925, the Supreme Court of Utah rendered its decision in the following case:

State of Utah, ex rel., Public Utilities
Commission of Utah, Appellant,

vs.

C. W. Nelson, Respondent,
James Neilson, Intervenor and Appellant.

Copy of this decision will be found in another part of this report.

STATISTICS

The following is a summary of the formal cases before the Commission:

Cases pending from 1921	2
Cases pending from 1922	4
Cases pending from 1923	4
Cases pending from 1924	40
New cases filed in 1925	94
Total	144

Cases disposed of in 1925	102
Cases pending from 1922	1
Cases pending from 1924	5
Cases pending from 1925	36
Total	144

The Commission also issued 219 Ex Parte Orders, 37 Special Dockets, 8 Grade Crossing Permits, and 41 Certificates of Convenience and Necessity. Practically all of the

Ex Parte Orders were for reduced rates. A list of each of the above will be found in another part of this report.

INFORMAL COMPLAINTS

Through the efforts of the Commission, numerous complaints have been disposed of in a manner which has been satisfactory to all concerned. The method employed in these cases was to arrange informal meetings of complainants and defendants. This method, undoubtedly, has resulted in better feelings between the public and the utilities.

AUTO STAGE AND TRUCK SERVICE

There seems to be a growing demand for automobile passenger and freight service over routes parallelling lines of well established steam and electric lines. In the various cases before the Commission, the utmost consideration and study have been given for the purpose of determining the best interests of the public. The Utah Idaho Central Railroad Company, operating between Ogden, Utah, and Preston, Idaho, has supplemented its regular train service, between Ogden and Logan, Utah, by the use of new eighteen-passenger busses.

Practically all of the sixty-three stage and truck lines are now carrying insurance policies and bonds, prescribed by the Commission, as required by the new law created by the last legislature.

Approximately one thousand dollars per month, in mileage tax, is being collected, from persons and corporations operating over the public highways for hire. Reports are filed each month with the Commission, where the tax is calculated, after which the State Treasurer is notified. This is the result of the new law which became effective March 21, 1925. Statement is shown in another part of this report, showing the total amount of tax received from each line.

Audits of all stage and truck lines are being made. In accordance with the new law, the accounts of all lines will be audited each year.

GRADE CROSSINGS

Eight new grade crossings have been investigated and permits issued, authorizing their construction. In all cases,

applicants were ordered to maintain crossings in good, passable condition, and to install warning signs. Jurisdiction has always been reserved by the Commission.

ACCIDENTS

The Commission has made investigations into the causes of numerous accidents on grade crossings. These have been made with the hope that methods of lessening the constantly increasing number of these accidents may be found.

COUNSEL AT WASHINGTON, D. C.

Appropriations made to this and many other similar commissions throughout the United States have not been sufficient to employ special counsel. Many conditions arise at Washington, D. C., which necessitate immediate action on the part of state commissions. These commissions have arranged, through the National Association of Railroad and Utilities Commissioners, to employ a general solicitor and a valuation attorney to handle their affairs. Each commission contributes to the maintenance of these offices and to the salaries of its representatives. Too much importance cannot be given to the work of these men. Special bulletin service is being furnished, containing digests of the most important court cases relating to utility regulation in addition to information on important events throughout the country. Under this arrangement Mr. John E. Benton, General Solicitor, has represented and will represent this Commission in all of the hearings in I. C. C. Docket No. 17,000, Rate Structure Investigation, also Ex Parte 87, Revenues in Western District.

NEW PROJECTS

The Utah Parks Company, a subsidiary corporation of the Union Pacific System, was issued a certificate of convenience and necessity to operate a bus line between Cedar City, Marysvale and the scenic attractions in Southern Utah. More than forty large busses are at the disposal of tourists desirous of visiting the various parks, etc. Considerable money has been expended in constructing and furnishing hotels and cottages for the comfort of the tourists.

Certificates were issued to the Pierce-Arrow Sightseeing and Transportation Company and the Salt Lake Transpor-

tation Company, to take in scenic points of interest adjacent to Salt Lake City.

The National Coal Railway Company was given a certificate to construct a line of railroad to connect with the Utah Railway Company. This line is approximately nine miles in length and will afford transportation facilities for new mines in Carbon County.

The Utah Power and Light Company is constructing a large dam and power plant at Cutler, which is located on the Bear River. This plant will have a generating capacity of 30,000 K. W. Certificate was issued during the early part of the year, and construction is progressing very rapidly.

ANNUAL REPORTS

Arrangements are being made to furnish two copies of annual reporting forms to each public utility in the state. tI is hoped that annual reports for the year 1925 will be on file in the office of the Commission by March 31st, 1926, for all utilities.

Very respectfully submitted,

(Signed) E. E. CORFMAN,
(Signed) THOMAS E. McKAY,
(Signed) G. F. McGONAGLE,
Commissioners.

(Signed) F. L. OSTLER,
Secretary.

The following is a statement of the finances of the Commission from December 31, 1924 to and including March 31, 1925

NAME OF ACCOUNT	Available Balance of Appropriation, as of December 31, 1924		Expenditures from Dec. 31, 1924, to and Including Mar. 31, 1925		Credits to Accounts, Dec. 31, 1924, to and Including Mar. 31, 1925	Balance Unexpended, Mar. 31, 1925, and Lapsed into Gen. Fund
	Item	Total	Item	Total	Total	Total
Salaries, Wages, Fees—						
Commissioners	$	$	$ 3,000.00	$	$	$
Clerical			2,005.00			
Reporters, per diem basis			580.12			
	5,480.79	5,480.79		5,585.12	104.45	.12
Office Expenses—						
Office Supplies	31.39		48.93			
Postage	104.40		3.07			
Premiums	2.50		25.00			
Printing	232.05		287.09			
Telephone and Telegraph	37.30		12.30			
Subscriptions	32.00*					
		375.64		376.39	.75	.00
Traveling Expenses—						
Commissioners	20.26*		43.01			
Clerical	526.74		313.10			
		506.48		356.11		150.37
Equipment—						
Office Equipment	43.16*					
Books and Maps	67.50		20.00			
		24.34		20.00		4.34
Repairs—						
Repairs to Equipment	41.50	41.50	34.11	34.11		7.39
TOTAL	$ 6,428.75	$ 6,428.75	$ 6,371.73	$ 6,371.73	$ 105.20	$ 162.22

Total Balance of Appropriation, Dec. 31, 1924	$ 6,428.75	Total Expenditures Dec. 31, 1924 to March 31, 1925	$ 6,371.73
Total Credits, Dec. 31, 1924 to March 31, 1925	105.20	Total Available Balance, March 31, 1925, Lapsed	162.22
	$ 6,533.95		$ 6,533.95

*Represents deficit in sub-account, but not appropriation.

The following is a statement of the finances of the Commission from March 31, 1925, to and including December 31, 1925

NAME OF ACCOUNT	Biennial Appropr'n April 1, 1925		Expenditures, April 1, 1925 to Dec. 31, 1925		Balance Unexpended	Credits During Period	Available Balance as of December 31, 1925	
	Item	Total	Item	Total			Item	Total
Salaries, Wages, Fees—								
Commissioners	$	$	$ 9,000.00	$	$	$	$	$
Clerical			7,097.90					
Reporters, per diem basis			1,400.20					
	40,000.00	40,000.00		17,498.10	22,501.90	1,255.26	23,757.16	23,757.16
Office Expenses—								
Office Supplies	350.00		295.43		54.57		54.57	
Postage	400.00		2.19		397.81	6.80	404.61	
Premiums	200.00		120.00		80.00		80.00	
Printing	400.00		88.03		311.97		311.97	
Rentals*			6.00		6.00**		6.00**	
Telephone and Telegraph	150.00		11.66		138.34		138.34	
Subscriptions *			10.00		10.00**		10.00**	
		1,500.00		533.31				973.49
Traveling Expenses—								
Commissioners	1,200.00		644.22		555.78		555.78	
Clerical	500.00		199.85		300.15		300.15	
		1,700.00		844.07				855.93
Equipment—								
Office Equipment	300.00		282.00		18.00		18.00	
Books and Maps	200.00		150.00		50.00		50.00	
		500.00		432.00				68.00
TOTAL	$43,700.00	$43,700.00	$19,307.48	$19,307.48	$24,392.53	$ 1,262.06	$25,654.58	$25,654.58

Total Appropriation, April 1, 1925 ..... $43,700.00
Total Credits, April 1, 1925 to Dec. 31, 1925 ..... 1,262.06
$44,962.06

Total Expenditures April 1, 1925 to Dec. 31, 1925 $19,307.48
Available Balance, December 31, 1925 ..... 25,654.58
$44,962.06

*No distribution covering Rentals and Subscriptions was made.
**Represents deficit in sub-account but not in appropriation.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JULIUS DAMENSTEIN, for a transfer of Certificate of Convenience and Necessity No. 4, from Earl Sutton to Julius Damenstein. } CASE No. 64

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. 4 to Earl Sutton, authorizing him to operate a motorcycle stage line between the intersection in Bingham Canyon of Carr Fork and Main Bingham Canyon, to Upper Bingham and Highland Boy.

Under date of July 31, 1918, the Commission transferred Certificate of Convenience and Necessity No. 4 to Julius Damenstein, under the firm name of "The Motor Line," authorizing "The Motor Line" to operate said motorcycle stage line.

The Commission now finds that, owing to the failure of "The Motor Line" to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 4 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 4 be, and it is hereby, cancelled, and the right of "The Motor Line" to operate a motorcycle stage line between the intersection in Bingham Canyon of Carr Fork and Main Bingham Canyons, to Upper Bingham and Highland Boy, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 1st day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN MORTENSEN, for permission to operate an auto stage line for the transportation of passengers and a freight truck line for the transportation of property between Parowan and Milford, Utah.	CASE No. 75

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of August 9, 1918, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 15 (Case No. 75), authorizing John Mortensen to operate an automobile stage line for the transportation of passengers and a freight truck line for the transportation of property between Parowan and Milford, Utah.

The Commission now finds that, owing to the failure of John Mortensen to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 15 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 15 be, and it is hereby, cancelled, and the right of John Mortensen to operate an automobile passenger stage line and an automobile freight truck line, between Parowan and Milford, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 18th day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of February 10, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 31 (Case No. 127), authorizing Leigh & Green to operate an automobile stage line, for the transportation of freight and express, between Lund and Parowan, Utah.

The Commission now finds that, owing to the failure of Leigh & Green to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 31 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 31 be, and it is hereby, cancelled, and the right of Leigh & Green to operate an automobile stage line for the transportation of freight and express, between Lund, Utah, and Parowan, Utah, be, and it is hereby revoked.

Dated at Salt Lake City, Utah, this 18th day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 21, 1919, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 39 (Case No. 141), authorizing James Neilson to operate an automobile stage line, for the transportation of passengers between Salt Lake City and Brighton, Utah.

In the autumn of 1919, 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, April 23, 1920, under Certificate of Convenience and Necessity No. 79 (Case No. 284), to resume operation of the stage line between said points.

THEREFORE, IT IS ORDERED, That Certificate of Convenience and Necessity No. 39 (Case No. 141) be, and it is hereby, cancelled.

Dated at Salt Lake City, Utah, this 1st day of June, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of E. J. DUKE, for permission to operate an automobile stage line between Park City and Heber City, Utah. } CASE No. 174

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Upon motion of the applicant, in Case No. 499, and with the consent of the Commission:

IT IS ORDERED, That E. J. Duke be, and he is hereby, granted permission to discontinue operation of his automobile stage line between Park City and Heber City, Utah; that Certificate of Convenience and Necessity No. 43 (Case No. 174) issued to said E. J. Duke, May 8, 1919, be ,and it is hereby, cancelled and annulled.

Dated at Salt Lake City, Utah, this 18th day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the automobile passenger stage line operated by GEORGE E. HANKS, between Marysvale and Panguitch, Utah. } CASE No. 178

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

The Commission having found that George E. Hanks has failed to comply with all of its rules, regulations and requests:

IT IS ORDERED, That the right of George E. Hanks to operate an automobile passenger stage line between Marysvale and Panguitch, Utah, be, and it is hereby, cancelled and revoked.

Dated at Salt Lake City, Utah, this 14th day of August, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LUND & CEDAR CITY TRANSPORTATION COMPANY, for permission to discontinue operation of its stage line service between Lund and Cedar City, Utah.	CASE No. 185

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made, under date of May 9, 1925, by the Lund & Cedar City Transportation Company, B. F. Knell, Manager, to discontinue operation of automobile passenger stage line between Lund and Cedar City, account increased service being put into effect between said points by the Union Pacific Railroad Company;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That the Lund & Cedar City Transportation Company be, and it is hereby granted permission to discontinue operation of its automobile passenger stage line between Lund and Cedar City, Utah, during such time as increased train service is given between said points by the Union Pacific Railroad Company.

ORDERED FURTHER, That discontinuance of said passenger stage service shall become effective five days after

the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the routes of the Lund & Cedar City Transportation Company.

Dated at Salt Lake City, Utah, this 14th day of May, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of FRANK T. BURMESTER, for permission to discontinue operation of his automobile passenger and freight line between Burmester and Grantsville, Utah.	CASE No. 204

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made by Frank T. Burmester for permission to discontinue operation of his automobile passenger and freight line between Burmester and Grantsville, Utah, account insufficient business;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That Frank T. Burmester be, and he is hereby, granted permission to discontinue operation of his automobile passenger and freight line between Burmester and Grantsville, Utah; that Certificate of Convenience and Necessity No. 53 (Case No. 204), now held by him, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of said automobile passenger and freight service shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the stage line operated by Frank

T. Burmester between Burmester and Grantsville, Utah.

Dated at Salt Lake City, Utah, this 1st day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the automobile passenger stage line operated by the MOAB GARAGE COMPANY, between Thompsons and Monticello, Utah. } CASE No. 277

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made by R. C. Clark, Secretary-Treasurer of the Moab Garage Company, to discontinue operation of automobile passenger stage line between Thompsons and Monticello, Utah, account insufficient business to warrant operation of said stage line;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That the Moab Garage Company be, and it is hereby, granted permission to discontinue operation of its automobile passenger stage line between Thompsons and Monticello, Utah.

ORDERED FURTHER, That discontinuance of said passenger stage service shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the stage line operated by the Moab Garage Company between Thompsons and Monticello, Utah.

Dated at Salt Lake City, Utah, this 13th day of August, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. T. JOHNSON, owner of the "Arrow Stage Line," for permission to operate between Hiawatha and Mohrland, Utah, and for permission to increase rates.	CASE No. 287

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of August 10, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 87 (Case No. 287), authorizing the Arrow Stage Line (J. T. Johnson, owner), to operate an automobile stage line between Hiawatha and Mohrland, Utah.

The Commission now finds that, owing to the failure of the Arrow Stage Line to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 87 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 87 be, and it is hereby, cancelled, and the right of the Arrow Stage Line to operate an automobile passenger stage line between Hiawatha and Mohrland, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 16th day of May, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ENOS E. WINDER, for permission to operate an automobile stage line between Anderson's Ranch and Springdale, and intermediate points.	CASE No. 350

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of October 1, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 92 (Case No. 350), authorizing Enos E. Winder to operate an automobile passenger stage line between Anderson's Ranch and Springdale, and intermediate points.

The Commission now finds that, owing to the failure of Enos E. Winder to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 92 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 92 be, and it is hereby, cancelled, and the right of Enos E. Winder to operate an automobile passenger stage line between Anderson's Ranch and Springdale, and intermediate points, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 4th day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of GEORGE Q. RICH, for permission to operate a passenger, freight and express automobile service between Logan, Utah, and Bear Lake, Utah, via Logan Canyon.	CASE No. 359

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 17, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 132 (Case No. 359), authorizing George Q. Rich to operate an automobile stage line, for the transportation of passengers, freight and express, between Logan, Utah, and Bear Lake, Utah, via Logan Canyon.

The Commission now finds that, owing to the failure of George Q. Rich to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 132 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 132 (Case No. 359) be, and it is hereby, cancelled, and the right of George Q. Rich to operate an automobile passenger, freight and express line between Logan, Utah, and Bear Lake, Utah, via Logan Canyon, be, and it is hereby revoked.

Dated at Salt Lake City, Utah, this 13th day of August, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of V. C. JONES and ARTHUR BAILEY, for transfer of the Certificate heretofore issued to Albert C. Pehrson, to operate an automobile stage line between Price and Wattis, Utah.	CASE No. 363

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of December 16, 1920, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 96 (Case No. 363), authorizing V. C. Jones and Arthur Bailey to operate an automobile stage line, for the transportation of passengers, between Price and Wattis, Utah.

The Commission now finds that, owing to the failure of V. C. Jones and Arthur Bailey to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 96 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 96 be, and it is hereby, cancelled, and the right of V. C. Jones and Arthur Bailey to operate an automobile passenger stage line between Price and Wattis, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 4th day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of C. G. PARRY, for permission to operate an automobile stage line between Lund and Zion National Park, Grand Canyon National Park (North Rim), Bryce Canyon and Cedar Breaks.	CASE No. 375

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 17, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 106 (Case No.375), authorizing C. G. Parry to operate an automobile passenger stage line between Lund and Zion National Park, Grand Canyon National Park (North Rim), Bryce Canyon and Cedar Breaks, Utah.

For good and sufficent reasons, C. G. Parry discontinued the operation of said stage line abont October 15, 1921; and, under date of February 28, 1922, made application to the Commission for permission to resume operation of his stage line between said points, which application was assigned Case No. 507.

The Commission issued Report and Order, June 5, 1922, in Case No. 507, granting C. G. Parry permission to operate an automobile passenger line between Lund and Zion National Park, Grand Canyon National Park (North Rim), Bryce Canyon and Cedar Breaks, Utah, under Certificate of Convenience and Necessity No. 146.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 106 (Case No. 375) be, and it is hereby, cancelled.

Dated at Salt Lake City, Utah, this 19th day of May, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HARRY DRAGATIS, for permission to operate an automobile stage line for the transportation of passengers and express between Price and Emery, Utah.	CASE No. 384

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of February 21, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 104 (Case No. 384), authorizing Harry Dragatis to operate an automobile stage line, for the transportation of passengers and express, between Price and Emery, Utah, and intermediate points.

May 28, 1923, Harry Dragatis was permitted to withdraw from, and Alma C. Jensen permitted to assume, the operation of the automobile stage line between Price and Emery, Utah, under Certificate of Convenience and Necessity No. 174, Case No. 600.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 104 (Case No. 384) be, and it is hereby, cancelled and annulled, and the right of Harry Dragatis to operate an automobile passenger and express stage line between Price and Emery, Utah, and intermediate points, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 21st day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WILLIAM A. LAIRD, for permission to operate an automobile stage line between Provo and Heber, Utah.	CASE No. 385

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of February 5, 1921, the Public Utilities Commission of Utah isssued Certificate of Convenience and Necessity No. 102 (Case No. 385), authorizing William A. Laird to operate an automobile stage line between Provo and Heber Utah.

The Commission now finds that, owing to the failure of William A. Laird to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 120 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 102 (Case No. 385) be, and it is hereby cancelled, and the right of William A. Laird to operate an automobile stage line between Provo and Heber, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 22nd day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secratary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of PAROWAN AUTO COMPANY, for permission to operate an automobile stage line between Parowan, Utah, and the Cedar Breaks, in Iron County, Utah.	CASE No. 392

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 4, 1925, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 105 (Case No. 392), authorizing the Parowan Auto Company to operate an automobile stage line, for the transportation of passengers, between Parowan, Utah, and the Cedar Breaks, in Iron County, Utah.

The Commission now finds that owing to the failure of Parowan Auto Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 105 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 105 be and it is hereby, cancelled and the right of the Parowan Auto Company to operate an automobile stage line, for the transportation of passengers between Parowan, Utah, and the Cedar Breaks, in Iron County, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. S. HANSEN and FRANCES HANSEN, for permission to operate an automobile stage line between Colton, Scofield, Winter Quarters and Clear Creek, Utah.	CASE No. 393

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 31, 1925, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 107 (Case No. 393), authorizing J. S. Hansen and Francis Hansen to operate an automobile stage line for the transportation of passengers, between Colton, Scofield, Winter Quarters and Clear Creak, Utah.

The Commission now finds that owing to the failure of J. S. Hansen and Francis Hansen to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 107 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 107 be, and it is hereby, cancelled, and the right of J. S. Hansen and Francis Hansen to operate an automobile stage line, for the transportation of passengers, between Colton, Scofield, Winter Quarters and Clear Creek, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

ORDER

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

IT IS ORDERED, That the complaint herein of the Utah State Woolgrowers Association vs. the Denver & Rio Grande Railroad Company, et al., be, and it is hereby dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 15th day of December, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HOWARD J. SPENCER, for permission to operate an automobile stage line for the transportation of passengers between Salt Lake City, Utah, and Pinecrest, Utah.	CASE No. 421

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 25, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 112 (Case No. 421), authorizing Howard J. Spencer to operate an automobile stage line, for the transportation of passengers, between Salt Lake City and Pinecrest, Utah.

September 12, 1921, Authority A-55 was issued to Howard J. Spencer, granting him permission to discontinue regular stage line operations between Salt Lake City and Pinecrest, Utah, account weather conditions.

Under date of May 27, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 139 (Case No. 538), authorizing Howard J. Spencer to resume operation of his stage line between Salt Lake City and Pinecrest, Utah.

Authority A-61 was issued to Mr. Spencer, September 22, 1922, granting him permission to discontinue operation of said stage line, account weather conditions.

June 8, 1923, the Commission issued Certificate of Convenience and Necessity No. 176 (Case No. 634), authorizing Howard J. Spencer to resume operation of his stage line between Salt Lake City and Pinecrest, Utah.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 112 (Case No. 421) be, and it is hereby, cancelled and annulled.

Dated at Salt Lake City, Utah, this 20th day of November, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
[SEAL] THOMAS E. McKAY,
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of RICHFIELD AUTO & TAXI COMPANY, for permission to operate a stage line between Richfield and Fish Lake, Utah.	CASE No. 424

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 28, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 110 (Case No. 424), authorizing the Richfield Auto & Taxi Company to operate an automobile stage line between Richfield and Fish Lake, Utah.

The Commission now finds that, owing to the failure of the Richfield Auto & Taxi Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 110 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 110 (Case No. 424) be, and it is hereby, cancelled, and the right of the Richfield Auto & Taxi Company to operate an automobile stage line between Richfield and Fish Lake, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 22nd day of September, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of P. D. STURN, for permission to operate an automobile stage line between Salt Lake City and Heber City, Utah, via Provo.	CASE No. 427

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 15, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 114 (Case No. 427), authorizing P. D. Sturn to operate an automobile stage line, for the transportation of passengers, between Salt Lake City and Heber City, Utah, via Provo, Utah.

During the winter months, Mr. Sturn suspended operations of his automobile stage line between Salt Lake City and Heber City, Utah, via Provo, account bad weather and road conditions; and, under Certificate of Convenience and Necessity No. 134 (Case No. 502), issued by the Commission, March 17, 1922, he was granted permission to resume operations of said stage line.

Under date of March 31, 1925, the Commission issued Certificate of Convenience and Necessity No. 227 (Case No. 758), granting P. D. Sturn permission to discontinue the operation of automobile stage line between Salt Lake City and Heber City, via Provo, and authorizing Alva L. Coleman to operate said automobile stage line.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 114 (Case No. 427) be, and it is hereby, cancelled and annulled.

Dated at Salt Lake City, Utah, this 22nd day of September, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOSEPH J. STANTON, for permission to operate an automobile freight and passenger line between Vernal, Utah, and the K-Ranch, and as a part of the Craig-Vernal Transportation Company's run between Craig, Colorado, and Vernal, Utah.	CASE No. 453

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of September 19, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 120 (Case No. 453), authorizing Joseph J. Stanton to operate an automobile freight and passenger stage line between Vernal, Utah, and the K-Ranch, and as a part of the Craig-Vernal Transportation Company's run between Craig, Colorado, and Vernal, Utah.

The Commission now finds that, owing to the failure of Joseph J. Stanton to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 120 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 120 be, and it is hereby, cancelled, and the right of Joseph J. Stanton to operate an automobile freight and passenger stage line between Vernal, Utah, and the K-Ranch, and as a part of the Craig-Vernal Transportation Company's run between Craig, Colorado, and Vernal, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of L. C. MORGAN and JAMES E. CARTER, for permission to operate an automobile freight line between Provo and Eureka, Utah, and between Provo and Nephi, Utah, and intermediate points.	CASE No. 460

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. 129 (Case No. 460), authorizing L. C. Morgan and James E. Carter to operate an automobile freight line between Provo and Eureka, Utah, and between Provo and Nephi, Utah, and intermediate points.

Under date of January 15, 1923, the Commission issued Order, modifying Certificate of Convenience and Necessity No. 129, to authorize the operation of an automobile freight line between Provo and Eureka, Utah, only, and intermediate points, authorizing discontinuance of said stage line between Provo and Nephi, Utah.

The Commission now finds that owing to the failure of L. C. Morgan and James E. Carter to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 129 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 129 be, and it is hereby, cancelled, and the right of L. C. Morgan and James E. Carter to operate an automobile freight line between Provo and Eureka, Utah, and intermediate points, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

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

In the Matter of the Application of TONY M. PERRY, for permission to operate a stage line between Helper and Great Western, Utah.	CASE No. 461

(See Case No. 803.)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES D. HARRIS, for permission to operate an automobile freight line between Tooele City and Salt Lake City, and intermediate points, under the name and style of "Tooele Transfer Company."	CASE No. 462

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of October 6, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 122 (Case No. 462), authorizing James D. Harris to operate an automobile freight line between Tooele City and Salt Lake City, and intermediate points, under the name and style of "Tooele Transfer Company."

The Commission now finds that owing to the failure of James D. Harris to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 122 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 122 be, and it is hereby, cancelled, and the right of James D. Harris to operate an automobile freight line between Tooele City and Salt Lake City, and intermediate points, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of S. A. HALTERMAN, for permission to operate an automobile stage line between Parowan and Lund, Utah. } CASE No. 464

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of November 3, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 123, (Case No. 464), authorizing S. A. Halterman to operate an automobile stage line, for the transportation of passengers and express between Parowan and Lund, Utah.

The Commission now finds that, owing to the failure of S. A. Halterman to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 123 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 123 be, and it is hereby, cancelled, and the right of S. A. Halterman to operate an automobile stage line, for the transportation of passengers and express, between Parowan and Lund, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. G. PACE, for permission to operate an automobile freight and express line between Lund and Cedar City, Utah.	CASE No. 465

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of September 14, 1921, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 118 (Case No. 465), authorizing J. G. Pace to operate an automobile freight and express line between Lund and Cedar City, Utah.

The Commission now finds that, owing to the failure of J. G. Pace to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 118 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 118 be, and it is hereby, cancelled, and the right of J. G. Pace to operate an automobile freight and express stage line between Lund and Cedar City, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 22nd day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of BYRON CARTER, for permission to operate an automobile stage line between Helper, Utah, and Kenilworth, Utah.	CASE No. 469

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of January 23, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 125 (Case No. 469), authorizing Byron Carter to operate an automobile stage line, for the transportation of passengers, between Helper and Kenilworth, Utah.

The Commission now finds that owing to the failure of Byron Carter to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 125 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 125 be, and it is hereby, cancelled, and the right of Byron Carter to operate an automobile stage line, for the transportation of passengers, between Helper, Utah, and Kenilworth, Utah, be, and it is hereby revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SAEL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MANOS KLAPAKIS, for permission to operate an automobile stage line between Price, Utah, and Great Western, Utah.	CASE No. 472

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commissino:

Under date of January 27, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 126 (Case No. 472), authorizing Manos Klapakis to operate an automobile stage line, for the transportation of passengers, between Price and Great Western, Utah.

The commission now finds that owing to the failure of Manos Klapakis to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 126 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 126 be, and it is hereby, cancelled, and the right of Manos Klapakis to operate an automobile stage line, for the transportation of passengers, between Price and Great Western, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

ORDER

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

IT IS ORDERED, That the complaint of the Utah Lime & Stone Company vs. Bingham & Garfield Railway Company, et al., be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 15th day of December, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ELISHA J. DUKE, for permission to operate an automobile stage line between Heber City, and Park City, Utah. } CASE No. 499

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

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

IT IS ORDERED, That Elisha J. Duke be, and he is hereby granted permission to discontinue operation of his automobile stage line between Heber City and Park City, Utah; that Certificate of Convenience and Necessity No. 131 (Case No. 499) issued to the said Elisha J. Duke, March 17, 1922, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of operation of the said stage line shall be effective five days after the public has been notified by the posting of notices at conspicuous places along the route now operated by Elisha J. Duke between Heber City and Park City, Utah.

Dated at Salt Lake City, Utah, this 2nd day of June, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

LION COAL COMPANY, A Corporation, Complainant,
vs.
OREGON SHORT LINE RAILROAD COMPANY, a Corporation, Defendant. } CASE No. 500

ORDER

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

IT IS ORDERED, That the complaint herein of the Lion Coal Company, a corporation, vs. the Oregon Short Line Railroad Company, a Corporation, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 10th day of April, 1925.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN L. WALL, for permission to operate a stage line between Wallsburg, Wasatch County, Utah, and Heber City, Utah.	CASE No. 501

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 17, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 133 (Case No. 501), authorizing John L. Wall to operate an automobile stage line, for the transportation of passengers, between Wallsburg, Wasatch County, Utah, and Heber City, Utah.

The Commission now finds that, owing to the failure of John L. Wall to comply with all of its rules, regulations and requests Certificate of Convenience and Necessity No. 133 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 133 (Case No. 501) be, and it is hereby cancelled, and the right of John L. Wall to operate an automobile stage line, for the transportation of passengers, between Wallsburg, Wasatch County, Utah, and Heber City, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of M. W. GEER & SONS, for permission to discontinue operation of automobile passenger, express and freight line between Thompson and Sego, Utah.	CASE No. 508

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made by M. W. Geer & Sons to discontinue operation of automobile passenger, express and freight line between Thompson and Sego, Utah, account insufficient business to warrant operation of said stage line;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That M. W. Geer & Sons be, and they are hereby granted permission to discontinue operation of their automobile passenger, express and freight line between Thompson and Sego, Utah; that Certificate of Convenience and Necessity No. 164 (Case No. 508), now held by them, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of said passenger, freight and express service shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the stage line operated by W. M. Geer & Sons between Thompson and Sego, Utah.

Dated at Salt Lake City, Utah, this 12th day of August, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
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 operate an automobile stage line between Eureka and Silver City, Utah.	CASE No. 509

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 27, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 137 (Case No. 509), authorizing W. E. Ostler to operate an automobile stage line, for the transportation of passengers, between Eureka and Silver City, Utah.

The Commission now finds that owing to the failure of W. E. Ostler to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 137 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 137 be, and it is hereby, cancelled, and the right of W. E. Ostler to operate an automobile stage line for the transportation of passengers, between Eureka and Silver City, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. M. DESPAIN, for permission to discontinue temporarily the operation of his automobile freight truck line between Salt Lake City and Wasatch, Utah. } CASE No. 517

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commissino:

Application having been made by J. M. Despain to temporarily discontinue the operation of his automobile freight truck line between Salt Lake City and Wasatch, Utah, account insufficient business;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That J. M. Despain be, and he is hereby, granted permission to discontinue operation of his automobile freight truck line between Salt Lake City and Wasatch, Utah, until such time as business is sufficient to warrant operation of said truck line.

ORDERED FURTHER, That discontinuance of said automobile truck service shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the truck line operated by J. M. Despain between Salt Lake City and Wasatch, Utah.

ORDERED FURTHER, That application shall be made to the Public Utilities Commission of Utah by J. M. Despain when he desires to resume operation of said automobile truck line.

Dated at Salt Lake City, Utah, this 13th day of August, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the CAMERON TRUCK LINE, for permission to operate an automobile freight and express line between Panguitch and Marysvale, Utah.	CASE No. 522

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. 144 (Case No. 522), authorizing the Cameron Truck Line to operate an automobile freight and express line between Panguitch and Marysvale, Utah.

The Commission now finds that owing to the failure of the Cameron Truck Line to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 144 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 144 be, and it is hereby, cancelled, and the right of the Cameron Truck Line to operate an automobile freight and express line between Panguitch and Marysvale, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of CHARLES G. CRAM, for permission to operate an automobile truck line between Marysvale and Kanab, Utah.	CASE No. 532

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. 143 (Case No. 532), authorizing Charles G. Cram to operate an automobile truck line between Marysvale and Kanab, Utah.

The Commission now finds that, owing to the failure of Charles G. Cram to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 143 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 143 be, and it is hereby, cancelled, and the right of Charles G. Cram to operate an automobile truck line between Marysvale and Kanab, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 12th day of August, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. C. DENTON, for permission to operate an automobile stage line between Garfield and Saltair.	CASE No. 533

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 29, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 140 (Case No. 533), authorizing J. C. Denton to operate an automobile stage line between Garfield and Saltair, Utah.

The Commission now finds that owing to the failure of J. C. Denton to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 140 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 140 be, and it is hereby, cancelled, and the right of J. C. Denton to operate an automobile stage line, for the transportation of passengers, between Garfield and Saltair, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 20th day of November, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the BINGHAM STAGE LINE COMPANY, for permission to operate an automobile stage line between Bingham and Saltair.	CASE No. 534

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 6, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 148 (Case No. 534), authorizing the Bingham Stage Line Company to operate an automobile stage line, for the transportation of passengers, between Bingham and Saltair.

The Commission now finds that owing to the failure of the Bingham Stage Line Company to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 148 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 148 (Case No. 534) be, and it is hereby cancelled, and the right of the Bingham Stage Line Company to operate an automobile stage line, for the transportation of passengers, between Bingham and Saltair, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HOWARD J. SPENCER, for permission to resume operation of his stage line between Salt Lake City and Pinecrest, Utah.	CASE No. 538

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 27, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 139 (Case No. 538), granting Howard J. Spencer to resume operation of stage line, for the transportation of passengers, between Salt Lake City and Pinecrest, Utah, which stage line had been operated by him a year previous, under a certificate issued by the Commission.

The Commission issued Authority A-61, September 22, 1922, authorizing Howard J. Spencer to discontinue operation of his established stage line between Salt Lake City and Pinecrest, Utah, account weather conditions.

June 8, 1923, the Commission issued Certificate of Convenience and Necessity No. 176 (Case No. 634), granting Howard J. Spencer permission to resume operation of the automobile passenger stage line between Salt Lake City and Pinecrest, Utah.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 139 (Case No. 538) be, and it is hereby, cancelled and annulled.

Dated at Salt Lake City, Utah, this 20th day of November, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of W. EARL MARSHALL, for permission to operate a freight line between Marysvale and Panguitch.	CASE No. 543

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 5, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 145 (Case No. 543), authorizing W. Earl Marshall to operate an automobile stage line, for the transportation of freight, between Marysvale and Panguitch, Utah.

The Commission now finds that owing to the failure of W. Earl Marshall to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 145 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 145 be, and it is hereby, cancelled, and the right of W. Earl Marshall to operate an automobile freight line between Marysvale and Panguitch, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of P. M. PAYNE, for permission to discontinue operation of his stage line service between Fillmore and Kanosh, Utah.	CASE No. 556

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made, under date of May 11, 1925, by P. M. Payne, to discontinue operation of automobile passenger stage line between Fillmore and Kanosh, Utah, account insufficient business to warrant operation of such service;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That P. M. Payne be, and he is hereby, granted permission to discontinue operation of his automobile passenger stage line between Fillmore and Kanosh, Utah; that Certificate of Convenience and Necessity No. 157 (Case No. 556) now held by him, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of said passenger stage service shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the stage line operated by P. M. Payne between Fillmore and Kanosh, Utah.

Dated at Salt Lake City, Utah, this 4th day of June, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of LAWRENCE ORTON, for permission to discontinue operation of his stage line service between Panguitch and Henrieville, Utah.	CASE No. 557

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made, under date of June 15, 1925, by Lawrence Orton, to discontinue automobile passenger stage line service between Panguitch and Henrieville, via Tropic, Bryce Canyon and Cannonville, Utah, account insufficient business to warrant operation of said stage line;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That Lawrence Orton be, and he is hereby granted permission to discontinue operation of his automobile passenger stage line between Panguitch and Henrieville, Utah, via Tropic, Bryce Canyon and Cannonville, Utah; that Certificate of Convenience and Necessity No. 165 (Case No. 557), now held by him, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of said passenger stage service shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the stage line operated by Lawrence Orton between Panguitch and Henrieville, Utah, via Tropic, Bryce Canyon and Cannonville, Utah.

Dated at Salt Lake City, Utah, this 25th day of June, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
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 an investigation and order covering a crossing of the State Highway over the Oregon Short Line Railroad near Brigham. } CASE No. 576

ORDER

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

IT IS ORDERED, That the application herein 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, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 5th day of November, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

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 Application of GEORGE E. BALLINGHAM, for permission to discontinue operation of his stage line service between Grouse Creek and Lucin, Utah.	CASE No. 581

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made, under date of April 28, 1925, by George E. Ballingham, to discontinue operation of automobile passenger stage line between Grouse Creek and Lucin, Utah, account insufficient business to warrant operation of said stage line;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That George E. Ballingham be, and he is hereby, granted permission to discontinue operation of his automobile passenger stage line between Grouse Creek and Lucin, Utah; that Certificate of Convenience and Necessity No. 169 (Case No. 581) now held by him, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of said passenger stage service shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the stage line operated by George E. Ballingham between Grouse Creek and Lucin, Utah.

Dated at Salt Lake City, Utah, this 4th day of June, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

INTERSTATE SUGAR COMPANY, et al., Complainants,
vs.
THE DENVER & RIO GRANDE RAILROAD COMPANY, et al., Defendants.
} CASE No. 592

Submitted April 23, 1923. Decided March 31, 1925.

Appearances:

H. W. Prickett, Milton H. Love } Attorneys for Interstate Sugar Company.

J. A. Gallaher, Attorney for Denver & Rio Grande Western Railroad Company.

J. E. Lyons, Attorney for Southern Pacific Co.

REPORT OF THE COMMISSION

By the Commission:

A formal complaint was filed October 4, 1922, with the Public Utilities Commission of Utah, by the Interstate Sugar Company and the Interstate Sugar Company and James J. Burke, Receiver, versus the Denver & Rio Grande Railroad Company and A. R. Baldwin, Receiver, the Denver & Rio Grande Western Railroad Company, the Denver & Rio Grande Western Railroad Company and Jos. H. Young, Receiver, and the Southern Pacific Company. Said complaint sets forth:

That complainant, Interstate Sugar Company, is, and has been, a corporation, organized and existing under the laws of Utah; that complainant, James J. Burke, was appointed receiver of the property of the Interstate Sugar Company, by an action in the District Court of the Second Judicial District in and for the County of Weber, State of Utah, entitled Edwin A. Stratford, Plaintiff, vs. Interstate Sugar Company, et al., Defendants, dated September 26, 1921; that complainants are engaged in business of manufacturing, selling and distributing sugar; that complainants own and operate a sugar factory at Hooper, Utah, with main offices in Salt Lake City, Utah; that defendants are common carriers, engaged in the transportation of passengers and property between points in the State of Utah, operating subject to the provisions of the Public Utilities Commission Act of Utah.

Said complaint further sets forth that complainant, Interstate Sugar Company, is capitalized at $2,500,000 and has expended more than $1,000,000 in its plant, facilities and equipment; that considerable money has been spent in the development of sugar-beet industry in Utah; that a large portion of complainant's capital stock is owned by sugar-beet growers; that complainants received large quantities of sugar-beets, which were transported over the lines of the defendants, between points in Utah; that freight charges for this transportation were paid by complainants; that complainants received large quantities of coal, lime-rock, sulphur, bags, machinery, and other commodities at their factory; that complainants' product of sugar manufactured through the use of these commodities, was transported, by freight, to intrastate and interstate points and sold in competition with sugar manufactured by competitors situated at Ogden, Garland, Layton, Lehi, West Jordan, Spanish Fork, Moroni, Gunnison, Elsinore, Logan, Smithfield and Cornish, Utah; Lewiston, Sugar City and Idaho Falls, Idaho; also points in Montana; that competitors of complainants enjoyed lower freight rates on beets over the lines of defendants than complainants were compelled to pay; that the sugar industry is and has been a big factor in the development of the State, and has largely contributed to the business of defendants.

It is further set forth by the complaint that the rates for the transportation of sugar-beets consigned to complainants at Hooper, Utah, were unreasonably high in their relation to rates for the transportation of the same commodity from points in Utah, Idaho and Montana to points interstate and intrastate; that rates were unduly prejudicial and unjustly disadvantageous to complainants in favor of sugar factories located elsewhere in the states of Utah, Idaho and Montana; that during the period October 18, 1920, to January 21, 1921, there were shipped by complainants approximately 213 carloads of sugar-beets from West Weber, Utah, to them at their factory at Hooper, Utah, routed via Southern Pacific—Ogden —Denver & Rio Grande; that these shipments aggregated 7,589 tons, upon which they paid freight charges in the amount of $5,697.28; that during the period October 13, 1920, to and including January 20, 1921, there were shipped to complainants approximately 85 carloads, aggregating 3,207 tons of sugar-beets from Gifford, Utah, to Hooper, Utah, routed via D. & R. G.; that freight charges assessed and paid amounted to $1,202.30; that during the period October 8, 1920, to and including January 21, 1921, there were shipped to complain-

ants approximately 141 carloads of sugar-beets, weighing about 5,445 tons, from Cox, Utah, to Hooper, Utah, routed via D. & R. G.; that freight charges assessed and collected amounted to $2,042.10; that during the period October 12, 1920, to January 20, 1921, inclusive, there were shipped to complainants approximately 212 carloads of sugar-beets from Barton, Utah, to Hooper, Utah, routed via D. & R. G.; that the aggregate weight of these shipments was 8,529 tons and the paid freight charges totaled $3,197.78; that complainants purchased all sugar-beets in competition with other buyers for competitive factories located in Utah and Idaho, belonging to the Utah-Idaho Sugar Company, the Amalgamated Sugar Company and the Layton Sugar Company; that rates to Hooper were unjust and unreasonable and in violation of Section 4783, and unduly preferential and in violation of Section 4789, Compiled Laws of Utah, 1917; that complainants have been damaged in the sum of $3,285.43, and interest thereon from date of payment of freight charges, or such other sum as the Commission shall determine.

This case was set for hearing at Salt Lake City, January 10, 1923, at 10:00 a.m. On January 9, 1923, the Commission issued order reassigning the case for hearing February 1, 1923, at 10:00 a.m. On February 2, 1923, on motion of the Southern Pacific Company, order was issued continuing hearing to a date to be later fixed. Notice was issued February 24, 1923, assigning hearing at the State Capitol, March 15, 1923.

On March 13, 1923, at the request of complainants, and with the consent of defendants, the Commission issued notice reassigning the case for hearing at the State Capitol, March 23, 1923, at 10 a.m.

Hearing was held in accordance with the final notice, which was mentioned in the preceding paragraph.

The evidence shows:

That the Interstate Sugar Company is capitalized for more than $2,000,000, and has expended approximately $750,000 in building factories and facilities, also for land and other assets.

That complainants' principal place of business is at Hooper, Utah, which is located on the line of the Denver & Rio Grande Western Railroad, nine miles south and west of Ogden, Weber County, Utah; that said factory has a capacity of 650 tons of beets in twenty-four hours; that in its operation, large shipments of machinery, coal, coke, bags, supplies,

sulphur, lime-rock, sugar, molasses and sugar-beets, etc., were transported to and from Hooper.

That the general price paid for beets during 1920-1921 season, was $12.00 per ton, which was at loading station or factory; that this price was made by competitors, Utah-Idaho Sugar Company and the Amalgamated Sugar Company, and the Interstate Sugar Company was obliged to meet this price in its contracts.

Beet acreage was secured only under the most severe competition, as is also the case when sugar was sold. Sugar manufactured and sold in Utah, was and is sold in competition with California Hawaiian cane sugar, which sells for ten cents per bag more than beet sugar. During the year 1921, approximately 15 per cent of the sugar manufactured by the Interstate Sugar Company was sold locally, the balance being sold in Missouri River and other eastern territory.

That the price of sugar is fixed by large manufacturers outside of the United States, and that same is on basis of sale price in New York City, San Francisco or New Orleans. All other factories use the same market price. All sugar sold in Utah is on basis of San Francisco price, plus freight, while that sold in eastern territory is based on price at New York City, plus freight, or at New Orleans, plus freight.

That on all of its sugar sold in eastern markets, the Interstate Sugar Company absorbed the freight charges.

Witness Prickett contends that inasmuch as the class ates from Gifford to Hooper, for example, are the same as from Gifford to Ogden Sugar Works, there seems to be no justification for higher rate on sugar beets. In other words, f tnere were no commodity rates on beets between the points which have just been referred to, a shipment of beets would move to Hooper at the same rate as to Ogden Sugar Works. His contention is that lower commodity rates on sugar-beets were made to Ogden Sugar Works from various points than to Hooper from points of similar distances.

Mr. L. A. Rafert, witness for the Denver & Rio Grande Western Railroad Company, as shown in the transcript, page 98, testified that the rate from Cox to Hooper, a distance of one mile, should not be greater than the rate from Cox to Ogden Sugar Works, a distance of nine miles. However, the rate to the former point was 37½ cents, as against 25 cents to the latter.

Complainant's Exhibit "A" shows a list of shipments, covered by the complaint, on which reparation is sought.

There appears to be no evidence showing any difference in the transportation of shipments to Hooper and Ogden Sugar Works, i.e., the operating conditions on the railroad are the same.

After considering all of the evidence, the Commission finds:

That from Cox to Hooper is a one-line haul of one mile, at a rate of 37½c per net ton, minimum weight 50,000 lbs., minimum charge $11.50 per car.

That from Cox to Ogden Sugar Works is a one-line haul of nine miles, at a rate of 25c.

That the distance to Hooper from Gifford is six miles, and from Barton is three miles, with 37½c rates.

That from the same points of origin to Ogden Sugar Works, the distances are eight and seven miles, respectively, and the rates are 25c. They, also, are one-line hauls.

That when shipments move from West Weber, two lines participate in the haul. The distance from West Weber to Ogden is six miles, and Ogden to Hooper, ten miles, making a total of sixteen miles, at combination rate of 75c.

That from Ogden to Ogden Sugar Works, the distance is four miles, which makes a through distance of ten miles, and combination rate of 37½c.

That rates to Hooper were reduced, effective October 12, 1921, from Cox to Barton; September 21, 1922, from Gifford and Ogden. The rate from West Weber to Ogden was reduced effective September 9, 1922. These rates were reduced to the same bases as those contended for.

That rates assessed on shipments from Gifford, Barton, Cox and West Weber, Utah, to Hooper, Utah, are found to be discriminatory.

That reparation should be awarded to complainants to the extent that rates exacted on shipments from Cox, Barton and Gifford to Hooper, exceeded 25c per net ton. The minimum carload weight and the minimum charge should still govern. On shipments from West Weber to Hooper, complainant should be reimbursed by the amount that the rate exacted exceeded 50c per net ton. This also should be subject to minimum weights and minimum charges.

That said reparation should also include interest at rate of six per cent per annum, from time of collection to date of payment of refund.

An appropriate order will be issued.

(Signed) 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 31st day of March, 1925.

INTERSTATE SUGAR COMPANY, et al., Complainants,
vs.
THE DENVER & RIO GRANDE RAILROAD COMPANY, et al., Defendants.
} CASE No. 592

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 defendants, The Denver & Rio Grande Railroad Company and A. R. Baldwin, Receiver, The Denver & Rio Grande Western Railroad Company, The Denver & Rio Grande Western Railroad System and Joseph H. Young, Receiver, and the Southern Pacific Company, make reparation to the complainants, Interstate Sugar Company, Interstate Sugar Company and James J. Burke, Receiver, to the extent that rates exacted on shipments from Cox, Barton and Gifford to Hooper, exceeded 25c per net ton; that the minimum carload weight and the minimum charge shall still govern; that on shipments from West Weber to Hooper, complainants should be reimbursed by the amount that the rate exacted exceeded 50c per net ton; this also to be subject to minimum weights and minimum charges.

ORDERED FURTHER, That said reparation shall also include interest at rate of six per cent per annum, from time of collection to date of payment of refund.

ORDERED FURTHER, That such reparation shall be made on or before June 1, 1925.

ORDERED FURTHER, That defendants shall notify the Commission the date such reparation is paid, together with the amount thereof.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of VORDA McKEE, for permission to discontinue operation of his automobile truck line between Holden and Greenwood, Ut. } CASE No. 604

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made by Vorda McKee for permission to discontinue operation of his automobile freight truck line between Holden and Greenwood, Utah, account insufficient business;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That Vorda MeKee be, and he is hereby, granted permission to discontinue operation of his automobile freight truck line between Holden and Greenwood, Utah; that Certificate of Convenience and Necessity No. 183 (Case No. 604), issued to Vorda McKee, be, and it is hereby, cancelled and annulled.

Dated at Salt Lake City, Utah, this 1st day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

STATE OF UTAH, Complainant, vs. BAMBERGER ELECTRIC RAILROAD COMPANY, SALT LAKE & UTAH RAILROAD COMPANY, JAMES C. DAVIS, Director General of Railroads, as Agent, U. S. RAILROAD ADMINISTRATION, Defendants.	CASE No. 610

ORDER

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

IT IS ORDERED, That the complaint herein of the State of Utah vs. the Bamberger Electric Railroad Company, et al., be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 15th day of December, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. C. RUSSELL, for permission to discontinue operation of his stage line service between Lehi and Topliff, Utah, via Fairfield and Cedar Valley, Utah.	CASE No. 621

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made, under date of May 10, 1925, by J. C. Russell, to discontinue automobile passenger stage line service between Lehi and Topliff, Utah, via Fair-

field and Cedar Valley, Utah, account insufficient business to warrant operation of said stage line;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That J. C. Russell be, and he is hereby, granted permission to discontinue operation of his automobile passenger stage line between Lehi and Topliff, Utah; via Fairfield and Cedar Valley, Utah; that Certificate of Convenience and Necessity No. 182 (Case No. 621) now held by him, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of said passenger stage serivce shall become effective five days after the public has been notified of such discontinuance, by the posting of notices at conspicuous places along the route of the stage line operated by J. C. Russell between Lehi and Topliff, via Fairfield and Cedar Valley, Utah.

Dated at Salt Lake City, Utah, this 4th day of June, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
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 operate an automobile stage line between Mammoth and Eureka, Utah.	CASE No. 623

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. 179 (Case No. 623), authorizing W. E. Ostler to operate an automobile stage line between Mammoth and Eureka, Utah.

In Case No. 654, the Commission, on July 20, 1923, issued Certificate of Convenience and Necessity No. 180, authoriz-

ing W. E. Ostler to transfer his right and interest in the automobile stage line between Mammoth and Eureka, Utah, to Fred Houghton.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 179 (Case No. 623), issued to said W. E. Ostler, be, and it is hereby, cancelled and annulled.

Dated at Salt Lake City, Utah, this 22nd day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of C. M. PITTS and IRA S. HATCH, for permission to operate an automobile stage line between American Fork City and American Fork Canyon.	CASE No. 624

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 30, 1923, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 178 (Case No. 624), authorizing C. M. Pitts and Ira S. Hatch to operate an automobile stage line between American Fork City and American Fork Canyon, Utah.

The Commission now finds that owing to the failure of C. M. Pitts and Ira S. Hatch to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 178 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 178 be, and it is hereby, cancelled, and the right of C. M. Pitts and Ira S. Hatch to operate an automobile stage line, for the transportation of pas-

sengers, between American Fork City and American Fork Canyon, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secratary.

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

(See Case No. 803)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application of Harry Grayes for permission to operate an automobile stage line between Bingham and Salt Lake City, Utah, be, and it is hereby, dismissed, without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 22nd day of January, 1925.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

ORDER

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

IT IS ORDERED, That the application herein of the Oak City Electric Company (Proposed) for permission to erect and operate a hydro-electric power plant with transmission line and distributing system, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 10th day of December, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

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

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 11, 1924, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 203 (Case No. 693), authorizing W. H. Warrington to operate an automobile freight line between Parowan and Cedar City, Utah.

The Commission now finds that owing to the failure of W. H. Warrington to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 203 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 203 be, and it is hereby, cancelled, and the right of W. H. Warrington to operate an automobile freight line between Parowan and Cedar City, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 19th day of November, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of A. P. HEMMINGSEN, for permission to discontinue operation of his automobile freight and express line between Salt Lake City and Lark, Utah. } CASE No. 694

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Application having been made by A. P. Hemmingsen, for permission to discontinue operation of his automobile freight and express line between Salt Lake City and Lark, Utah;

And there appearing no reason why the application should not be granted;

IT IS ORDERED, That the application be, and it is hereby, granted, that A. P. Hemmingsen be ,and he is hereby, authorized to discontinue operation of his automobile freight and express line between Salt Lake City and Lark, Utah, and that Certificate of Convenience and Necessity No

200, issued to said A. P. Hemmingsen in Case No. 694, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of said stage line service shall become effective five days after notice has been given the public, by the posting of notices at stations along the route of the automobile freight and express line operated by A. P. Hemmingsen between Salt Lake City, and Lark, Utah.

Dated at Salt Lake City, Utah, this 10th day of December, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of DARREL LA FEVRE to withdraw from and R. G. MUMFORD to assume the operation of an automobile stage line between Beaver and Parowan, Utah.	CASE No. 697

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application of Darrel La Fevre to withdraw from and R. G. Mumford to assume the operation of an automobile stage line between Beaver and Parowan, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 4th day of June, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted February 5, 1925. Decided March 26, 1925.

Appearances:

L. Brandenburger, for Applicant.

W. P. Okleberry, for himself and others, Protestants.

REPORT OF THE COMMISSION

By the Commission:

This is an application for increased lighting rates in the Town of Goshen, Utah. The petition of J. H. Perry, dated January 22, 1924, shows that he is a resident of the Town of Goshen, Utah County, State of Utah, and is engaged in the business of furnishing electricity for lighting and power purposes to the residents of the said Town of Goshen, and alleges that he has invested in the business the principal sum of $7,500.00, consisting of electric power lines, with all necessary transformers, meters and other appurtenances extending through and over the streets of the said Town of Goshen, and alleges that facilities are sufficient to supply all the inhabitants of said town with electricity, and further, that applicant has a contract with the Utah Power & Light Company, a corporation of the State of Utah, whereby he has connected his power lines in the said Town of Goshen with the power lines of the said Utah Power & Light Company, and purchases all the electricity required for the said Town of Goshen from the said Utah Power & Light Company, applicant distributing the same to the users thereof. Petitioner further alleges that he reads meters, keeps his own lines, meters, transformers, etc., in good repair and workable condition.

It is further alleged by the petitioner that on the 11th day of January, 1923, by and through the action of the Board

of Trustees of the Town of Goshen, petitioner secured a franchise from the said town, authorizing and permitting the Goshen Electric Company to erect, build, construct, maintain and operate the aforesaid electric power lines over, upon and along the streets and public highways situated in said Town of Goshen, and granting to said applicant, his successors and assigns, the exclusive right, license and permission to maintain and operate electric power lines for conveying electric current to the residents and inhabitants and property owners of the said Town of Goshen, for a period of twenty-five years, from and after the date of said franchise; that among the terms and conditions agreed upon and provided for in the said franchise, is the following schedule of charges, to-wit:

RESIDENTIAL AND COMMERCIAL LIGHTING—METER RATE

CHARGES

15c per K.W.H. Minimum charge $1.50 under each meter.

1. APPLICATION OF SCHEDULE: This schedule is for alternating current service supplied at 110, 220 or 440 volts, for lighting and appliances, and measured by a single meter.

2. PROMPT PAYMENT DISCOUNT: 10% if paid within ten days from date of bill, including minimum charge.

3. CONTRACT PERIOD: One (1) year renewable.

4. RULES AND REGULATIONS: Service under this schedule shall be in accordance with the terms of the contract between consumer and the company, and shall be subjected to all rules and regulations of the company, present or future, on file with, and approved by, the Public Utilities Commission of the State of Utah, and also on file, and for distribution, at the Company's office.

5. DEFAULT IN PAYMENT: If for any reason service is disconnected through failure of the user to pay for current used, a re-connection charge of $2.50 will be made.

6. METERS: All meters used and installed by any person using power, shall be of a make to be approv-

ed by the Goshen Electric Company, and shall be installed by or under the direction of said Company.

Petitioner further alleges that pursuant to the provisions of said franchise, he has performed the conditions of said franchise, and since July 1, 1923, has been operating said power lines and conducting the business herein above mentioned, under the provisions of said franchise, and that the operating and conducting of said business is and has been wholly satisfactory to the residents and inhabitants of the said Town of Goshen.

Petitioner further alleges that a reasonable, just and fair "income" from said business would be the sum of $3,303.80, based as follows:

Interest on the investment of $7,500.00 at 8%	$ 600.00
Cost of labor for maintaining power lines, reading meters and collecting from the users, $125.00 per month, or	1,400.00
Cost of power per year, based on the average monthly cost for seven months	853.00
Estimated depreciation and cost for repairs and breakage, 6% of the investment, or	450.00
TOTAL	$3,303.80

It is further alleged by applicant that the average "income" from said business during the time it has been operated has been approximately $195.00 per month.

The petitioner asks that this Commission issue an order approving and allowing the above quoted schedule of charges, as approved by the constituted authority of the Town of Goshen in granting the aforesaid franchise and forming a part thereof.

The case came on regularly for hearing, May 2, 1924, at Goshen, after due notice had been given, as provided by law. At this hearing, Mr. Brandenburger, an electrical engineer of Salt Lake City, representing the applicant, testified that the claimed valuation of the property is $7,500; that a more detailed inventory in the case would show a value of over $8,000.00; and offered in evidence Exhibit "A," which is claimed to be the "bare bones" reproduction cost of the property as it now exists. In addition to the reproduction cost of the property, Exhibit "A" likewise summarizes the claimed operating expenses, interest and depreciation, and the increase to be expected from increased rates applied to present

business, and the deficit to be expected, based upon increased rates, when compared with an eight per cent return upon the reproduction cost of the property.

Exhibit "A" is as follows:

Switch rack, Trans., Switches, poles, right-of-way and miscellaneous	$2,500.00
95-35′ and 98-25′ poles framed inc. cross arms pins and insulators @ $13.00 each	2,500.00
5-3 kva. Trans.	321.00
2-5 kva. Trans.	167.80
3260′ No. 4 Bare copper wire	103.00
12 miles No. 6 bare copper wire	1,259.00
2 miles No. 8 bare copper wire	131.50
Guy wire, anchors and misc., ave. $1.00 per pole	193.00
Service loops, @ $2.00 per customer	196.00
Labor digging 200 holes, @ $1.00 each	200.00
Labor setting poles, hanging trans., and stringing wire, @ $3.00 per pole	519.00
	$8,090.30
Allowing 4% depreciation	$ 323.61
Allowing 8% interest	647.22
Maintenance Supplies and legal expense	240.00
Service @ $125.00 per month	1,500.00
Average monthly revenue after deduction	$2,710.83
Utah Power bill per mo. ex. rate $107.54 Utah Power bill, twelve months	1,290.48
A difference of	$1,420.35
Average monthly revenue after deduction Utah Power bill per mo. new or franchise rate $127.72, twelve months	$1,532.64
A difference or loss of	1,178.19

Witness Brandenburger testified that the old plant, which consisted of a distribution system and a small hydro plant in an adjacent canyon, was inadequate to supply service to the Town of Goshen; that due to the lack of water, the plant would fail at eight or nine o'clock at night; but that a twelve hour house service was attempted, plus half a day per week for wash day and one day per week for ironing. However, during the summer, when more water was available, a fairly

good night service and two days a week as wash days, were possible; that the service from this plant was generally unsatisfactory; that after the purchase of the property by Mr. Perry, he sold some water rights in the canyon and constructed, at a cost of approximately $2500.00, a substation to take service from the Utah Power & Light Company.

At the time Mr. Perry considered the above expenditure for a substation, he was granted a new franchise by the City, in which franchise the rates for which he is now asking the approval of this Commission, were specified. He secured his franchise from the Town of Goshen, January 11, 1923, installed a new substation and received his first service from the Utah Power & Light Company, July 8th of the same year; that since purchasing the power and installing a new substation, he had been giving continuous, satisfactory and adequate service; that ninety-eight customers were connected to the distribution system; that the increase in the rates asked for would amount to approximately 20c per customer, per month, or an average increase of about ten per cent.

If the increase is allowed, the witness testified that Mr. Perry would earn no money on his investment. The basis of the probable expense of operating the property was an allowance of four per cent for depreciation, eight per cent interest, maintnance and supplies, etc., $240.00 per year, and for services of Mr. Perry, $125.00 per month.

Mr. Perry testified that the property had been in operation for about eleven years, and that he had purchased it some years before, and had made additions from time to time to the property, as business warranted; that the small hydro-electric station had not been included in the reproduction cost; that reproduction cost is based upon average prices for the last five years.

By inference, Witness Perry testified that he paid in the neighborhood of $3500.00 for the property "outside of the interest"; that he had sold water rights for $2500.00, which he put back, along with other money, into the property; that he took money he had earned on the farm, from wiring houses and other work, and had invested it in the power system. Mr. Perry testified that the increase, applied to all customers, would amount to $20.00 per month over present revenues.

A large number of protestants appeared at the hearing, probably one-third of the entire customers were represented, and numerous witnesses were heard in protest. The grounds of protest generally were that Mr. Perry had paid a relatively small amount for the property; that he now claimed to earn

upon some $8,000 worth of property. This is claimed by protestants to be exorbitant, the inference being that he made a good bargain, and should share his good bargain with his customers; that he was asking a salary of $125.00 per month for running the property, and at the same time asking for an eight per cent return upon the value of the property, and he was not entitled to both; that he was selling light fixtures, etc., as well, and taking it all in all, was getting a "good living" as it was; and furthermore, that the assessed valuation of the distribution system last year was $900.00, and the transformers and switchboard $750.00; and contended that rates were lower in adjacent territory.

Testimony of Witness Allen, one of the principal protestants indicates the grounds of some of the protestants very succinctly:

> "The bank will pay you five per cent, some of the mining companies will pay you seven per cent, and some a little better. He is asking for fourteen per cent on the investment. There has been a dozen people that have talked to me on that one question, that it didn't look like to them that it was just, and they come along with statistics from the United States. They are showing this sort of a manufacturer produces four or five per cent and others six or seven per cent, and there are very few that can get anywheres near what he is asking for. Besides that he draws his salary for what he is doing, and then they say here he is putting up a picture show which he proposes to operate that will bring him anywheres from—bring him as much revenue right along as the plant is bringing him. He is constructing the picture show and using his own lights. They say he is going to want the whole earth."

Protestants likewise offered testimony to show that the applicant had secured poles from an abandoned pole line of the Utah Power & Light Company, for the small sum of $2.00 per pole, and that many more poles were available at the same price. This was offered as a measure of the reproduction cost of poles in petitioner's property. The petitioner testified that he had secured some poles from this abandoned pole line, and had them on hand; but made no claim for materials on hand in his reproduction cost, and that the only poles used from this abandoned pole line were included at their actual cost in the $2500.00 for the substation.

Other protestants testified that the people were unable to afford a 20c per month increase per customer, and that the salary of $125.00 per month claimed by applicant, was exorbitant.

Summarized, the issue before the Commission is:

What is the present fair value of petitioner's property for rate-making purposes, and how shall it be determined? Do the revenues to be derived from the proposed franchise rates, when applied to the fair value of petitioner's property, produce a reasonable return?

Other minor issues are involved, but, as will hereafter be shown, have been decided time and again by courts and commissions.

The Commission must render its decision to meet the measured requirements of the law. They cannot be arbitrary nor with the idea of bidding for popular approval. We believe the public, when it is in possession of the facts, insists upon fair play.

Questions of valuation have been before courts and commissions for years, including the court of highest resort.

The court authority to pass upon valuation of public utility property is to be found in the fundamental law, the Constitution of the United States and of the several states. Courts have the power to restrain legislative bodies against the taking of private property for public use, without just compensation, or against depriving any person of his property without due process of law, which is construed to mean, without a determination and payment of adequate compensation, courts have held that the taking of private property for public use, comes at the time of the establishment of a rate, rather than at the time the property is first devoted to the public service. For this reason, the return on the investment theory alone is without legal standing in state or Federal constitutions.

While the various phases of the question of valuation have been and are passing through a process of clarification, enough has been said by the highest courts to point out the way in unmistakable terms. For our present purpose, a study of this question may be begun with the decision of the United States Supreme Court, in the case of Smyth vs. Ames, 169 U. S., at page 546. In that case, the court said:

> "We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative

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

In San Diego Land & Town Company vs. National City, 174 U. S., at 757, the Supreme Court said:

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

Again, in San Diego Land & Town Company vs. Jasper, 189 U. S., page 142, the Supreme Court said:

"The main object of attack is the valuation of the plant. It no longer is open to dispute that under the Constitution 'what the company is entitled to demand, in order that it may have just compensation, is a fair return upon the reasonable value of the property at the time it is being used for the public.' (San Diego Land & Town Co., vs. National City, 174 U. S. 739, 757.) That is decided, and is decided as against the contention that you are to take the actual cost of the plant, annual depreciation, etc., and to allow a fair profit on that footing over and above expenses. We see no reason to doubt that the California statute means the same thing. Yet the only evidence in favor of a higher value in the present case, is the original cost of the work, seemingly inflated by improper charges to that account and by injudicious expenditures, (being the cost to another company which sold out on foreclosure to the appellant), coupled with

a recurrence to testimony as to the rapid depreciation of the pipes. In this way the appellant makes the value over a million dollars. No doubt cost may be considered, and will have more or less importance according to circumstances. In the present case it is evident for reasons some of which will appear in a moment, that it has very little importance indeed."

Likewise, in Stanislaus County vs. San Joaquin and King's River Canal and Irrigation Company, 192 U. S., at 214, the Supreme Court said:

"The original cost may have been too great; mistakes of construction, even though honest, may have been made, which necessarily enhanced the cost; more property may have been acquired than necessary or needful for the purpose intended."

In Wilcox vs. Consolidated Gas Company, 212 U. S., page 52, the Supreme Court said:

"And we concur with the court below in holding that the value of the property is to be determined as of the time when the inquiry is made regarding the rates. If the property, which legally enters into the consideration of the question of rates, has increased in value since it was acquired, the company is entitled to the benefit of such increase. This is, at any rate, the general rule. We do not say these may not possibly be an exception to it, where the property may have increased so enormously in value as to render a rate permitting a reasonably return upon such increased value unjust to the public. How such facts should be treated is not a question now before us, as this case does not present it. We refer to the matter only for the purpose of stating that the decision herein does not prevent an inquiry into the question when, if ever, it should be necessarily presented."

In the Minnesota Rate Cases, 230 U. S., 352 to 473, the Court said (page 454):

"It is clear that in ascertaining the present value we are not limited to the consideration of the amount of the actual investment. If that has been reckless or improvident, losses may be sustained which the community does not underwrite. As the company may not be protected in its actual investment, if the value of its property be plainly less, so the making of a just return for the use

of the property involves the recognition of its fair value if it be more than its cost. The property is held in private ownership and it is that property, and not the original cost of it, of which the owner may not be deprived without due process of law."

In U. S. 238, page 165, Des Moines Gas Company, vs. Des Moines, the United States Supreme Court discussed "going value" or "going concern value," as follows:

"That there is an element of value in an assembled and established plant, doing business and earning money, over one not thus advanced, is self-evident. This element of value is a property right, and should be considered in determining the value of the property, upon which the owner has a right to make a fair return when the same is privately owned although dedicated to public use. Each case must be controlled by its own circumstances, and the actual question here is: In view of the facts found, and the method of valuation used by him, did the Master sufficiently include this element in determining the value of the property of this company for rate-making purposes?"

Again, in Denver vs. Denver Union Water Company, 264 U. S., at 191, we find (U. S. Supreme Court):

"What we have said establishes the propriety of estimating complainant's property on the basis of present market values as to land, and reproduction cost, less depreciation, as to structures. That this method was fairly applied by the special master hardly is disputed by appellants, except as they contest the items allowed for 'going-concern' value' and for the water rights acquired by complainant and its predecessors by original appropriation. With respect to the former item, we adhere to what was said in Des Moines Gas Co. vs. Des Moines, 238 U. S., 153, 165: 'That there is an element of value in an assembled and established plant, doing business and earning money, over one not thus advanced, is self-evident. This element of value is a property right, and should be considered in determining the value of the property, upon which the owner has a right to make a fair return when the same is privately owned although dedicated to public use."

These and other decisions of courts of competent jurisdiction were decisions in the earlier days of rate regulation,

and usually grew out of confiscation proceedings. Upon the basis of these decisions, the various state commissions passed upon valuations of public utility property for rate-making purposes. This was a period during which there were no great changes in price levels for labor and materials.

Out of the experience of valuation proceedings grew three principal methods of valuation to be considered in fixing the value of utility property for rate-making purposes. They were: Historical cost of the property, inventory of the existing property at its original cost, and cost of reproduction new. Such elements as the amount and market value of a utility's stocks and bonds, its capitalization, etc., were found, for reasons which will hereafter be discussed, to be of little value. The historical cost of utility property was usually not ascertainable, for the reason that accounts were not kept in such a way as to properly reflect the financial transactions of the utility. Likewise, it usually happened that a composite property had been constructed by various corporations, and at intervals, extending oft times over a period of years. It was difficult, if not impossible to ascertain from the various corporation records the actual cost of the property, and, even if these costs were available, it would be impossible to say at this late date whether or not the money had been prudently spent; that no extravagance or waste had entered into the construction of the property; also, in a property of any considerable age, many of its elements must have been replaced, superceded, rebuilt or abandoned, so that it would be impossible to determine if the money cost, as reflected by the books, represented only property used, useful and necessary in rendering public service.

To obviate these difficulties, commissions resorted to the reproduction cost theory as a method of valuation. It was customary, after the count of the physical property had been completed and compiled, to apply unit costs to the various units of property contained in the inventory.

In determining the cost of a plant, individual items were grouped together the same as they were associated in the property, and the cost of complete unit found. The claimed unit cost of such an item included, in addition to cost of labor and material, incidental expense in connection with labor, supply expense, freight, cartage, plant supervision, etc. The unit costs applied were usually such as to reflect average costs for such units over a period of years, rather than to reflect either maximum or minimum price trends. To the bare structural costs thus ascertained were added certain

overhead costs not inhering in the structural costs. These were items which were conceded by all familiar with construction of properties of like character, to be expenses that must necessarily be incurred in the construction of such a property. These expenses were: Engineering, administrative and legal expenses, interest during construction, actual cost of securing franchises, etc. Allowances for going-value were added, in line with court authority, and in many cases deductions for depreciation (defined in various ways), were made. After a consideration of all relevant facts thus developed, a value was found, "not a matter of formula or artificial rules," but based upon a "reasonable judgment."

In line with this general rule, this Commission proceeded to make valuations of utility property from time to time.

The World War brought about an extraordinary change in price levels; prices advanced to levels unthought of before, and, with fluctuations from time to time, have reached what is now designated by some as the new plateau of price levels. Thus there came about a wide spread between inventories based upon average prewar prices and reproduction new based upon present prices. Many claimed present value for rate-making purposes to be the cost of reproduction new at present average prices, on the theory, briefly, that as the purchasing power of a dollar diminished, the rate base should be increased relatively, thus giving the owners the same purchasing power in commodities as they could have purchased with a pre-war dollar.

This Commission, along with others, largely disregarded reproduction new at present prices, and held broadly that the investment made and remaining in the property, to be the amount upon which the utility was entitled to earn a return. The wide spread in prices caused much confusion, and much was written in justification of this or that method to be used in arriving at a practical solution of the problem. More recently, however, a number of decisions have been rendered by the U. S. Supreme Court and other courts of competent jurisdiction, clarifying the situation, and the Commission must recast its valuation methods in accordance therewith.

In Galveston Electric Company vs. City of Galveston, decided April 10, 1922, the United States Supreme Court said (U. S. Supreme Court Reporter, Volume 42, at page 353):

> "But neither the District Judge nor the master reached his conclusion as to net return by a calculation as simple as that indicated above.

"First. As the base value of the property, master and court took—instead of the prudent investment value —the estimated cost of reproduction at a later time less depreciation; and in estimating reproduction cost both refused to use as a basis the prices actually prevailing at the time of the hearings. These had risen to 110 per cent above those of 1913. The basis for calculating reproduction cost adopted by all was prophecy as to the future general price level of commodities, labor, and money. This predicted level, which they assumed would be stable for an indefinite period, they called the new plateau of prices. As to the height of this prophesied plateau there was naturally wide divergence of opinion. The company's expert prophesied that the level would be 60 to 70 per cent above 1913 prices; the master that an increase of 33 1-3 per cent would prove fair; and the court accepted the master's prophecy of 33 1-3 per cent. Thus both master and court assumed a reproduction cost, after deducting accrued depreciation, of about $1,625,000."

And again, at page 355, of said Volume 42, the Court said, in the same case:

"The appellants insisted also that the base value should be raised by assuming that the future plateau of prices would be 60 to 70 per cent above the historical reproduction value instead of 33 1-3 per cent as the master and the court assumed. The appellees insisted, on the other hand, that an item of $142,281 for grade raising included by master and court in the historical cost should be eliminated. We cannot say that there was error in overruling these contentions."

Also, in the case of the City of Houston vs. Southwestern Bell Telephone Company (Supreme Court Reporter, Volume 42, at page 488), the Supreme Court said:

"In its cross-appeal the Company assigns as error, the holding of the District Court that the merger ordinance of 1915 obliges the Company to accept the cost of its physical plant as the basis for rate-making, instead of the usual basis, the value, at the time of the inquiry, of the property used and useful in operating the plant. Willcox vs. Consolidated Gas Co., 212 U. S. 19, 52, 29 Sup. Ct. 192. 53 L. Ed. 382, 48 L. R. A. (N. S.) 1134, 15 Ann. Cas. 1034; Minnesota Rate Cases, 230 U. S. 352, 33 Sup. Ct. 729, 57 L. Ed. 154, 48 L. R. A. (N. S.) 1151 Ann.

Cas. 1916-A, 18; City and County of Denver vs. Denver Union Water Co., 246 U. S. 178, 38 Sup. Ct. 278, 62 L. Ed. 649. The asserted reason for this contention is that the merger ordinances of 1915 and the acceptance of it by the Company did not constitute a contract binding upon either the City or the Company, but that, though contractual in form, it was void under the provisions of the state Constitution and the decisions cited, supra. In its answer the City avers that it did not and could not, by that ordinance or otherwise, limit its rate-making power for the future. But, notwithstanding this agreement of the parties that the merger ordinance was void, the court held that the Company, having accepted and acted upon it, was estopped to claim that it was not bound by its terms. Misrepresentation not being involved, mutuality was necessary to any estoppel growing out of this transaction, and while thus asserting that the ordinance is void as to itself the City may not successfully assert that its adversary is bound by the acceptance of it. We think that neither party was bound by the ordinance and the acceptance of it, that the District Court fell into error, and that the proper base for rate-making in the case is the fair value of the property, useful and used by the Company, at the time of the inquiry."

In the State of Missouri, ex rel. Southwestern Bell Telephone Company vs. Public Service Commission of Missouri, et al., the Supreme Court said (Supreme Court Reporter, Volume 43, at page 546):

"Obviously, the commission undertook to value the property without according any weight to the greatly enhanced costs of material, labor, supplies, etc., over those prevailing in 1913, 1914 and 1916. As mater of common knowledge, these increases were large. Competent witnesses estimated them as 45 to 50 per centum.

"In Willcox vs. Consolidated Gas Co., 212 U. S. 19, 41, 52, 29 Sup. Ct. 192, 195, 200 (53 L. Ed. 382, 48 L. R. A. N. S. 1134, 15 Ann. Cas. 1034), this court said:

'"There must be a fair return upon the reasonable value of the property at the time it is being used for the public. * * * And we concur with the court below in holding that the value of the property is to be determined as of the time when the inquiry is made regarding the rates. If the property, which legally enters into the consideration of the question of rates, has increased in value

since it was acquired, the company is entitled to the benefit of such increase.'

"In Minnesota Rate Cases, 230 U. S. 352, 454, 33 Sup. Ct. 729, 762 (57 L. Ed. 1511, 48 L. R. A. N. S. 1151, Ann. Cas. 1916-A, 18), this was said:

" 'The making of a just return for the use of the property involves the recognition of its fair value, if it be more than its cost. The property is held in private ownership, and it is that property, and not the original cost of it, of which the owner may not be deprived without due process of law.'

"See also, Denver vs. Denver Union Water Co., 246 U. S. 178, 191, 38 Sup. Ct. 278, 62 L. Ed. 649, Newton vs. Consolidated Gas Co. of New York 258 U. S. 165, 42 Sup. Ct. 264, 66 L. Ed. 538 (March 6, 1922), and Galveston Electric Co. vs. City of Galveston, 258 U. S. 388, 42 Sup. Ct. 351, 66 L. Ed. 678 (April 10, 1922).

"It is impossible to ascertain what will amount to a fair return upon properties devoted to public service, without giving consideration to the cost of labor, supplies, etc., at the time the investigation is made. An honest and intelligent forecast of probable future values, made upon a view of all the relevant circumstances, is essential. If the highly important element of present costs is wholly disregarded, such a forecast becomes impossible. Estimates for tomorrow cannot ignore prices of today.

"Witnesses for the company asserted—and there was no substantial evidence to the contrary—that, excluding cost of establishing the business, the property was worth at least 25 per cent more than the commission's estimates, and we think the proof shows that, for the purposes of the present case, the valuation should be at least $25,000,000."

The Telephone Company claimed:

Reproduction cost new, as of June 30, 1919	$35,100,471.00
Reproduction cost new, less depreciation	31,355,278.00
Cost as per books	22,888,943.00
The Missouri Commission found	20,400,000.00
The Court allowed	25,000,000.00

In Bluefield Waterworks & Improvement Company vs. Public Service Commission of West Virginia, decided June 11, 1923, (Supreme Court Reporter, Volume 43, at page 678) we find:

"It is clear that the court also failed to give proper consideration to the higher cost of construction in 1920 over that in 1915 and before the war, and failed to give weight to cost of reproduction less depreciation on the basis of 1920 prices, or to the testimony of the company's valuation engineer, based on present and past costs of construction, that the property in his opinion, was worth $900,000. The final figure, $460,000, was arrived at substantially on the basis of actual cost, less depreciation, plus 10 per cent for going value and $10,000 for working capital. This resulted in a valuation considerably and materially less than would have been reached by a fair and just consideration of all the facts. The valuation cannot be sustained. Other objections to the valuation need not be considered."

And again, in Georgia Railway & Power Co., et al., vs. Railroad Commission of Georgia, et al., decided June 11, 1923, the Court elaborated upon this question as follows (Supreme Court Reporter, Vol. 43, at 681):

"First. The objections mainly relate to the rate base, and one of them is of fundamental importance. The companies assert that the rule to be applied in valuing the physical property of a utility is reproduction cost at the time of the inquiry less depreciation. The 1921 construction costs were about 70 per cent higher than those of 1914 and earlier dates, when most of the plant was installed. So much of it was in existence January 1, 1914, was valued at an amount which was substantially its actual cost or its reproduction cost as of that date. The companies claim that it should have been valued at its replacement cost in November, 1921, the time of the rate inquiry, and that the great increase in construction costs was ignored in determining the rate base.

"The case is unlike Missouri ex rel. Southwestern Bell Telephone Co. v. Public Service Commission (No. 158) 262 U. S. 276, 43 Sup. Ct. 544, 67 L. Ed., decided May 21, 1923. Here the Commission gave careful consideration to the cost of reproduction; but it refused to adopt reproduction cost as the measure of value. It declared that the exercise of a reasonable judgment as to the present 'fair value' required some consideration of reproduction costs as well as of original costs, but that 'present fair value' is not synonymous with 'present replacement cost,' particularly under abnormal conditions.

That part of the rule which declares the utility entitled to the benefit of increase in the value of property was, however, specifically applied in the allowance of $125,000 made by the commission to represent the appreciation in the value of the land owned. The lower court recognized that it must exercise an independent judgment in passing upon the evidence, and it gave careful consideration to replacement cost. But it likewise held that there was no rule which required that in valuing the physical property there must be 'slavish adherence to cost of reproduction less depreciation.' It discussed the fact that since 1914 large sums had been expended annually on the plant; that part of this additional construction had been done at prices higher than those which prevailed at the time of the rate hearing; and it concluded that 'averaging results and remembering that values are * * * matters of opinion * * * no constitutional wrong clearly appears.'

"The refusal of the commission and of the lower court to hold that, for rate-making purposes, the physical properties of a utility must be valued at the replacement cost less depreciation was clearly correct."

In Monroe Gaslight & Fuel Co. vs. Michigan Public Utilities Commission, et al., (District Court, E. D. Michigan, decided June 9, 1923), Federal Reporter, Volume 292, at page 141, the Court said:

"The disposition of this motion is to be determined by the interpretation and effect given to the Southwestern Bell, the Bluefield Water, and the Georgia Power Cases, recently decided by the Supreme Court. They constitute the last word upon the theory and practice involved in fixing a rate base for public utilities, as to which there has been a long-time controversy between historical cost, or actual cost, or prudent investment (less depreciation), upon the one side, and reproduction cost (less depreciation), upon the other.

* * * *

"Particularly when we read the dissenting opinion, we must construe the majority opinion as the minority of the court interpreted it, viz., as holding that, where it stands not impeached or attacked otherwise than it was in that case, the reproduction cost is the dominating element in the fixing of the rate base; and if a Commission,

which leaves it substantially unimpeached, fails to give it that dominating effect, there is an error of law which the court must correct. The opinion in the Bluefield Water Case tends to confirm this construction of the Southwestern Bell Case. The rate base made by the Commission was set aside because due regard had not been given to reproduction cost. The court did not undertake to say just what "proper consideration" would be. It did not think that the circumstances called upon it to say, as it did in the Southwestern Bell Case, what the minimum permissible valuation was. Possibly this was for the reason that the appeal was from the state court, and the state court had so obviously adopted the theory of historical costs that to correct that error in general terms was thought sufficient.

"Nor do we find anything inconsistent with this view in the opinion in the Georgia Power Case. It affirms only that the reproduction cost at the date of the inquiry is not necessarily controlling."

* * * *

"It is plain from its exhaustive report that the Michigan Commission in this case followed practically in the lines of Mr. Justice Brandeis' dissenting opinion in the Southwestern Bell Case; and it will, of course, be noted that the action of the Commission was taken some time before this opinion was announced. The report of the Michigan Commission is most painstaking and thorough, and displays obvious intent to deal fairly with the Utility—according to the Commission's view of the legal questions involved—in a degree which unfortunately has been absent in some cases in which judicial review of Commission conclusions in other states has been sought. It will be noted, however, that, pursuant to a common practice, the report seeks to immunize itself against attack by a careful declaration that no one element is given controlling effect in fixing the rate base, but that actual cost investment, capitalization, reconstruction cost, depreciation, etc., are given, and each is given due weight in reaching the final composite conclusion. As Mr. Justice Brandeis points out, such a report, like the general verdict of a jury, suggests immunity to any attack which depends upon showing that the Commission gave excessive or insufficient force to any one element. We do not see that an otherwise appropriate judicial revision can be escaped in this manner. It is the duty of the court

to determine the rate base from the evidence before it; and while there must be great hesitancy in overturning a conclusion reached by the Commission, after it has considered all relevant facts, neither presumption nor express statement by the Commission that it has given due weight to everyone can prevail against a contrary inference required by the proofs."

Recently, two more decisions by Federal Courts have been rendered which further elaborate upon the question of valuation. In the case of Van Wert Gas Light Co. vs. Ohio Public Utilities Commission (P. U. R. 1924-C, at page 722), the United States District Court, S. D. Ohio, N. D., in discussing the basis of valuation, said:

"Without detailed reference to the many cases sustaining the proposition, we feel that the language of the Supreme Court in the case of Bluefield Water Works & Improv. Co. vs. Public Service Commission, 262 U. S. 679, 690, 67 L. Ed. 1176, P. U. R. 1923-D, 11, 18, 43 Sup. Ct. Rep. 675, is an authoritative statement of the law: 'Rates which are not sufficient to yield a reasonable return on the value of the property used at the time it is being used to render the service are unjust, unreasonable, and confiscatory, and their enforcement deprives the public utility company of its property in violation of the 14th Amendment. This is so well settled by numerous decisions of this court that citation of the cases is scarcely necessary.' Perhaps the entire present attitude of the Supreme Court upon this question may be found in the case just above cited and in the cases of Georgia R. & Power Co. vs. Railroad Commission, 262 U. S. 625, 67 L. Ed. 1144, P. U. R. 1923 D, I, 43 Sup. Ct. Rep. 680, and Missouri ex rel. Southwestern Bell Teleph. Co. vs. Public Service Commission, 262 U. S. 276, 67 L. Ed. 981, P. U. R. 1923-C, 193, 43 Sup. Ct. Rep. 544. In all of these cases the court treats the question of valuation as the pivotal question in the determination of rates, for it is upon such valuation that the company is held to be entitled to a fair return. In each of the above cases the court also quotes with approval from the case of Wilcox vs. Consolidated Gas Co. 212 U. S. 19, 52, 53 L. Ed. 382, 48 L. R. A. (N. S.) 1134, 29 Sup. Ct. Rep. 192, 15 Ann. Cas. 1034, to the effect that 'the value of the property is to be determined as of the time when the inquiry is made regarding the rates. If the property, which legally enters into the consideration of the question of rates, has

increased in value since it was acquired, the company is entitled to the benefit of such increase.' And in determining the value of the time when the inquiry is made regarding rates, it would seem that the reproduction value at such time is the dominant element, although not the only element for consideration. (See also Monroe Gaslight & Fuel Co. vs. Michigan Public Utilities Commission, District Court, Eastern District of Michigan, July 3, 1923; (292 Fed. 139, P. U. R. 1923 E, 661, before Denison Circuit Judge, and Tuttle and Simons, District Judges.) These cases also demonstrate the principle that the Utilities Commission which fails to take into consideration, in fixing rates, the then value of the property of the company, or to give effect to increased costs of material and labor, but acts arbitrarily and without performance of the duty of valuation imposed upon it by statute, to that extent falls into error, and if by these means the rate fixed will not yield a reasonable income upon the true value of the property then used and useful, the property of the company is taken in violation of the 14th Amendment."

Likewise, the New York Telephone Company vs. Prendegrast, United States District Court (S.D., N.Y.), decided July 26, 1924, the Court said:

"In our opinion plaintiff is justified in complaining of this procedure and result on several counts. By a long line of decisions, of which Monroe Gaslight & Fuel Co. vs. Michigan Public Utilities Commission, 292 Fed. 139, is one of the latest, reproduction cost less depreciation is the dominant element in rate base ascertainment. No one element is exclusive of all others, but the decision complained of deliberately lays aside as unimportant all serious consideration of reproduction cost. "

See also Roanoke Waterworks Company vs. Commonwealth, 124 S.E., 652 (S.C. App., Sept. 18, 1924.).

Upon the basis of what we interpret to be the principles laid down in the above cases and others of similar import not cited here, we will proceed to fix a rate base in this case. It goes without saying that Mr. Perry's property, although a small one, is subject to the same constitutional guarantees as is the property of any other public utility.

Witness Bandenburger shows in Exhibit "A" the bare structural reproduction cost new of the property to be

$8,090.30. The record shows that the unit costs applied in this appraisal are based upon average costs for the past five years. This inventory was prepared by Mr. Brandenburger, an electrical engineer of many years' experience. It is predicated upon a construction program, carried out in a rational way, and it stands not impeached. As elsewhere indicated, evidence was offered to show that poles from a nearby abandoned pole-line of another utility were to be had for $2.00 each. It would be a unique theory of valuation if the Commission were to take the cost of these poles as a measure of value of the poles in an existing nearby operating property. On the other hand, if the Commission believes the poles in this abandoned pole line to have value over and above a mere nominal scrap value, it should proceed to an investigation to determine if in fact the owning utility has been extravagant in abandoning useful property. The record shows that applicant has secured some of these poles and has them on hand; but no claim is made in the inventory for materials and supplies on hand, and on this record the mere fact that some of these poles are in his possession, cannot be taken to measure the reproduction cost of the existing property.

Likewise, the suggestion has been made that the reproduction cost of the property is based upon a hypothetical property whose component parts are of a higher grade of material than those of the existing property, and that elements cheaper in price might have been selected. The reproduction cost of the property should be ascertained by using substantially similar elements to that of the existing property. Obviously, the suggestion that cheap articles be used, cannot be entertained by this Commission. The analogy would be in securing something in the five and ten cent store that would look like a standard article of hardware.

An effort was also made to show that labor estimates were high. The record shows that labor estimates were based upon wages obtaining in nearby mining camps. Much of the property of an electric company cannot be constructed by common labor; much of the apparatus is complicated and requires technical skill in its erection. These facts are genearlly known and accepted. After a scrutiny of the labor prices involved in this appraisal, we cannot say they are too high.

But, assuming that $8,090.30 is a fair bare bone reproduction cost new of the property, and the applicant has apparently elected to stand on this value alone, since no inventory at average prices as of the period during which part of the property at least was constructed, was entered in the record,

we are not bound, in the language of the Georgia Railway and Power Company case, to "slavish adherence to cost of reproduction less depreciation." On the other hand, cost of reproduction of the entire property at pre-war prices cannot be countenanced. Of the property now existing, the substation, costing $2500.00, was constructed only last year, and likewise the line connecting the substation to the distribution system in the town, costing approximately $500.00. Thus, $3,000 worth of the existing property was constructed at present price levels. It must likewise be remembered that the pre-war property is not the same as the existing property. The record discloses that there existed a small generating station in the nearby gulch, which was admittedly inadequate; that the owner succeeded in selling the same, including water rights for $2500, which he invested in the substation. It would be improper to reproduce a property, part of which was admittedly inadequate and no longer exists.

The Monthly Labor Review, published by the United States Department of Labor and Statistics, shows that the index figure on commodity prices, taking the average figure for the year 1913 as 100, is 150, approximately, for the year 1923. This means that the average price of 404 standard commodities is approximately 150% higher than the prices of 1913.

Making all possible allowances for any predicable decline in price levels during the period that this valuation will remain in effect and any excess cost in present structures, we find the value of the physical property to be $7500. No allowances for going-value or other intangibles are claimed or proven.

Such questions as capitalization and the amount and kind of securities and the market value of the same, can have, in any event, only remote evidential value. In many instances, capitalization bears no particular relation to invested or present value, and the market price of securities depends upon the rates charged for service. If rates are lowered by regulatory bodies, the market value of securities will fall. If rates are raised, within reasonable limits, the value of securities will rise.

As pointed out by some commissions, to determine the value of a public utility for rate-making purposes, the using of the market value of securities to make such determination, would involve reasoning in a circle. It is usually now held to be not a legal basis for determining present value, as is pointed out in the case of Monroe Gaslight & Fuel Company

vs. Michigan Public Utilities Commission (Federal Reporter, Volume 292, at page 150), wherein the Court said:

> "We reject entirely the whole subject of capitalization, stocks and bonds. We fail to see how it can have any pertinence. The Utility is entitled to an opportunity to earn a reasonable minimum return upon the proper rate base. How many securities are outstanding is of no importance. Cases may be conceived where the stock and bond history may have evidential value, but its bearing at the best will be remote."

When an attempt is made to give weight to the market value of a property in making a valuation for rate-making purposes, an impossible problem is introduced. For example, this property is not for sale and the Commission has no authority to require it to be offered for sale. Furthermore, sales of public utility property are too infrequent, and it would be exceedingly hard to find records of sales for comparative purposes where systems of like kind have been sold.

Testimony of the applicant in this case regarding the sale, is interesting, if not very enlightening (Transcript, page 15):

> "Well, I think the price I got the plant for, and the price it was really worth has no comparison, because, as you all know how it was that I came to have this plant. This man, Mr. A. D. Cox, he was tired of it, and his business was leaving; and he was a man who was more for sport, and he didn't care to confine himself to that kind of a job, so I got it, you might say, for a song, and I did my own singing."

It might be well also to here point out that this property was purchased in 1915, with the pre-war dollar, and we have already indicated to that relative extent its purchasing power has been reduced. Furthermore, this property, while it was bought as a going whole, is not the same property that exists at present. The property originally purchased was admittedly an inadequate one. The service was so poor as to permit of but one wash day a week and one day a week for ironing. Through initiative and good business management, Mr. Perry sold part of the old, inadequate plant and replaced the old, inadequate apparatus with adequate units in such a way as to give consumers continuous, sufficient service. It must be obvious the price he paid would have only a very remote bearing upon the present value of the plant. Market value may have something to do with determining develop-

ment cost, but no evidence was introduced as to this question and nothing will be allowed for it.

Furthermore, market value usually depends upon earnings; earnings, in large measure, upon rates, and rates, in turn, upon regulation. We enter the same circle of reasoning as in the case of market value of securities. (See P. U. R. 1921-A, 824, and P. U. R. 1920-C, 640).

There remains the question of what weight, if any, the assessed valuation of the property may have in fixing its rate-base.

Valuations for rate-making and valuations for the purpose of taxation are not the same and are not made upon the same basis. Rules governing tax valuations depend upon tax laws. In valuing utility property for tax purposes, earnings are generally the controlling factor, and, as pointed out in the case of market value, earnings, depend largely upon rates. It is generally held to be to the interest of consumers as rate-payers, that taxes levied upon utility property be kept on as low a level as possible, for taxes are directly chargeable to operating expenses, form part of the rate paid by consumers, and a higher assessed valuation, would simply add an additional burden upon rate-payers.

The United States Supreme Court, in the Missouri Rate Cases (230 U. S. Reports, at page 502), said:

> "It cannot be regarded as sufficient to introduce assessments, or valuations made for the purposes of taxation; and this is particularly true when the principles governing the assessments are not property shown, and for all that appears, they may have rested upon methods of appraisement which would be inadmissible in ascertaining the reasonable value of the property as a basis for charges to the public. Minnesota Rate Cases, ante, p. 352."

Re City of Grand Rapids, et al., (P. U. R. 1923-C, at page 505), the Michigan Public Utilities Commission said:

> "Valuations for purposes of taxation and for purposes of rate making are not necessarily the same. The assessing officers of Grand Rapids never made a detailed study of this utility, even in an endeavor to fix its value for taxation purposes. The city contended on the hearing that as a matter of fact the assessing officers assessed the property of the utility upon the basis of tax statements made by the person in charge of the utility to the assessing officers and that, therefore, no element of estoppel

could enter into the equation. It is true, of course, that assessments made by the proper officials in the performance of their statutory duty are competent evidences upon the question of value. The question of the weight of such evidences is another matter. We do not think this matter is of great importance. This Commission is certainly not, to any extent, bound by any figures used by any assessing officer."

See P. U. R. 1922-A-1; P. U. R. 1922-B, page 367; P. U. R. 1921-A, page 466; P. U. R. 1921-E, page 390; P. U. R. 1920-F, page 725; P. U. R. 1919-A, page 35.

There next arises the issue as to whether depreciation shall be deducted from the above amount, and, if so, how shall the same be determined? In some instances, theoretical accrued depreciation, with the aid of so-called life tables, has been computed upon the straight-line basis, and the sum thus calculated has been deducted or sought to be deducted from reproduction cost new, regardless of whether or not such a depreciation reserve exists upon the books of the utility, or whether or not rates for service have been sufficient to permit the setting up of such reserve. In other instances, the amount of the book reserve itself, rather than theoretical accrued depreciation, upon a straight-line basis, has been sought to be deducted. In still other cases, the actual tangible depreciation, often termed "deferred maintenance," has been deducted.

Recently, courts, particularly Federal courts, have refused to permit a deduction of the depreciation book reserve; but permit only the deduction of the actual depreciation.

In Monroe Gaslight & Fuel Company vs. Michigan Public Utilities Commission, et al., (Federal Reporter, Volume 292, page 146,) the Court said:

"The utility carried upon its books a depreciation account, which (after a correction directed by the Commission), January 1, 1923, amounted to about $37,000. This was called a 'retirement reserve.' In its answer the Commission said:

" 'Included in the item of $272,000, above mentioned, was property paid for by the use of the reserve fund, or retirement fund of the utility; a retirement reserve of approximately $39,000 being reinvested in the property.'

"The Commission does not definitely undertake to deduct this retirement reserve from the present fair value

of the property, but there is a suggestion that such deduction might be made. We think this is an entire misapprehension. An account of this kind is not a fund in hand; it is a bookkeeping estimate of depreciation which accrues beyond and above the amount kept good by repairs and replacements. It appears in the list of assets only because it represents a supposed loss of capital (or of accumulations); and if the capital stock is carried as a liability at par, along with undivided profits and surplus, then the depreciation must appear upon the other side of the account. If the bookkeeping estimate is accurately made, it will precisely balance the actual difference between the present value of the depreciated items and the future cost of proper replacements or substitutions. If the estimate is liberally made, there will be a surplus above the true amount of actual depreciation, just as there is here a surplus or difference of about $11,000 between the Commission's engineer's estimate, as applied to prudent investment cost, and the defendant's books. The existence of such a surplus on the books has little evidential force. It means only that at the rates which have been charged, the company has collected that amount in addition to what now appears to be the true amount of depreciation plus the amount which it has seen fit to pay out in fixed charges and dividends, or carry as surplus and undivided profits. The idea that such a depreciation account or retirement reserve, which grew up through the collection of lawful rates, is some sort of a trust fund in which the rate payers are interested and upon which the utility has no right to earn a return, which idea has found favor with someCommiss ions (although the Michigan Commission has not indicated its adherence thereto), is without foundation. The fact that such excess, along with what is called surplus or undivided profits, has been invested in further property, does not deprive the utility of its full right to earn a return thereon. Past high profits, under a contract or under public supervision, form no obstacle to enjoining a later non-compensatory rate (the Consolidated Gas Case); and it can make no difference whether they have been paid out in dividends and reinvested as additional capital, or have been directly reinvested. We therefore must wholly reject this element of attack upon the valuation, excepting so far as it duplicates the actual depreciation, $26,-

·000 in the prudent investment cost or $44,000 in the reproduction cost."

Likewise, in New York Telephone Company vs. Pendegrast, the United States District Court (S. D., N. Y.), decided July 26, 1924, held:

"The 'accrued depreciation' deducted from 'fair value' to reach a rate base, is the aggregate of the depreciation reserve, or of charges made to expense at monthly or other frequent intervals, of certain percentages of the cost of plaintiff's property. The percentage varies according to the kind of property, the average being substantially 5 per cent during the last year. Depreciation must be charged under the uniform system of accounts imposed on public utilities, as well as under any theory of good business.

"These accumulated charges are not a separate fund, the total bears no definite relation to the actual condition of the property; for one item may have been, and was charged years ago against the cost of an article scrapped long since, while another was charged yesterday against one just entering upon its life of usefulness. In fact, the depreciation reserve is a piece of bookkeeping, a monthly charge against earnings, to provide means not only of covering deterioration from use and time, but of minimizing, and only minimizing future possible losses of any kind, from storm or fire to changes of fashion. The funds or credits thus reserved are, and always have been expended in strengthening the company's useful property, but what particular property it is neither possible nor useful to ascertain * * * "

And later on in the same case, the court said:

"To deduct from the fair value of plaintiff's property the entire book reserve for depreciation, in order to reach a rate base, was error of law. In point of fact the property had not depreciated that much; the Commission did not find any such depreciation. It did hold that plaintiff was estopped by the figures of the book reserve; it was 'bound by its own contention,' because 'these depreciation reserves represent the company's own best estimate of the extent to which their own property has aged' (Decision, p. 45).

"This is merely untrue; the book charges represent what observation and experience suggested as likely to happen—with some margin over. The legal error is in

not recognizing that the law requires deduction only for actual depreciation, just as actual as the present value and the extent of that depreciation must be ascertained by the same kind of evidence; in the last analysis opinion based on contemporary investigation. The rule enforced by the Commission would cause some alarm, if a catastrophe of nature instantly produced a deterioration of 50 per cent, when the book reserve was but half that amount; yet a real estoppel must always be mutual, and it is a poor rule that does not work both ways."

See also Michigan Public Utilities Commission vs. Michigan State Telegraph Company (Supreme Court, October 30, 1924).

In this case, the utility, a small one, has been managed by its owner, and no reserves of any kind have been set up. This property, as in the case of every other public utility property, is a composite property, made up of different elements, having varying lengths of lives and installed at different dates, so that retirements of property are being made at different and irregular intervals of time. This is a condition entirely different from a hypothetical case, often cited by experts, consisting of one installation, one estimated life and one retirement.

The accepted theory of public utility regulation is that the life of the property does not terminate; service is maintained through the retirement method. In other words, there is perpetual service life.

Considered as a mathematical proposition, upon the straight-line theory, the full amount necessary to make retirements of each individual unit by classes is set up. This theory can only proceed upon the basis that there is liability to renew new all of the property at one time; otherwise, a diversity of use of funds would be permissible. No such condition as outlined immediately above, exists in a composite utility property, because the different classes of units have different lengths of lives, and a simple mathematical calculation will show that the liability in a composite property to **renew new the property all at one time,** will be in the infinite future.

Furthermore, upon the straight-line basis, it can likewise be readily shown that if the calculation be carried through a relatively few life-cycles, the reserve upon this basis will quickly reach 50%, less scrap, of the depreciable static property, and at the same time, all the retirements

upon which the calculation has been predicated, will have been made. To deduct any such excessive sum (as shown by the above) from reproduction new, with no other competent evidence to support such action, would be simple confiscation. Likewise, a decision requiring a deduction calculated upon the above basis, must of necessity at the same time approve upon the same theory—excessive charges to operating expenses. These charges, of course, form part of the rate for service paid by the public, and that part which cannot be used can only place an unnecessary burden upon the rate-payers. There is no evidence or suggestion in this case that amortization of the property is to be considered.

Lives of the larger units of property may be almost indefinitely extended through maintenance, and in nearly all cases, important units of property are retired because of obsolescence or inadequacy, or on account of civic demand. This kind of retirements cannot be foretold upon any life-table basis. Retirement losses of smaller units of property are almost universally charged directly to operating expenses and are not passed through a retirement reserve.

The direct charges to operating expenses for retirements of small units will, of course, in a relatively new property, vary from year to year; but after a property has passed into a cycle of equal annual renewals, the charges are the same or nearly the same from year to year, and no object would be served in passing them through a reserve. The real purpose of the reserve should be to "cover losses incident to important retirements of buildings or of large sections of continuous structures, or of definitely identifiable units of plant or equipment, and the object of such an account should be that the burden of such losses may be as nearly as is practicable equalized from year to year; but with due regard for the amount of earnings available for this purpose each year."

The fundamental guide which should govern in setting up a reserve of this kind, is the experience which goes with each property.

It is the custom of many commissions to deduct the actual tangible depreciation existing in the property, measured usually by expert inspection and opinion. This is based upon the theory that the cutsomer of an electric light and power utility buys service and not the actual physical property, such as poles and wires. In buying service from a utility, the customer pays a just and reasonable rate for good, efficient service. Insofar as the utility is permitted to fall below that standard, the customer pays only for that which he receives,

and within certain limitations, the actual tangible depreciation of the property should be deducted. This kind of depreciation should be deducted from reproduction cost, where proper allowance has been made for appreciation and where the property has yielded, under regulation, an earning sufficient to permit an accrual of a reserve.

One further reservation should be made. That is, in small properties, the actual depreciation may have progressed to such an extent that to deduct all of it would only complete the destruction of the service, and thus defeat the promary purpose of regulation; namely, to insure for the public adequate service at reasonable rates. (See Case No. 137 of this Commission, Brigham City, Utah).

In this connection, P. U. R. 1915-F, at page 441, the Idaho Supreme Court, in Murry vs. Public Utilities Commission, said:

> "So far as the question of depreciation is concerned, we think deduction should be made only for actual, tangible depreciation, and not for theoretical depreciation, sometimes called 'accrued depreciation.' In other words, if it be demonstrated that the plant is in good operating condition, and giving as good service as a new plant, then the question of depreciation may be entirely disregarded."

Likewise, in Re Alabama Power Company, P. U. R. 1923-B, at page 42, the Alabama Commission said:

> "The modern school of thought is that if a public utility property is kept in such a state of efficiency and maintenance that the public is furnished an extra-ordinarily efficient class of service, the matter of depreciation should not enter greatly into consideration of the rate-making body. We repeat, that what the public is interested in is service, and not the age or life of the properties which provide such service."

We do not deem it necessary to quote the large number of citations which may be given upon this particular subject. However, before dismissing the subject, we quote from the American Society of Civil Engineers' Report, page 1493, 2nd paragraph, because it comes from a body of men qualified to speak authoritatively upon this subject:

> "If by order or sanction of a regulating body or by long continued proper custom under no regulation, a property has been maintained in normal working condi-

> tion, necessarily less than new in some or all of its parts, by the replacement method, and at a given date is being valued for any public purpose and on that date shows normal condition of its several parts being in as good condition as could be expected, the accounts showing that always those amounts have been expended in renewals that were necessary to keep the property in normal working condition and the fact appearing that no expenditure reasonably to be excepted could put the property in better than the normal condition in which it is found and that no unusually large expenditure is precently to be necessary for this purpose, then in spite of the fact that there is an existing decretion in its several parts, there should be found no depreciation of valuation."

A study of the Supreme Court decisions shows that in the cases presented, a distinction has not been made between accrued depreciation and other forms. No ruling has been passed on accrued depreciation as such. In some rate cases, straight-line depreciation has been claimed or admitted by both sides! but the court, in passing upon the case, does not thus adopt or approve such a method.

In Maltbie, Theory and Practice of Public Utility Valuation, at page 170, it is stated:

> "To sum up the matter, so far as the Supreme Court is concerned, on only two cases has the court demanded a deduction for depreciation. In both of those the record showed the existence of decreptitude and deferred maintenance for which no allowance had been made, and in both of these cases the court used language which is not applicable to accrued depreciation. When, on the other hand, in the Consolidated Gas case the record showed that deferred maintenance had been cared for, and nothing indicated the inclusion of decrepit equipment among the property valued, the court accepted the valuation without criticism."

In proceeding to a study of this particular property, the record shows that the original property was put into operation, July 8, 1911, purchased in 1915 by the present owner; the generating station has been retired and a new substation has been built, with connection lines, only last year.

Of the total undepreciated value of the property, more than one-third of it is only about one year old. The balance of the property comprises transformers, wires, cross-arms,

pins, insulators and poles, etc. None of this property, except poles, is subject to an early retirement, and the testimony of every witness is to the effect that the property is giving very good service and that no interruptions are occurring. In other words, these units are giving unimpaired service; there is no loss of capacity or of efficiency. Of the above classes of property, some poles, only, at this time need urgent replacing.

It is inadmissible to say that the property is merely a "pile of junk," and thus dismiss, with an easy gesture, this question without analytical evidences or investigation to support such a conclusion.

After making allowance for the actual depreciation, and after a full consideration of all material facts, we find the rate-base of the property at this time, and for the purpose of this investigation, to be $7,000.00.

Petitioner asks for an allowance of four per cent annually of the depreciable property. This is only about one-half or two-thirds of the amount usually claimed by experts for distribution system property. However, we believe the sum sufficient ($280.00), and the same is allowed.

The question of rate of return has been before commissions and courts for so many years, and the fundamental theory underlying the same has been so much discussed, that we would not deem it necessary to add to this already long opinion, were it not that the question has been specifically raised by protestants in this case. As this Commission has heretofore in substance pointed out so often: Public utility regulation contemplates that the earnings of the company shall be reasonably remunerative, but not excessive. Earnings shall be such as to cover the costs of service, including a fair return on the value of the property employed in the service of the public. (Smythe vs. Ames, 169 U. S.. at 146.) This limitation of earnings makes it necessary that the utility make additions and betterments to its property out of new capital. It must, therefore, compete in the market for money at going rates of interest. Current and local rates of interest for money are well known, and the records of this Commission are replete with evidence upon this question. Unless the property which money represents is permitted to earn at a rate that will pay interest on the investment properly made, new money cannot be obtained. Inability to borrow money means stoppage of growth. In a growing community, a situation of this kind means decreased service, generally.

The Commission, in its discretion, might perhaps determine upon a return just high enough to avoid confiscation and merely reward the utility sufficiently to forestall any legal proceedings in the courts. A restrictive policy of this kind only reflects back upon the community in inefficient and insufficient service.

There is a marked difference between a rate of return which just escapes confiscation of a property and one which is reasonable. Any rate of return less than the interest rate for money invested in the same community, would not be a reasonable rate, for it would be impossible for the utility to secure funds for needed extensions and betterments and for the general conduct of its business. It is generally held that an 8% return is a reasonable return, although ,as is pointed out in New York Telephone Company vs. Prendergast (U. S. District Court, S. D., N. Y.), decided July 26, 1924: (Some commissions neglect or refuse to allow it.)

> "Having established a rate base, the charges authorized were designed to produce 7 per cent thereon, although—as the Commission reported to the Legislature in January, 1924—'8 per cent has been generally allowed by Courts and Commissions.'"

Likewise, in the above mentioned case, the court said:

> "The rate of return on property is a matter of custom, and custom is fundamentally opinion. Admittedly it is, and has been customary to allow as a reasonable rate of return for regulated businesses like this one—8 per cent. The justification for the custom is the habit of business men, and a departure therefrom is not right because a court or commission prefers a lower rate. Reasons are wanted and none are set forth in this record. Under such circumstances there is no presumption of correctness attaching to the 7 per cent limit. The question always raised in rate cases is this—what rate of return with due regard to certainty and security will attract the intelligent investor? It remains to be seen whether a departure from the present customary rate is warranted by modern condition."

In Bluefield Water Works & Improvement Company vs. West Virginia Public Service Commission, 262 U. S., at 679 P. U. R. 1923-D, page 11), the U. S. Supreme Court said:

> " * * * * The company contends that the rate of return is too low and confiscatory. What annual rate will

constitute just compensation depends upon many circumstances and must be determined by the exercise of a fair and enlightened judgment, having regard to all relevant facts. A public utility is entitled to such rates as will permit it to earn a return on the value of the property which it employs for the convenience of the public equal to that generally being made at the same time and in the same general part of the country on investments in other business undertakings which are attended by corresponding risks and uncertainties; but it has no constitutional right to profits such as are realized or anticipated in highly profitable enterprises or speculative ventures. The return should be reasonably sufficient to secure confidence in the financial soundness of the utility and should be adequate, under efficient and economical management, to maintain and support its credit and enable it to raise the money necessary for the proper discharge of its public duties. A rate of return may be reasonable at one time and become too high or too low by changes affecting opportunities for investment, the money market and business conditions generally."

"* * * * In 1919, this court in Lincoln Gas & Electric Light Co. v. Lincoln, 250 U. S. 256, 268, 63 L. Ed. 968, 39 Sup. Ct. Rep. 454, decided on the facts of that case to approve a finding that no rate yielding as much as 6 per cent on the invested capital could be regarded as confiscatory. Speaking for the court, Mr. Justice Pitney said:

"'It is a matter of common knowledge that, owing principally to the world war, the costs of labor and supplies of every kind have greatly advanced since the ordinance was adopted, and largely since this cause was last heard in the court below. And it is equally well known that annual returns upon capital and enterprise the world over have materially increased, so that what would have been a proper rate of return for capital invested in gas plants and similar public utilities a few years ago furnishes no safe criterion for the present or for the future."

"* * * * Under the facts and circumstances indicated by the record, we think that a rate of return of six per cent upon the value of the property is substantially too low to constitute just compensation for the use of the property employed to render the service."

Under the circumstances known to exist locally and the interest rate prevailing, we are of the opinion that a rate of

eight per cent is modest. However, let it be understood that the Commission does not guarantee this or any rate of return. The Commission can fix fair average rates based upon average costs, but the realization of earnings rests upon the efficiency and the management of the utility. Computed upon the above basis, the return upon the rate base fixed by the Commission in this case is $560.00 for the year 1924.

After investigation by the Commission's accounting staff, we believe the following results for the year July 1, 1923, to June 30, 1924, and like the full year 1924 as follows:

Gross Revenues for the year, July 1, 1923, to June 30, 1924, both dates inclusive		$2,328.40
Estimated increase under new rate		240.00
Total Gross Revenues		$2,568.40
Return upon value of property	$560.00	
Retirement Reserve	280.00	
Power bill	724.78	
TOTAL		$1,564.78
Available for balance of operating expenses		$1,003.62

Gross revenue for the full year, January 1, 1924, to December 31, 1924, is $2,163.95. We then have the following known costs for the year, January 1, 1924, to and including December 31, 1924:

Gross Revenues for the year		$2,163.95
Estimated increase under the new rates		240.00
Total Gross Revenues		$2,403.95
Return upon value of property	$560.00	
Retirement Reserve	280.00	
Power bill	692.42	
TOTAL		$1,532.42
Available for balance of operating expenses		$ 871.53

The balance available for operating expenses for the year last past must include, among other things, all the labor for maintaining and operating the property, as well as materials for maintenance, which do not pass through the retirement

reserve. All of those incidental expenses, such as stationery, postage, whatever legal expenses are involved during the year, contingencies, remuneration for management, etc., must likewise cover loss of revenue from uncollectible bills, etc. There was available for all of the above purposes an average for the year 1924 of $72.63 per month, which, as stated before, must include the salary of Mr. Perry. Investigation discloses that considerable sums were spent in repairs last year that are not included in the above results.

The issue is somewhat confused, because Mr. Perry claimed a salary of $125.00 per month; while, as a matter of fact, the revenues will provide only something more than half of that amount, and we do not believe that the protestants, had they understood the situation clearly, would have objected to a modest salary of this kind, which is only about half the salary received by local managers of larger companies, and we are of the opinion and find that the franchise rates granted Mr. Perry by the Town Board of Goshen should be approved and the same permitted to become effective twenty days after the date of the Commission's order in this case.

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 26th day of March, 1925.

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

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 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 the application of J. H. Perry, doing business as the Goshen Electric Company, for permission to publish and put into effect the charges, rates, rules and regulations set forth in the foregoing report, which are the rates, rules and regulations provided in franchise approved by the Board of Trustees of the Town of Goshen, the 11th day of January, 1923, be, and is hereby, granted.

ORDERED FURTHER, That such rates, rules and regulations may be made effective upon twenty days' notice to the public and to the Commission.

ORDERED FURTHER, That J. H. Perry, doing business as the Goshen Electric Company, shall in the future keep the accounts of the Goshen Electric Company in accordance with the Uniform System of Accounts for electric utilities prescribed by this Commission.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of March, 1925.

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

This case being at issue upon petition of the Ford Motor Company on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had:

IT IS ORDERED, That the petition be granted, that Article "A," Section 3 of the Commission's tentative general order promulgating and establishing rules governing, among other things, the minimum side clearance between center lines

of yard and industrial, standard gauge tracks and platforms of height of four feet or less above top of rail, be modified, for good cause shown, to the extent that the mimimum side clearance between center line of track and side of loading platform within the Ford Motor Company's service building, corner of 3rd West and 3rd South Streets, Salt Lake City, Utah, be six feet six inches from center line of track to nearest edge of loading platform.

The Commission reserves unto itself the right to issue such further orders as it finds necessary for the safe and proper operation of the tracks involved in this petition.

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

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

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 ASSOCIATION, THATCHER COAL COMPANY, J. NEWBOLD, Complainants,
vs.
DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, OREGON SHORT LINE RAILROAD CO., UTAH IDAHO CENTRAL RAILROAD CO., Defednants. } CASE No. 719

(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 line between Brigham City, Utah, and the Utah-Idaho State Line on the State road to Malad City, Idaho.	CASE No. 721

ORDER

Upon motion 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 Brigham City, Utah, and the Utah-Idaho State Line on the State road to Malad City, Idaho, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 15th day of July, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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 to his line.	CASE No. 723

Submitted December 17, 1924. Decided January 24, 1925.

Appearances:

J. C. Russell, Applicant.

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

REPOR TOF THE COMMISSION

CORFMAN, Commissioner:

This matter came on regularly for hearing before the Commission, at Salt Lake City, Utah, on the 17th day of December, 1924, after due and legal notice given for the time and in the manner required by law, upon the application of J. C. Russell, for an order authorizing and permitting him to raise his automobile passenger rates from Lehi to Topliff, Utah, and intermediate points. No protests were filed, nor did any person or persons appear at the hearing before the Commission in opposition to the granting of said application.

It appears from the evidence adduced at said hearing, for and in behalf of the applicant, that since July 20, 1923, applicant has been operating an automobile passenger and express line between Lehi and Topliff, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 182, issued by this Commission, July 20, 1923; that ever since the issuance of said certificate, the applicant has made between said points one round trip daily, on six days of each week, charging each passenger for fare in accordance with the schedule on file in the office of the Commission, the following rates:

One-way fare from Lehi to Topliff	$1.50	32 miles
Return fare, the same.		
Lehi to Fairfield, Utah	$1.25	20 miles
Return fare, the same.		
Lehi to Cedar Fort	$1.00	16 miles
Return fare, the same.		

That since said Certificate of Convenience and Necessity No. 182 was issued by the Commission to the applicant and his said schedule of rates became effective, changes have been made in the route from Lehi to Topliff, and the distance increased thereby approximately two miles. It also appears that since said automobile route was established, a clay bed has been opened and developed at a point known as Five Mile pass, in territory contiguous to that heretofore served by the applicant under said certificate; and that many persons employed at said clay bed need automobile passenger service in going to and from their work, while residing at points situated on the applicant's said automobile route.

It also appears that the present rates charged by the applicant between Lehi and Topliff, as well as between intermediate points, are inadequate to compensate him for the services being given to the public, and that in order to fairly compensate the applicant for said service in the future, it will be necessary for him to increase his charge for fare over said route twenty-five cents per trip, each way, in accordance with his petition on file herein.

It further appears that in order to properly accommodate the public now dependent for transportation service over the applicant's said automobile route, his time schedule should be changed or modified so as to read in accordance with the intention of his application filed herein; that the applicant is under contract with the United States Government to carry mail over said automobile route, for which he receives the sum of $129.20 per month; that commencing with the month of January, 1924, and ending with the month of October, 1924, during a ten months' period, the total gross earnings of the applicant's automobile service, including the $129.20 per month for mail service under said government contract, according to the monthly reports made by applicant and on file with the Commission, amounted to $2,341.20, and the net earnings for a like period, after paying operating expenses, not including any charge for his personal services as driver of the automobile used, was but the sum of $760.78.

From the foregoing findings of fact, the Commission concludes and decides that the applicant should be permitted to increase his charge for fares between Lehi and Topliff, and intermediate points, twenty-five cents for each fare, each way; that he be further permitted to extend his service so as to include the point known as Five Mile Pass, and that his time schedule be changed and modified as applied for in his application on file herein.

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 24th day of January, 1925.

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 to his line.	CASE No. 723

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, that J. C. Russell be, and he is hereby, permitted to increase his charge for fares between Lehi and Topliff, and intermediate points, twenty-five cents for each fare, each way.

ORDERED FURTHER, That J. C. Russell be, and he is hereby, permitted to extend his service so as to include the point known as Five Mile Pass; and that his time schedule be changed and modified as applied for in his application on file with the Commission.

ORDERED FURTHER, That applicant, J. C. Russell, 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 increase in fares and change in time schedule shall become effective not less than one day after the filing of an amended schedule with this Commission, and posting of same at each station on his route.

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 CENTRAL TRUCK LINE, a Corporation, for permission to operate an automobile freight and express truck line between Salt Lake City and Provo, Utah.	CASE No. 724

Submitted June 30, 1924. Decided March 2, 1925.

Appearances:

Walter C. Hurd, for Applicant.

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

Dana T. Smith, for Los Angeles & Salt Lake R. R. Co., Protestant.

Ralph H. Jewell, for Salt Lake & Utah Railroad Company, Protestant.

REPORT OF THE COMMISSION

By the Commission:

In Case No. 474, decided January 14, 1922, this Commission authorized H. M. Spencer, W. J. West and J .A. McHale, a co-partnership, under the name of the Utah Central Truck Line, to operate an automobile freight line between Salt Lake City and Provo, Utah, and intermediate points. In Case No. 243, the Commission determined the convenience and necessity, and therefore issued Certificate of Convenience and Necessity No. 75 to G. D. Dundas and R. N. Dundas, doing business as Dundas Brothers Cartage Company. In Case No.

474, the Commission authorized the transfer of said Certificate No. 75 to the co-partnership previously referred to.

Some time later, H. M. Spencer withdrew all his interest in said co-partnership, which was taken over by R. T. McHale.

On May 27, 1924, a new application was filed by the Utah Central Truck Line, a corporation, for a certificate of convenience and necessity for permission to operate a freight truck service between the same points.

Said application sets forth that the officers of and principal stockholders in said corporation are the same persons as are now engaged in transporting freight and express between Salt Lake City and Provo, and intermediate points, as co-partners, under the firm name and style of Utah Central Truck Lines. Applicant further alleges that it is financially able to provide every facility for properly conveying all baggage, freight and express turned over to it, between points previously mentioned, and in all cases is willing to comply with the rules, regulations and orders of the Commission; that in the event a certificate of convenience and necessity is issued to the corporation, the co-partnership will be dissolved.

This case was set for hearing at Salt Lake City, July 1, 1924. Proof of publication of notice of hearing was filed at the hearing. Written protests were filed in behalf of the Salt Lake & Utah Railroad Company, Los Angeles & Salt Lake Railroad Company and the Receiver of the Denver & Rio Grande Western Railroad System. These protests set forth that there is no necessity at the present time for a freight line as proposed; that there are two steam and one electric railroads operating between Salt Lake City and Provo, Utah; and that the present service furnished by protestants is adequate to take care of all the business.

The Commission finds that the personnel of the corporation remains the same as the co-partnership, with the exception of three new members (Mrs. W. J. West, Mrs. R. T. McHale and Mrs. J. A. McHale), who are shown only for the purpose of complying with the corporation laws of Utah. These three new members were directly interested in the co-partnership because and by virtue of the ownership vested in their husbands. The personnel under the corporation is therefore really the same as under the co-partnership.

The evidence in this case shows that the applicant, Utah Central Truck Line, a corporation, proposes to give the same automobile freight and express service that is now and has heretofore been given under Certificate of Convenience and Necessity No. 75, issued by this Commission in Case No. 474,

January 14, 1922, to H. M. Spencer, W. J. West and J. A. McHale.

Said automobile service has been, and will continue to be, a distinctive service from that heretofore and now being given by the protestants, railroad companies, for the reason that store-door deliveries are made of freight and express; property is picked up and received directly at the hands of shipper and transported promptly, without crating and repeated transfers or handling, directly to the consignee. Moreover, it does not appear in this case that the automobile service being given by the applicants will, in any appreciable degree, conflict with the service being given by the protestants, and that the public convenience and necessity will be subverted thereby.

Therefore, we think a certificate of convenience and necessity should issue to the applicant, and that Certificate No. 75, now held by H. M. Spencer, W. J. West and J. A. McHale should be cancelled and annulled.

An appropriate order and certificate 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. 216

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of March, 1925.

In the Matter of the Application of the UTAH CENTRAL TRUCK LINE, a Corporation, for permission to operate an automobile freight and express truck line between Salt Lake City and Provo, Utah. } CASE No. 724

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, and it is hereby, granted, and the Utah Central Truck Line, a corporation, be, and it is hereby, authorized to operate an automobile freight and express truck line between Salt Lake City and Provo, Utah, and intermediate points.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 75 (Case No. 474), held by H. M. Spencer, W. J. West and J.A. McHale, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That applicant, Utah Central Truck Line before begining operation, shall file with the Commission and post at each station on its rout, 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 its 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,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted August 17, 1925. Decided November 17, 1925.

Appearances:

Burgess & Adams, of Grand Junction, Colorado, for Applicant.

REPORT OF THE COMMISSION

CORFMAN, Commissioner:

This matter came on regularly for hearing before the Commission, at Vernal, Utah, the 1st day of August, 1925, upon the application of the Motor Transportation Company,

a Colorado corporation, for permission to operate an automobile passenger, freight and express line between Vernal, Utah, and the Utah-Colorado State Line, due notice having been given for the time and in the manner prescribed by law.

From the evidence adduced for and in behalf of the applicant at said hearing, and after due investigation, the Commission reports as follows:

1. That the applicant, The Motor Transportation Company, is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, with its principal office and place of business at Grand Junction, Mesa County, Colorado.

2. That the purposes and objects for which said corporation is created, among other things, is to maintain and operate a motor vehicle and motor bus line or lines, for the transportation of passengers, freight, merchandise, chattels and other property, within the State of Colorado.

3. That the petitioner, for about six years last past, has been engaged in the transportation of persons and property, by means of automobile trucks and busses, over the public highways between Grand Junction, Delta, Montrose and Rangely, in the State of Colorado, under a certificate of convenience and necessity issued by the Public Utilities Commission of Colorado.

4. That the applicant is provided with and owns the necessary equipment, in the way of busses and trucks, with which to operate an automobile truck and bus line between Vernal, Utah, and the Colorado State Line.

5. That for more than one year last past, the applicant has been operating over the public highway between Vernal, Utah, and Grand Junction, Colorado, an automobile bus and truck line, carrying for hire both persons and property, interstate.

6. That the established route between said points is as follows: From Grand Junction to Rangely, Colorado, 95 miles; from Rangely to the Utah-Colorado Line, 17 miles; from the Utah-Colorado Line to Jensen, Utah, 24 miles; from Jensen, Utah, to Vernal, Utah, 15 miles.

7. That Vernal, Utah, has a population of about 1400 people, and there are approximately 10,000 people served by merchandising and business interests of said town; that the town of Jensen, Utah, is an intermediate point between Vernal, Utah, and the Colorado State Line, and the merchandising business interests of the Town of Jensen serve a population of about 1,000 people.

8. That during the fall months, large quantities of lucerne, seed, wool and honey are shipped from Jensen and Vernal, Utah, to Grand Junction, Colorado, from thence to other parts of the United States; that there are approximately twenty-one wholesale houses at Grand Junction selling a variety of merchandise; that many of the merchants and consumers at Jensen and Vernal, Utah, buy their merchandise from such wholesale houses in Grand Junction, Colorado.

9. That the nearest railroad point to Vernal and Jensen, Utah, is at Price, Utah, 120 miles distant; that the Denver & Rio Grande Western Railroad Company operates a standard gauge railroad a distance of 190 miles, between Grand Junction, Colorado, and Price, Utah; that there is at the present time a daily automobile passenger and truck service between Price and Vernal, Utah; that the distance between Grand Junction, Colorado, and Price, Utah, over the public highways, is approximately 150 miles.

10. That the applicant proposes, if granted a certificate of convenience and necessity by this Commission, to establish automobile passenger service three times each week between Grand Junction, Colorado, and Vernal, Utah, and to give a daily freight and express service over the said route.

11. That the petitioner has not filed with the Secretary of the State of Utah a certified copy of its articles of incorporation, as required by Section 945, Chapter 4, Compiled Laws of Utah, 1917, as amended by Section 1, Chapter 17, Laws of Utah, 1919; nor has the applicant complied with the provisions of Chapter 117, Laws of Utah, 1925, providing for the taxing of automobile corporations and other persons and corporations using the public streets or highways of the State, for hire, and further providing for certain reports to be made to the Public Utilities Commission of Utah with respect to such operations.

From the foregoing findings of fact, the Commission concludes and decides that it is not necessary for it to determine the fact as to whether or not the public convenience and necessity require the operation of an automobile passenger, freight and express line over the public highway between Vernal, Utah, and the Utah-Colorado State Line, for the reason that the applicant has not complied with the laws of the State of Utah with respect thereto.

At the conclusion of the taking of the testimony at said hearing, the case was taken under advisement and for further investigation, pending the compliance on the part of the applicant with the Utah Statutes. The applicant, as pointed out

in the findings, has failed to file a certified copy of its articles of incorporation with the Secretary of the State of Utah, and has failed to comply with the other provisions of the statutes referred to in the findings, both with respect to the rendering of reports to this Commission and payment of taxes due the State of Utah.

For the reasons assigned, the application of The Motor Transportation Company, for a certificate of public convenience and necessity to carry on the business of transporting passengers, freight and express, between the Town of Vernal, Utah, and the Utah-Colorado State Line, should be denied.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) THOMAS E. McKAY,
G. F. McGONAGLE,
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 November, 1925.

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

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of The Motor Transportation Company herein, for permission to operate an automobile passenger, freight and express line between Ver-

nal, Utah, and the Utah-Colorado State Line, be, and it is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

S. ROLIO, et al., Complainants,
vs.
MILLER DITCH COMPANY, a Corporation, Defendant.
} CASE No. 729

Submitted March 19, 1925. Decided March 23, 1925

Appearances:

D. N. Straup, of the law firm of Straup, Nibley, & Leatherwood, for Complainants.

A. M. Cornwall, President, Miller Ditch Company,

REPORT OF THE COMMISSION

By the Commission:

This complaint was filed June 21, 1924, complaining of the Miller Ditch Company, a corporation, representing as follows:

That the Miller Ditch Company is a public service corporation, organized and existing under and by virtue of the laws of the State of Utah and doing business in Salt Lake County, Utah; that the said Company was organized on or about July, 1911, and, as more particularly stated in its articles of incorporation, to acquire, construct, own, enlarge, maintain and operate waterworks, ditches, canals, flumes, reservoirs, and to acquire, erect, maintain, construct and enlarge all necessary dams, ditches, reservoirs, pipe lines, conduits, buildings, plants, machinery, fixtures and appurtenances of every sort for supplying municipalities, corporations and individuals with water for all purposes and to carry on any business incidental thereto, including the acquiring, constructing, enlarging, maintaining and operating of waterworks, reservoirs, canals, ditches, flumes, pipe lines, pumping stations and light and power plants; and to purchase or otherwise acquire and to deal with land, water, water power, and

to enter into such contracts or to make such arrangements as may be necessary to carry on the same; to exercise the right of eminent domain, and to condemn for use lands, tenements, water courses and rights-of-way for the purpose of constructing thereon waterways, canals, ditches, aqueducts, reservoirs, buildings, hydrants, mains, pipe lines and all appurtenances and instrumentalities incidental to the conserving and developing, accumulating and distributing of water; and to make such rules and regulations for the benefit of the Company that shall be necessary and proper for the exercise of the powers and privileges of the corporation.

The capital stock of the Company or corporation is one thousand shares, at the face or par value of $10.00 per share, which said capital stock was fully paid for by conveyances to the said corporation, water rights, privileges, ditches, headgates, rights-of-way, appurtenances and appliances of what is known as the Miller Ditch Company, in said Salt Lake County, together with springs, reservoirs and wells, rights-of-way, appliances and privileges.

The said Articles of Incorporation further provide the usual provisions with respect to officers and their qualifications, a Board of Directors, the manner of electing officers, stockholders' meetings, and that the capital stock of the corporation was assessable to the extent and in the manner as provided by law, and other provisions with respect to acquiring, owning and holding property and the right to issue bonds, negotiable instruments and mortgages, and to acquire and hold franchise, rights and privileges suitable and proper for the accomplishment of the purposes and of the objects and pursuits of the said Company.

That in pursuance of the said Articles of Incorporation and of the objects and purposes thereof, the said defendant, on or about the month of July, 1911, and ever since owned, maintained, operated and conducted and now owns, maintains, operates and conducts a waterworks system to supply individuals, corporations and said petitioners and others, with the use of waters for culinary, household and domestic and other purposes and in connection therewith owned, maintained and operated at or near Holliday, springs, wells and reservoirs, dams, plants, machinery, fixtures, ditches, and canals and more particularly a main pipe line or lines and laterals which said pipe line from its said springs and reservoir extend along and upon the public streets in Salt Lake County, in a southerly and south-westerly direction to 9th East Street, and from thence north on said 9th East, a public street, to about 33rd South

Street, in Salt Lake County, State of Utah, which said pipe lines extend a distance of about five or six miles, and to lay and maintain said pipe lines on the said public streets, a franchise was granted the said Company by Salt Lake County, for the purpose of furnishing and supplying waters to individuals and corporations and property owners along and adjacent to the said pipe line, and the said defendant ever since the construction of its said waterworks system and pipe lines has furnished and supplied and now furnishes and supplies a large number of water users and property owners, to-wit: more than 100, including your petitioners herein, along the said pipe lines and adjacent thereto. That said water users and individuals, including the petitioners herein, and to whom said water was and is being furnished and supplied by the said Company, as aforesaid, with the knowledge, consent and approval of said Company, constructed and put in their own service pipe, hydrants and other equipments, connecting with the said main pipe line of the said company running along the streets aforesaid.

That the said Company, since its said organization, and within three or four months prior hereto, furnished and supplied water to said individuals and property owners, including the petitioners herein, for culinary, domestic and household purposes, at the rate of $10.00 per annum, which said sum was annually paid to said Company by the said water users, and that within the said three or four months prior hereto, the said defendant installed water meters to measure the quantity of waters used by each of said water users, and that the said Company then and now fixed and maintained a rate for said water users of $9.00 for the first 100,000 gallons of water so used by each water user, and $7.50 for each additional 100,000 gallons of water which said rate these petitioners aver is more and greater than a reasonable profit, and is more and greater than a reasonable rate and is a greater rate than is charged by Salt Lake City for furnishing waters to its water users for household, domestic and culinary purposes and for the sprinkling of lawns and yards.

That a control of the shares of the capital stock of the company is owned and controlled by three or four individuals who own more than a majority of said shares of the capital stock and who largely manage and control the said business of the said Company and its said waterworks system. That within three months last past, and prior hereto, the said Miller Ditch Co. has demanded and now demands of all the said water users that they purchase from the said Company a certain number of

shares, at least one share of the capital stock of the said Company, and the said Company has notified each and all of the said water users that unless they purchase at least one share of the said capital stock on or before July 1, 1924, that the said Company would then and thereafter refuse to furnish any water whatsoever to the said water users and would shut off their supply of water now and theretofore furnished them by said Company. That the petitioners herein and many other of said water users have declined and refused to purchase any of said shares of the capital stock or to become members of the said corporation for the reason that they would be merely minority holders and would be dominated and controlled by the majority holders, consisting of said three or four individuals, and that as said petitioners are informed and believe, and so aver the fact to be, the primary purpose of the said Company to induce and coerce the said water users to purchase said shares of stock and to become members of the said corporation, is to enable the said Company, as it believes, to be wholly without the jurisdiction of the Public Utilities Commission of Utah, and not to be subject to any of the regulations, supervisions or control, and the petitioners herein aver to secure proper and needful service from and through the said Company, and in order that they may be protected against unreasonable and arbitrary rates, and unreasonable and unfair demands and regulations and control, it is necessary that the said Company be and remain under and within the jurisdiction of the Commission, and that it should continue to be as it is now, subject to its regulations, supervisions and control as by law and by the statute in such case made and provided.

Petitioners further aver that they are unable to procure water for culinary, or household or domestic purposes from any source other than the said Company, and that if the said Company shall refuse to furnish and supply waters to said petitioners and water users refusing to comply with their demands to purchase shares of stock in the said Company, they will be wholly deprived of the use of any waters for household, domestic and culinary purposes which will result to their irreparable injury and damage. That many of the said water users and many of the petitioners herein, since the organization of the said Company, and since the construction of its said waterworks system and its furnishing and supplying waters to water users, as aforesaid, acquired lots and lands along the said streets of the said mains of said Company and built houses upon the said lots and lands, improved

their properties upon the reliance and representations and assurances of the said Company that water for household, domestic and culinary purposes would be furnished them from the said Company, at a reasonable rate or charge.

The petitioners further aver that the said Company has threatened divers of said petitioners and water users, and all of said petitioners herein are water users of waters furnished and supplied by the said Company, through its said waterworks system, that the said Company would increase its said rate and water charges to such unreasonable, exorbitant, excessive, oppressive and prohibitive rates and charges that the petitioners would not be able to meet or pay the same, in order to coerce and intimidate the said water users and said petitioners, and to induce all of the said water users to become members of the said corporation, and that unless such demands were met and complied with, the said Company would shut off the water and refuse to furnish the petitioners and water users any water whatsoever for household, domestic or culinary, or for any other purposes, and the petitioners aver that unless the said Company be regulated, controlled, supervised and restrained by the Commission, it will fix and establish, as it threatens to do, unreasonable, excessive, exorbitant, oppressive and prohibitive rates and charges for the use of its waters, as aforesaid.

The petitioners further aver that a rate or charge of $7.50 for 100,000 gallons is a fair and reasonable rate and charge for furnishing and supplying waters to the petitioners for household, domestic and culinary purposes which would amount to an annual rate or charge to each user on an average of from $25.00 to $30.00, and which constitutes more than a fair and reasonable profit from furnishing and supplying said waters by the said Company.

Petitioners ask this Commission, after hearing, to determine and fix the reasonable rate and charge for the furnishing and supplying of the said petitioners with waters, for the purposes aforesaid, by the said Company; that said Company be directed and required to furnish waters to petitioners, through its said waterworks system, in the manner as it now and as it has heretofore furnished waters to them, and that this Commission make such other order and erection in the premises as may be proper and in the jurisdiction of the Commission.

The case came on regularly for hearing, in the manner provided by law, July 11, 1924. No formal answer was filed by the defendant corporation.

In July, 1911, articles of incorporation were signed, incorporating the Miller Ditch Company. The purpose of the

Company is to supply water for culinary and domestic purposes to consumers in a portion of the suburban district south of Salt Lake City. Certain properties of the Miller Ditch Company were formerly the property of the Big Ditch Irrigation Company, particularly a spring near Holliday, which spring, together with certain water rights and privileges, were turned into the Miller Ditch Corporation in payment for capital stock. The record shows that the spring was actually deeded to the Miller Ditch Company; the present sources of water supply are some springs and two wells. At present, there is no other source of water supply available to this Company for culinary and domestic purposes. None of the water is used or intended to be used for irrigation, except sprinkling of lawns.

After the incorporation of the Company, it constructed a pipe line from its source of water supply along 48th South Street, north on 13th East Street to 45th South, thence north on 9th East Street to 33rd South Street. The pipe lines are chiefly of wood, varying from twelve to four inches in diameter, with smaller leads of iron pipe, varying from two inches to one and one-half inches. The main pipe line comprises a mileage of approximately seven miles. The water system serves approximately one hundred customers. There are thirty-nine share holders; approximately four hundred four and a fraction shares have been issued—the balance of the stock was in the treasury.

The record discloses that money was borrowed from time to time to construct the system and to pay expenses of operation. As interest fell due and money was likewise needed for the maintenance of the system, assessments were levied upon the capital stock. The revenues from the sale of water proving insufficient, assessments totaling $18.80 per share of stock were levied on the stock, while three dividends at $1.00 per share were paid during the history of the Company.

Until recently, water was furnished to consumers at a flat rate of $10.00 per year, regardless of the size of the house or the number of people in the family. An additional charge was made to chicken raisers of 25c per 100 chickens.

The record further discloses that it has been the intent of the Company to require all users to buy at least one share of the capital stock from the Company. They were told that ultimately the water would have to be shut off if the stock were not bought, and made it a condition for the receiving of water that at least one share of capital stock be bought. No definite time limit was fixed as to the time when every

customer would be required to purchase the stock. The Company asked $25.00 per share for the treasury stock. It appears further that some stock was offered for sale by holders thereof at $18.00 per share. It likewise appears that in some cases payment for water was declined until the consumer purchased a share of stock. In other instances, consumers were merely asked to buy stock and were not threatened with disconnection of the service.

It is well settled in law that a public utility company cannot require its customers to buy stock as a condition for the receiving of service. A public utility company may not arbitrarily give or refuse to give service in accordance with some preconceived idea of financing. Under the law, it may not discriminate as between customers or classes of customers, either as regards service or rates.

While we realize that in many instances the holding of stock of a public utility company by consumers is desirable, such purchase must be voluntary. (See P. U. R. 1918-E, 544; P. U. R. 1922-E, 855.)

Testimony was given to show that the service rendered by the Company is poor; that at times a shortage of water exists, mains leak and the pressure is low. We believe that much waste of water can be prevented and better service be given by the universal installation of meters. In this connection, we understand since the hearing had in this case, practically all of the water is now being metered. Complainants generally do not object to the installation of meters, but ask that the present rate of $9.00 for the first 100,000 gallons of water used and $7.50 per 100,000 gallons of water used thereafter be reduced to $7.50 for the first 100,000 gallons of water used, with appropriate reductions for increased usage thereafter.

The Commission has made a careful examination of such records of the Company as are available, with the end in view of ascertaining the financial condition of the defendant. While the books of the defendant Company have not heretofore been kept in accordance with the proper classification of accounts for water utilities, the revenues and expenses of the defendant have, we believe, been ascertain within reasonable limits.

As prepared by the accounting staff of the Commission, the operating revenues and expenses for the years 1919 to 1923, both inclusive, are as follows:

Operating Revenues:	1919	1920	1921	1922	1923
Sale of Water	$848.00	$868.25	$812.82	$803.50	$856.06
Total Operating Expenses	$150.02	$260.65	$184.03	$721.53	$547.32

These expenses do not include anything for retirement purposes. Much of the wood pipe is in need of extensive repairs and replacements, and, upon an investment cost of approximately $10,000, about $300.00 annually should have been set aside for retirements. It is seen that with proper accounting for retirements, little is left for a return upon the value of the property.

Rates must be made not only for the present but for a reasonable time in the future, and it is not possible to say at this time, when meters have only recently been installed, what revenues will accrue under the present rates. The Commission will accordingly provide that present rates may remain in effect for a test period of one year from the effective date of this order, and that the defendant shall in the future keep its accounts in accordance with the classification of accounts for water utilities prescribed by this Commission.

An appropriate order will be issued.

(Signed) 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 March, 1925.

S. ROLIO, et al., Complainants,
vs.
MILLER DITCH COMPANY, a Corporation, Defendant.
} CASE No. 729

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 in so far as the compulsory purchase of stock by customers is concerned, be sustained; that the Miller Ditch Company, defendant, desist and refrain from such practices set out in the complaint in this case.

ORDERED FURTHER, That the complaint as regards unreasonableness of the present meter rates, be dismissed; that the present rates be maintained for a period of one eyar from the effective date of this order.

ORDERED FURTHER, That the Miller Ditch Company, defendant, shall in the future keep its accounts in accordance with the Uniform Classification of Accounts for Water Utilities prescribed by this Commission.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH CENTRAL TRANSFER COMPANY, E. D. LOVELESS and W. H. BRADFORD, for permission to transfer automobile freight line between Provo and Eureka, Utah, and intermediate points, to E. D. LOVELESS and W. H. BRADFORD.	CASE No. 731

Submitted July 22, 1924. Decided July 22, 1925.

Appearances:

Robert H. Wallis, for Applicants.

Ralph H. Jewell, for Salt Lake & Utah Railroad Co.

Dana T. Smith, for Los Angeles & Salt Lake R. R. Co.

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

REPORT OF THE COMMISSION

By the Commission:

On June 25, 1924, a joint application was filed by the Utah Central Transfer Company, by H. M. Spencer, its manager, and E. D. Loveless and W. H. Bradford, with the Public Utilities Commission of Utah, for permission to transfer

automobile freight line between Provo and Eureka, Utah ,and intermediate points to E. D. Loveless and W. H. Bradford.

The application sets forth that applicant, Utah Central Transfer Company, is operating an automobile freight line between Provo and Eureka, and intermediate points, under Certificate of Convenience and Necessity No. 184; that it desires to transfer and assign all of its right, title and interest in its equipment, used in connection with said line, and all of its rights under, and interest in said Certificate of Convenience and Necessity.

The application sets forth that E. D. Loveless and W. H. Bradford reside in Provo, Utah, and are engaged with the Utah Central Transfer Company in its operation of said line; that they are experienced drivers, and are financially capable to handle said line.

This case was assigned for hearing at Provo, Utah, July 22, 1924, at 10:30 a.m., in accordance with the law. The case came on for hearing as per said notice.

On July 19, 1924, written protest was received from T. H. Beacom, Receiver of the Denver & Rio Grande Western Railroad System. Said protest sets forth that the Denver & Rio Grande Western Railroad is engaged in the business of a common carrier, for hire, carrying freight and express, as well as passengers, both interstate and intrastate; that its main line of road is between Denver, Colorado, and Ogden, Utah; that among other branches, it operates the Tintic Branch, connecting with the main line at Springville, Utah, and extending to Eureka and Silver City, and intermediate points. This protestant further alleges that the freight and express service furnished by the railroads is fully adequate to serve the needs of the public, and that no public necessity exists for the continuation of a truck line between said points. Protestant, therefore, prays that the application be denied, and that Certificate of Convenience and Necessity No. 185 be cancelled.

Written protest was filed July 21, 1924, by the Salt Lake & Utah Railroad Company, which alleges: That it is a common carrier, for hire, carrying passengers, freight and express between Salt Lake City, Provo, Payson and intermediate points; that the service performed by rail lines is fully adequate to meet the needs and convenience of the public; that neither convenience nor necessity is served by the opration of said Utah Cntral Transfer Company. Protestant prays for denial of application and cancellation of Certificate of Convenience and Necessity No. 184.

The Los Angeles & Salt Lake Railroad Company filed its protest at the time of the hearing. This protest sets forth that the Los Angeles & Salt Lake Railroad Company is engaged in the business as a common carrier of freight and passengers, for hire, and operates a line of railroad between Salt Lake City and Eureka, Utah, and intermediate points. This protestant also sets forth that the railroads afford adequate freight transportation facilities to Eureka, and that public necessity and convenience do not require the operation of a freight truck line between Provo and Eureka, and intermediate points, and that the application should be denied and Certificate of Convenience and Necessity No. 184 should be cancelled.

The proof of publication of notice of hearing was filed during the hearing.

Numerous endorsements, signed by business men of various cities and towns along the said route, were filed. Said endorsements represent the acquaintance with E. D. Loveless and W. H. Bradford, and urge the Commission to grant said application.

The Commission, after giving due consideration to all of the evidence, finds:

That the Utah Central Transfer Company is, and for several years last past has been, operating an automobile freight line between Provo, Utah, and Eureka, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 184; that applicants E. D. Loveless and W. H. Bradford are residents of Provo, Utah; that they have for some time been connected with the Utah Central Transfer Company, that they are experienced drivers and mechanics, and that they are financially capable to handle the line between Provo and Eureka, Utah, and intermediate points, for the transportation of freight.

The Commission also finds that a certificate of convenience and necessity should issue to E. D. Loveless and W. H. Bradford, authorizing operation of an automobile freight line between Provo, Utah, and Eureka, Utah, and intermediate points. The new certificate should cancel Certificate of Convenience and Necessity No. 184.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
[SEAL] G. F. McGONAGLE,
Attest: Commissioners.
(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 244

Cancels Certificate of Convenience and Necessity
No. 184

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, 1925.

In the Matter of the Application of the UTAH CENTRAL TRANSFER COMPANY, E. D. LOVELESS and W. H. BRADFORD, for permission to transfer automobile freight line between Provo and Eureka, Utah, and intermediate points, to E. D. LOVELESS and W. H. BRADFORD.	CASE No. 731

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby granted, that Certificate of Convenience and Necessity No. 184 (Case No. 625) be, and it is hereby, cancelled, and that L. C. Morgan and H. M. Spencer be, and they are hereby, authorized to withdraw from operations of the automobile freight line between Provo and Eureka, Utah, and intermediate points.

ORDERED FURTHER, That E. D. Loveless and W. H. Bradford be, and they are hereby, granted Certificate of Convenience and Necessity No. 244, authorizing them to operate an automobile freight line between Provo, Utah ,and Eureka, Utah, and intermediate points.

ORDERED FURTHER, That applicants, E. D. Loveless and W. H. Bradford, 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 Statutes of

Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of FRANK HERBERT, for permission to haul freight and passengers by team and wagon and by automobile between Salina, Sevier County, and the Coal Camps in Salina Canyon, Sevier County, Utah.	CASE No. 732

Submitted December 16, 1924. Decided February 19, 1925.

Appearances:

Mr. H. E. Lewis, for Applicant.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This application was filed August 1, 1924, by Frank Herbert, who alleged that no railroad or stage line exists between Salina, Utah, and the coal camps in Salina Canyon, Sevier County, Utah, and asked for authority of this Commission to establish a freight and passenger stage line between these points in Sevier County, Utah, for the reason that a coal mining town would shortly be established in said Salina Canyon.

The case came on regularly for hearing, the 16th day of December, 1924, at Salina, Utah.

Mr. Herbert testified that he is a resident of Salina, Sevier County, Utah; engaged in the business of freighting, hauling passengers, and transfer business in Salina, Utah. He also testified as to his financial ability to maintain and operate said passenger and freight stage line; and as to the necessity of establishing the proposed stage line.

The applicant alleges that if granted a permit, he will render such service to the public by making trips up Salina Canyon to the coal camps from Salina, Utah, and the railroad station of the Denver & Rio Grande Western Railroad Com-

pany, as demand for passenger service and for freight hauling necessitates, charging at the rate of $5.00 one way, $8.00 for the round trip, for passengers, and three cents per hundred pounds, per mile, for freight to the first coal camp in said Salina Canyon; and a charge, to be determined in accordance with the distance traveled, for passengers and freight going beyond the said first coal camp. It was further alleged that the coal camps now being developed in said Salina Canyon are about twenty miles from the railway station; that the roads are passable the year round, and that the application is for permission to operate for twelve months each year.

After a careful consideration of all the circumstances and conditions submitted in this case, we are of the opinion that there is a necessity for considerable hauling of freight; and while the necessity at the present time for regular transportation of passengers is not so great, we feel, from the showing made, that it will be but a matter of a few months until there will be a real need for such transportation. A certificate of convenience and necessity should, therefore, be issued to the applicant, to become effective as soon as he feels there is sufficient travel to warrant the establishing of a regular schedule, and when said schedule is filed with the Commission.

Appropriate order and certificate will be issued.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

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

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 217

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of February, 1925.

In the Matter of the Application of FRANK HERBERT, for permission to haul freight and passengers by team and wagon and by automobile between Salina, Sevier County, and the Coal Camps in Salina Canyon, Sevier County, Utah. } CASE No. 732

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, that Frank Herbert be, and he is hereby, authorized to operate a stage line, for the transportation of freight and passengers by team and wagon and by automobile, between Salina, Sevier County, and the coal camps in Salina Canyon, Sevier County, Utah.

ORDERED FURTHER, That applicant, Frank Herbert, 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, as soon as possible, file with the Commissoin and post at each station on his route, a schedule 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 K. SATOW, for permission to operate an automobile stage line between Helper and Coal City, Utah.	CASE No. 733

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application of K. Satow, for permission to operate an automobile stage line between Helper, and Coal City, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 12th day of June, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

ORDER

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

IT IS ORDERED, That 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, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 28th day of May, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted February 19, 1925. Decided August 5, 1925.

Appearances:

Robert H. Wallis, for Applicants.
Dana T. Smith, for Los Angeles & Salt Lake Railroad.
L. E. Coban, for American Railway Express Company.

REPORT OF THE COMMISSION

By the Commission:

Under date of August 12, 1924, there was filed with the Public Utilities Commission of Utah, an application by 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, Utah, and Eureka, Utah, for permission to operate an automobile freight line between Payson and Nephi, Utah.

The application sets forth:

That the said applicants are now operating an automobile freight line between Provo, Utah, and Eureka, Utah, and intermediate points; that their principal place of business and headquarters are at Provo, Utah; that they are engaged in the transportation of freight by automobile between Provo, Utah, and Eureka, Utah, and intermediate points.

That applicants request permission to haul, and transfer freight between Payson, Utah, and Nephi, Utah, and intermediate points; that applicants are financially able, and have sufficient equipment to comply with the requirements of the Commission.

That there is no adequate freight service between Payson and Nephi, Utah, and that it is for the best interest of the public, in general, that authority be granted these appli-

cants to transport freight by automobile between Payson, Utah, and Nephi, Utah, and intermediate points.

The Commission assigned this case for hearing at Provo, Utah, on Thursday, February 19, 1925, at two o'clock p.m., advising all interested parties.

On February 17, 1925, protest of the Denver & Rio Grande Western Railroad Company was filed with the Commission.

Said protest sets forth:

That protestant, Denver & Rio Grande Western Railroad Company operates an interstate line of steam railroad, between Denver, Colorado, and Ogden, Utah, and intermediate points, including numerous branches; and that freight can move over protestant's railroad between Payson, Utah; and Nephi, Utah, and intermediate points; that public convenience and necessity do not require any other freight service between Payson and Nephi, Utah; and, that the steam railroads have ample facilities to transport all freight offered for transportation between said points.

Written protest was filed February 17, 1925, with the Public Utilities Commission of Utah, by the American Railway Express Company. Protestant denies that necessities of the public, in the territory proposed to be served by the applicants, would be benefited by the operation of the proposed automobile freight line. Protestant alleges that neither public convenience nor necessity requires the service which the applicant desires to inaugurate. Protest sets forth that this protestant is a common carrier, conducting an express service between Payson and Nephi over the Los Angeles and Salt Lake Railroad, and that the service now being rendered to the public is ample, commodious, convenient and efficient.

The Los Angeles and Salt Lake Railroad Company filed a written protest in the office of the Commission, on February 14, 1925.

Said protest sets forth:

That the Los Angeles and Salt Lake Railroad Company operates a steam railroad between Salt Lake City, Utah, and Los Angeles, California, and passes through the states of Utah, Nevada and California, and intermediate points, having its principal place of business at Salt Lake City, Utah; that it is incorporated under the laws of Utah.

That it is engaged in the transportation of passengers and freight between points mentioned above, and intermediate points, including Payson and Nephi, Utah, and intermediate points; that protestant is now furnishing adequate trans-

portation facilities for handling all freight and passengers between said points.

That protestant owns its own right-of-way, terminals and other facilities and that it pays a large amount of taxes on same, and that it would be unjust and inequitable to permit applicants to enter into competition with said protestant in carrying freight between said points, for the reason that the said applicants would operate over the public highways without bearing its portion of taxes.

That public necessity and convenience do not require the establishment of any further line of transportation between said points, and that the Public Utilities Commission of Utah has heretofore denied, to the said applicants, a certificate of convenience and necessity for the operation of an automobile freight truck line, between Provo and Nephi, and also between Provo and Levan, Utah, and, that since the Commission issued its orders in the cases referred to, there have been no changes in conditions which would warrant the establishment of further line of transportation between Payson and Nephi, Utah.

The case came on for hearing as per notice previously mentioned. Proof of publication of Notice of Hearing was filed at the time of hearing.

W. H. Bradford testified:

That he is one of the owners of the Utah Central Transfer Company; that he resides at Provo, Utah; that he has had considerable experience in handling of trucks; that it is proposed to operate between Payson and Nephi, a distance of twenty-six (26) miles; and to serve intermediate towns of Mona, with about one thousand population; Santaquin, a town with a little greater population.

He also testified that the Utah Central Transfer Company has 3 large United trucks, 1924 model, 2 of them being 3-ton capacity and 1 with a capacity of 1½ tons; that, at the present time, from 3 to 5 men are employed by said Company; that the Company is financially able to secure additional equipment and to employ additional men when the business justifies. He testified that the truck line would deliver freight right to the door of consignee; that he has received requests from practically all of the business men to operate an automobile freight line between Payson and Nephi. He testified that the business of the Utah Central Transfer Company has increased about forty per cent since May, 1924. He states that a joint warehouse with the Utah Central Truck Line is maintained at Provo; that it is proposed to operate

through service between Salt Lake City and Eureka, and Nephi and intermediate points; that heretofore, on several occasions, trucks belonging to the Utah Central Transfer Company, have hauled loads from points on its line to Salt Lake City, Utah.

E. D. Loveless testified:

That he is part owner of the Utah Central Transfer Company; that, at the present time, they haul considerable sugar from Payson to Eureka, and that requests have been made to transport sugar from Payson to Nephi, it being estimated that several tons would move each month. He also testified that, if certificate of convenience and necessity is granted in this case, as soon as business justifies, a warehouse will be established at Payson.

Witnesses testified that a considerable amount of goods is sold, to be transported to various points, and, that usually, the customer specifies the mode of transportation, and that from 75 to 85 per cent goes by truck.

Applicant filed a petition signed by representatives of eight business houses, in favor of granting the application.

Witness William E. Lee testified:

That he resides at Salt Lake City; that he is Traveling Freight Agent of the Union Pacific Railroad; that, at the present time, the Los Angeles and Salt Lake Railroad operates daily freight train service, except Sunday, each way, between Salt Lake City and Nephi, also a daily passenger train, each way, and an additional car from Provo to Nephi, daily, which carry express in baggage service. He testified as to the amount of taxes the Los Angeles and Salt Lake Railroad is required to pay annually.

Witness W. G. Orme testified:

That he is a member of the County Commission of Juab County; that he resides at Nephi, and that he is Vice President of the Chamber of Commerce of Nephi, Utah; that he is opposed to granting a certificate of convenience and necessity, because it would unnecessarily place an additional burden on the highways.

Witness A. O. Smoot testified:

That he is a resident of Provo, Utah; that he is a member of the Utah County Commission; that, unless absolute necessity exists for the truck service, as applied for, the County Commission is opposed to granting a certificate.

Other witnesses testified that no necessity exists for service by truck line; that no complaints have been received,

regarding express service or freight service between Payson and Nephi, Utah.

Protestants, Los Angeles and Salt Lake Railroad Company, introduced an exhibit, bearing the signatures of persons representing thirty-two (32) business houses, mrechants, banks, etc., opposed to granting application.

After due consideration of all the evidence, the Commission finds:

That through service, between points on the line of the Utah Central Transfer Company and points on the line of the Utah Central Truck Company, should be discontinued.

That, in order to furnish transportation for freight from and to such points, it will be necessary to interchange same at Provo, i. e., unload from one truck and load on the other truck.

That any additional service through this or any other territory, if maintained, would be a convenience to a portion of the public.

That no evidence was introduced to the effect that any freight, the like of which had not previously been shipped by the steam lines, would now be transported, in the event a certificate is issued. In other words, the freight which would, naturally, move by the truck line would be that which would otherwise move over the line of one of the steam roads or by private automobiles.

That conditions have not changed since the Commission heard and decided the two previous cases involving the same applicants, to render, practically, the same service between, substantially, the same points.

That the application should be denied because of the failure of applicant to establish the necessity for additional service.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
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 5th day of August, 1925.

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

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, denied.

ORDERED FURTHER, That through service, between points on the line of the Utah Central Transfer Company and points on the Utah Central Truck Company, be discontinued.

ORDERED FURTHER, That, in order to furnish transportation for freight from and to such points, it will be necessary to interchange same at Provo, Utah, i. e., unload from one truck and load on the other truck.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

ORDER

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

IT IS ORDERED, That 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, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 2nd day of June, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, OREGON SHORT LINE RAILROAD COMPANY, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, 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 DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, T. H. BEACOM, Receiver thereof, BINGHAM & GARFIELD RAILWAY COMPANY, 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

Submitted December 15, 1924. Decided April 10, 1925

Appearance:

J. A. Gallaher, for Denver & Rio Grande Western Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of September 4, 1924, joint application of the Denver & Rio Grande Western Railroad Company, T. H. Beacom, Receiver, Bingham & Garfield Railway Company, Utah Railway Company and Carbon County Railway Company, was filed with the Public Utilities Commission of Utah. Said application sets forth the desire of applicants for permission to modify the minimum weights on coal as provided in D. & R. G. W. R. R. Tariffs 6066-B and 5904-C, P. U. C. U. Numbers 60 and 62, respectively. Said tariffs provide minimum carload weight on slack coal and coal dust 40,000 pounds, except where cars of less capacity are furnished minimum weight will be the marked capacity of car.

Applicants request permission to publish and make effective the following provisions:

For cars of Marked Capacity of	Minimum Weight Will be
50,000 lbs.	48,000 lbs.
60,000 lbs.	58,000 lbs.
80,000 lbs.	60,000 lbs.
100,000 lbs.	80,000 lbs.

All other cars, marked capacity of the car will be the minimum weight.

EXCEPTION: When cars are loaded to full visible capacity, actual weight will govern; but in no case less than 40,000 pounds will apply as the minimum weight. In such instances, the forwarding agent will note on the bill-of-lading and waybill:

"Car loaded to full space loading capacity, actual weight, but not less than 40,000 pounds."

Application sets forth further that, although the proposed amendment results in an increase, the rules as published at present are obsolete on account of the fact that there is no standard gauge equipment, used for the transportation of coal, with capacity so small as 40,000 pounds, and that if application is granted, the proposed rule will bring about uniformity in coal tariffs, and the minimum weight rule application in Utah will be the same as that applicable from Utah mines to interstate points in Nevada, California, etc., and that the minimum weight will be fixed in accordance with the size of cars used.

On November 17, 1924, the Commission issued notice assigning this case for hearing at Salt Lake City, on December 3, 1924, at 10:30 a.m. All applicants and approximately a dozen of the most prominent coal dealers were furnished a copy of said notice.

This case came on for hearing as per notice, previously referred to. Proof of publication of notice of hearing was filed in the office of the Commission, December 1, 1924.

The evidence shows that applicants have carried, for a number of years, a very low minimum on coal in the State of Utah; that this condition has existed from the time of the narrow gauge line, when the minimum weight was prescribed in accordance with the small equipment; that at the present time the Denver & Rio Grande Western Railroad Company has no equipment which would not hold a heavier load than 40,000 pounds; that the desire of the applicants is to bring about uniformity in minimum weight tariff provisions. An exhibit was introduced which shows the minimum weight requirements provided by practically all tariffs in effect from and to Utah points. Evidence shows that through the cooperation of the shippers in fully loading cars, instructions were often issued by claim department representatives of the Denver & Rio Grande Western Railroad Company, asking

shippers not to load cars quite so heavily; that except in cases of foreign line equipment, cars are loaded in excess of their capacity, and no instance can be found where the load has been less than capacity of car. Page 2 of the ehxibit purports to show a list of classified standard gauge equipment owned by the Denver & Rio Grande Western Railroad Company, showing the marked capacity of each class. It is significent that the lowest marked capacity of said equipment is 60,000 pounds.

Applicant, Denver & Rio Grande Western Railroad Company, requested permission to file an amendment to the application. The Commission granted the request, and, accordingly, said applicant filed a letter, December 15, 1924, with the Commission. Applicant, through said letter, requests permission to publish the following provisions in the tariffs listed below:

The following minimum weights will govern on shipments of coal:

For Cars of Marked Capacity of	Minimum Weight Will be
50,000 lbs.	48,000 lbs.
60,000 lbs.	58,000 lbs.
80,000 lbs.	60,000 lbs.
100,000 lbs.	80,000 lbs.

All other cars, marked capacity of the car will be the minimum weight.

EXCEPTION: When open top cars are loaded to full space capacity, actual weight will govern.

D. & R. G. W: Tariff Number	P. U. C. U. Number
6066-B	69
5904-C	62
5791-D	61
5533-J	78
5372-L	76
5660-G	72
5618-D	47
6058-C	70

There were no protests, either written or in person, to granting the application.

After giving due consideration to the evidence, the Commission finds that the application, as amended, should be

granted, and that the Denver & Rio Grande Western Railroad Company be permitted to file, on thirty days' notice to the Commission and the public, the proposed minimum weight rule, as amended, in the tariffs as shown in the amendment.

An appropriate order will be issued.

(Signed) THAMAS E. McKAY,
E. E. CORFMAN,
G. F. McGONAGLE,
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 April, 1925.

In the Matter of the Application of THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, T. H. BEACOM, Receiver thereof, BINGHAM & GARFIELD 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

This case being at issue upon application and amendment thereto 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, as amended, be, and it is hereby, granted, that the Denver & Rio Grande Western Railroad Company be, and it is hereby, permitted to publish and put in effect the following minimum weight rule for application on coal shipments handled by its line or via its connecting lines to destinations within the State of Utah:

For Cars of Marked Capacity of	Minimum Weight Will be
50,000 lbs.	48,000 lbs.
60,000 lbs.	58,000 lbs.
80,000 lbs.	60,000 lbs.
100,000 lbs.	80,000 lbs.

All other cars, marked capacity of the car will be the minimum weight.

EXCEPTION: When open top cars are loaded to full space capacity, actual weight will govern.

The rule shown above to be published in the following tariffs:

D. & R. G. W. Tariff Number	P. U. C. U. Tariff Number
6066-B	69
5904-C	62
5791-D	61
5533-J	78
5372-L	76
5660-G	72
5618-D	47
6058-C	70

ORDERED FURTHER, That such minimum weights shall be made effective on thirty days' notice to the Commission and the public.

ORDERED FURTHER, That publications carrying said minimum weights, shall show in connection therewith the following notation:

"Issued by authority, Public Utilities Commission of Utah Order in Case No. 740, dated April 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 the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue the operation of trains between Frisco and Newhouse, Utah.	CASE No. 741

Submitted December 23, 1924. Decided February 27, 1925.

Appearances:

W. H. Smith, Superintendent, Los Angeles & Salt Lake Railroad Company, Salt Lake City, Utah.

E. D. Hogan, for Mammoth Land & Power Co., Baker, Nevada.

Sam Cline, Attorney, Murray Sheep Company, Milford, Utah.

Andrew Morris, for himself, personally, and for Newhouse Mercantile Company, Newhouse, Utah.

FINDINGS AND REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, on the 23rd day of December, 1924, at Milford, Utah, upon the application of the Los Angeles & Salt Lake Railroad Company, for a partial discontinuance of its train service between Frisco and Newhouse, Utah.

No formal protests thereto were filed; but objections, in letter form, were made before the Commission to the granting of said application by and in behalf of the Newhouse Mercantile Company, the Wasatch Marble Company, the Mammoth Land & Power Company and Andrew Morris, personally, that a total discontinuance of the applicant's train service between Frisco and Newhouse, Utah, would seriously impair their business operations at Newhouse, Utah.

From the evidence adduced at said hearing, and after due investigation made, the Commission now finds and reports as follows:

1. That the Los Angeles & Salt Lake Railroad Company is a railroad corporation, duly organized and existing under and by virtue of the laws of the State of Utah.

2. That its principal place of business is at Salt Lake City, County of Salt Lake, State of Utah; and it is engaged

in operating a steam line of railroad, carrying freight and passengers through the states of Utah, Nevada and California, its termini being the cities of Salt Lake, in the State of Utah, and Los Angeles, in the State of California.

3. That as a part of its railroad system, it is now, and has been for a long time past, engaged in operating one freight train per week between Frisco and Newhouse, Utah, on its branch line running from Milford to Newhouse, and handling carload and less-than-carload freight.

4. That the applicant offers to continue said train service between Frisco and Newhouse, Utah, whenever it is necessary to handle carload lots between these points; but desires to discontinue the operation of its trains between these points for less-than-carload lots of freight.

5. Some years ago, Newhouse was built up as a mining town ,and the applicant's line of railroad was extended from Frisco to Newhause, a distance of approximately six miles, for its accommodation. No paying mines were ever developed at Newhouse. At the present time, no mines are being operated there, and there is no prospect that any will be developed in the near future. But two families and one mercantile establishment, that of the Newhouse Mercantile Company, remain. Newhouse has been practically abandoned by the mining interests, for the time being, at least.

6. When the applicant's railroad was extended from Frisco to Newhouse, the protestant, Andrew Morris, built up and established, at considerable expense, sheep shearing corrals and facilities for watering and feeding of livestock at Newhouse, preparatory for shipment over applicant's railroad. These facilities thus afforded the growers and shippers of livestock have largely been taken advantage of, and considerable tonnage in carload lots is afforded applicant's railroad for shipment in the way of livestock and hay and grain for feeding, by the maintenance of its line from Frisco to Newhouse, at certain seasons of the year. There is no passenger traffic between the two points, Frisco and Newhouse, and there is no other freight traffic afforded of any consequence other than hereinbefore mentioned.

7. The cost of maintenance and operation of that portion of applicant's branch line between Frisco and Newhouse, also total tonnage handled between Frisco and Newhouse, and the revenues derived therefrom, for the period July 1, 1924, to June 30, 1924, inclusive, were as follows:

APPLICANT'S EXHIBIT "A"

EXPENSE—

Maintenance:

Labor	$889.73	
Material	550.09	
		$1,439.82

Operation:

Train Service, etc., total of 64 trips during the 12-month period	1,541.12
Total Maintenance and Operating Expense	$2,980.94

REVENUE—

Tonnage Handled: Total 1496 tons.	
Revenue	298.39
NET OPERATING LOSS, Year ending June 30, 1924	$2,682.55

8. That the cost of maintenance and operation, and the total tonnage and revenue derived therefrom for the period July 1, 1924, to October 31, 1924, inclusive, was as follows:

APPLICANT'S EXHIBIT "B"

EXPENSE—

Maintenance:

Labor	$319.74	
Material	105.51	
		$425.25

Operation:

Train service, etc., total of 17 trips during the four-month period	$442.91
Total Maintenance and Operating Expense	$868.16

REVENUE—

Tonnage handled: Total 202 tons.	
Revenue	73.74
NET OPERATING LOSS, four months' period ending October 31, 1924	$794.42

9. That each and all of the protestants herein have expressed a willingness to have the applicant discontinue its freight service in carrying less-than-carload lots of freight, and the operation of one train per week between Frisco and Newhouse, Utah; provided, however, the applicant holds itself in readiness to and will continue to operate its trains between said points when necessary to handle carload shipments of freight.

From the foregoing facts, the Commission concludes and decides that the application of the Los Angeles & Salt Lake Railroad Company, for an order authorizing it to discontinue weekly freight train service between Frisco and Newhouse, Utah, should be granted, and that in the future the said applicant be required only to operate between the said points when necessary to handle carload shipments of freight.

An appropriate order will be entered.

(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 February, 1925.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue the operation of trains between Frisco and Newhouse, Utah.	CASE No. 741

This case being at issue upon petition and protests on file, and having been duly heard and submitted, and full investigation of the matters and things involved having been

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

IT IS ORDERED, That applicant, Los Angeles & Salt Lake Railroad Company, be, and it is hereby, granted permission to discontinue weekly freight train service between Frisco and Newhouse, Utah, effective on ten days' notice to the public and to the Commission; and that until further ordered, the said Los Angeles & Salt Lake Railroad Company be, and it is hereby, required only to operate train service between the said points when necessary to handle carload shipments of freight.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted January 27, 1925. Decided May 22, 1925.

Appearances:

H. J. Fitzgerald, of Salt Lake City, Attorney for Applicants, Raymond S. Ricketson and Kathryn Stilwell.

George H. Smith and

Dana T. Smith, of Salt Lake City, Attorneys for Protestant, Los Angeles & Salt Lake Railroad Company.

Van Cott, Riter & Farnsworth, of Salt Lake City, Attorneys for Protestant, Denver & Rio Grande Western Railroad Company.

L. E. Gehan, of Salt Lake City, for Protestant, American Railway Express Company.

W. H. Martin, Certificate holder for automobile stage line service between Milford and Beaver, Utah.

T. M. Gilmer, Certificate holder for automobile stage line service between Salt Lake City and Fillmore, Utah.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Commission, at Salt Lake City, Utah, after due notice given for the time and in the manner required by law, on the 27th day of January, 1925, upon the application of Raymond S. Ricketson and Kathryn Stilwell, of Salt Lake City, Utah, for a certificate of convenience and necessity authorizing and permitting them to establish, maintain and operate, for hire, over the public highway between Payson City, in Utah County, and Beaver City, in Beaver County, Utah, and intermediate points, an automobile stage line, carrying passengers and "light express," and the protests thereto made and filed by the Los Angeles & Salt Lake Railroad Company, the Denver & Rio Grande Western Railroad Company, American Railway Express Company, W. R. Martin, T. M. Gilmer and certain residents of Juab County, Utah.

In substance, it is alleged in the application that the applicants propose to transport passengers, baggage and "light express," by automobile, over the public highway between Beaver, in Beaver County, and Payson, in Utah County, Utah, including to and from Payson, Santaquin, Mona, Nephi, Fountain Green, Ephraim, Manti, Gunnison, Salina, Aurora, Sigurd, Richfield, Cove Fort and Beaver City, State of Utah, and any and all intermountain points; that they are able financially to prepare and furnish the necessary equipment for said service, and if their application is granted, they will forthwith, or within a reasonable time, prepare and provide the necessary automobile equipment for the same.

The petitioners further represent in their application that there is no direct passenger, baggage or "light express" lines operating between Beaver and Payson, Utah, except there are, in some instances, independent stage and automobile lines which operate between some of the above mentioned cities and towns; but that their proposed service will not in any material way conflict with the operations of established public utilities, either automobile or railroad corporations, that are now operating over some portion of their proposed route, and that the service they propose to give will be for the best interests of the public, generally.

It is further alleged in the application that while for a greater portion of the year the public highways over which the applicants desire to establish their route are in "such repair and condition that automobiles can pass along, upon and

over the same without inconvenience or difficulty; that from the City of Richfield and thence south to the City of Beaver the public roads and highways, owing to the mountainous and rugged character of the country, are for certain periods during the winter months practically impassable; and that during said months, owing to the fact that the cities and towns south of Richfield are but sparsely settled, there is little traffic and travel between said Beaver and said Richfield, but that in the spring, summer and fall months there are a large number of persons traveling from Payson to Beaver and intermediate points who travel over and upon said roads."

The protestants, generally, deny that the public convenience and necessity will be subserved by the applicants' proposed automobile service, for the reason that the towns and cities situated on applicants' proposed route already have adequate transportation facilities; that the present operators offer the public full, ample and efficient express and passenger service, and that the proposed service of the applicants would be a mere duplication of that now being given by the present operating railroads and stage lines in the said territory.

The Commission finds from the evidence adduced at the hearing for and in behalf of the respective parties, and after due investigation made, the following facts:

1. That the applicant, Raymond S. Ricketson, is now the president of the Western Motors Company, and the applicant, Kathryn Stilwell, is at the present time employed by and renders services for the Utah Children's Home Society, a charitable organization; that both of said applicants have had sufficient experience and can obtain and provide the necessary financial assistance to enable them to give passenger and express service over the public highway between Payson and Beaver, Utah.

2. That the protestant, Denver & Rio Grande Western Railroad Company, is a railroad corporation, is an interstate common carrier of passengers and freight, for hire, between Denver, Colorado, and Ogden, Utah, and as a part of its railroad system operates a line of railroad between Salt Lake City and Marysvale, Utah, serving, among other places, Richfield, Sigurd, Aurora, Salina, Gunnison, Manti and Ephraim, Utah; that said protestant also operates a branch line of railway between Ephraim and Nephi, Utah, serving Fountain Green, Moroni and other points between Ephraim and Nephi, Utah; said protestant also operates a branch line of railway from Springville to Silver City, Utah, serving, among other

places, Payson and Santaquin, Utah, and that all of the said railroad lines of the said protestant carry both passengers and express.

3. That the protestant, Los Angeles & Salt Lake Railroad Company, is a railroad corporation, engaged as a common carrier, for hire, in the operation of a steam line of railroad between Salt Lake City, Utah, and Los Angeles, California, with various branch lines in the State of Utah, one of them operating between Salt Lake City and Milford, via Payson, Utah, serving all intermediate points; that all of said lines provide for the public both passenger and express service.

4. That the protestant, American Railway Express Company, is a common carrier, for hire, carrying express over the said lines of the Denver & Rio Grande Western Railroad and the Los Angeles & Salt Lake Railroad Company.

5. That the protestant, W. R. Martin, operates an automobile passenger stage, for hire, over the public highway between Milford and Beaver, Utah.

6. That the protestant, T. M. Gilmer, operates an automobile passenger and express line between Salt Lake City and Fillmore, Utah, including, among the intermediate points, the towns of Santaquin, Mona, Nephi, Levan, Scipio and Holden.

7. That each of said public utilities, railroad, express and automobile corporations, respectively, renders to the public prompt, ample, commodious, convenient and efficient passenger and express service to towns and cities on their respective routes and to the territory adjacent thereto.

8. That there are no transportation facilities afforded, for hire, neither by railroad nor by automobile, between Beaver and Richfield, Utah, at the present time.

9. That the applicants have expressed to the Commission their unwillingness to give automobile transportation service between Richfield and Beaver, Utah, unless authorized and permitted to serve other points over the route applied for, at least between Nephi and Beaver, Utah.

10. That the applicants, for the purpose of testing the feasibility of operating an automobile passenger and express line, for hire, between Payson and Beaver, Utah, operated and gave such a service during the month of January, 1925, the result showing that from January 1st to and including the 25th day of January, the gross revenue earned was $156.23, and that their operating expense was $50.16, allowing nothing

for depreciation on equipment, salary for a driver, taxes, insurance, nor anything for return on capital investment.

11. That the protestants, residents of Nephi, Utah, protest the application herein upon the alleged ground that the transportation afforded them by other carriers is adequate and sufficient for the needs of the public.

From the foregoing findings of fact, the Commission concludes and decides that the application of Raymond S. Ricketson and Kathryn Stilwell to operate an automobile passenger and express line over the public highways between Payson and Beaver City, Utah, should be denied.

In Case No. 709, decided by the Commission, September 10, 1924, wherein Gust Johnson, L. O. Houghton and Kathryn Stilwell, one of the applicants here, had made application for a certificate of convenience and necessity authorizing them to operate an automobile passenger and express line between Salt Lake City and St. George, Utah, practically the same matters and things were involved as in the instant case.

We gave Case No. 709 careful and conscientious consideration, and, after doing so, were unable to grant the said applicants the privileges they sought. Since then, conditions have not materially changed. It was developed in Case No. 709, and it has been developed in the instant case, that certain towns and cities on the route applied for are in need of automobile transportation, for hire, particularly from Beaver to Richfield. The applicants, however, decline to give service between Beaver and Richfield, unless they be permitted to invade other territory already served by well established lines of transportation affording adequate transportation facilities to practically all the communities the applicants are seeking to serve.

Furthermore, we think it has been amply demonstrated by the applicants that, if their application be granted, aside from their interfering with the service now being rendered by well established lines of transportation, both automobile and railroad, their proposed route could not be successfully maintained, and the enterprise eventually would end in financial failure to themselves and to those who have offered to give them financial assistance. The result of practically one month's operation over the route applied for, we think very clearly demonstrates the futility of the route proposed. Manifestly, from the showing made, the public convenience and necessity at this time do not require the operation of the line proposed by the applicants.

Before the Commission can be justified in granting permission for the operation of an automobile stage line over the public highways, it must affirmatively appear, among other things, that the present transportation facilities of the territory sought to be served are inadequate to meet the demands of the traveling public, or that the proposed service will be a distinctive one from that being given by established lines, or such that they are unable to give to the public.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
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 22nd day of May, 1925.

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

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

IT IS ORDERED, That the application of 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, 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 JACK LOFTIS and ROBERT R. LOFTIS, for permission to operate an automobile stage line between Richfield and Emery, Utah.	CASE No. 743

Submitted December 30, 1924. Decided February 20, 1925.

Appearances:

George J. Constantine, for Petitioners.

Frank Herbert, Protestant.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This case was heard at Richfield, Utah, December 16, 1924, at 7:30 p.m.

The petitioners represent that they are residents of Carbon County, Utah; that they are at present engaged in the operation of an automobile stage line between Price, Carbon County, and Emery, Emery County, Utah; that they have operated said stage line since August, 1923, without missing a trip, and without accident; that it is the intention of the petetioners, if this application is granted, to operate this stage line in connection with the Price-Emery line, that is ,to make connections beneficial to both lines, but to operate each independent of the other.

Petitioners allege that at present there is no public service between Emery and Emery County points and Salina; that it is necessary, in order to make connections between adjoining counties, to go from Sevier County points to Thistle, Utah County, change trains, go east to Price, Carbon County, thence south, via stage, to Emery, a distance of more than two hundred miles, as compared with about fifty miles via the stage line route applied for.

It is also alleged by petitioners that they own three seven-passenger touring cars, and are in a position to secure extra cars as the service demands; that it is the intention to maintain a year-round service, according to the following proposed schedule, every Tuesday, Thursday and Saturday:

Leaves Richfield	8:00 a.m.	Arrives Salina	9:00 p.m.
Leaves Salina	9:15 a.m.	Arrives Emery	12:30 p.m.
Leaves Emery	12:30 p.m.	Arrives Salina	3:30 p.m.
Leaves Salina	3:00 p.m.	Arrives Richfield	4:30 p.m.

Richfield to Emery, $7.00, Round trip $12.00.
Emery to Salina, $5.00, Round trip $9.00.

For intermediate points between Salina and Emery, a charge of 10c per mile will be made.

Mr. Frank Herbert stated that he had no objections to the granting of the application, only in so far as it applied to that part of the route between Salina and the coal camps in Salina Canyon, as he had already applied for a certificate of convenience and necessity between those places.

From the showing made, it appears that there is a need for the establishing of the service referred to in the application, and, notwithstanding a certificate has already been issued to Frank Herbert to carry freight and passengers over a part of the route covered in this application, namely, between Salina and the coal camps in Salina Canyon, because of the undeveloped conditions as yet at the coal camps, and the somewhat indefinite time schedule of said Frank Herbert, this application should be granted, and without restrictions, as to the hauling of passengers between Salina and said coal camps.

An appropriate order and certificate will be issued.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

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

[SEAL]

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

ORDER

Certificate of Convenience and Necessity No. 219.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of Feburary, 1925.

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

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 Jack Loftis and Robert R. Loftis be, and they are hereby, authorized to operate an automobile stage line, for the transportation of passengers, between Richfield and Emery, Utah, and intermediate points.

ORDERED FURTHER, That applicents, Jack Loftis and Robert R. Loftis, before beginning operation, shall file with the Commission and post at each station on their route, a schedule as provided by law and showing the Commission,s Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on their route; and shall at all times operate in accordance with the rules and regulations prescribed by the Commissioon governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of J. C. RUSSELL for permission to operate a milk truck line between Lehi, Utah, and Salt Lake City, Utah.	CASE No. 744
In the Matter of the Application of BERNELL BATEMAN for permission to operate a milk truck line between Lehi, Utah, and Salt Lake City, Utah.	CASE No. 748

Submitted December 16, 1924. Decided March 16, 1925.

Appearances:

C. C. Tanner, Esq., for J. C. Russell, Applicant in Case No. 744, and protestant in Case No. 748.

Creighton G. King, Esq., of the law firm, King & Schulder, for Bernell Bateman, Applicant in Case No. 748. and Protestant in Case No. 744.

Dana T. Smith, Esq., for Los Angeles and Salt Lake Railroad Company, Protestant.

Aldon J. Anderson, Esq., for Salt Lake and Utah Railroad Company, Protestant.

Messrs. Van Cott, Riter and Farnsworth, for T. H. Beacom, as Receiver of the Denver and Rio Grande Western Railroad Company, Protestant.

L. E. Geham, Esq., for the American Railway Express Company, Protestant.

Walter C. Hurd, Esq., for Utah Central Truck Line, Protestant.

REPORT OF THE COMMISSION

By the Commission:

These matters were brought on regularly for hearing before the Commission at Salt Lake City, Utah, on the 16th day of December, 1924. By stipulation of all interested parties, the application of J. C. Russell (Case No. 744), and that of Bernell Bateman (Case No. 748), each for a certificate of convenience and Necessity to operate a milk truck line over the public highway between Lehi and Salt Lake City, Utah, were heard at the same time and are to be considered, by the Commission, as one case, but their applications are to be deemed in opposition to each other.

Written protests were made and filed to each of the applications by the Los Angeles and Salt Lake Railroad Company, the Salt Lake and Utah Railroad Company, the American Railway Express Company and the Utah Central Truck Company.

These protestants, respectively, allege that they are affording ample facilities for the transportation of property, including dairy products, between Lehi and Salt Lake City, including intermediate points, and that the public interests will not be advanced by the granting of a certificate of convenience and necessity, to either of the applicants.

The Commission, after making full investigation and giving due consideration to the evidence adduced for and in be-

half of the respective parties, now finds, concludes and reports as follows:

1. That, J. C. Russell (Applicant, Case No. 744) is a resident of Lehi City, Utah, and he is now operating an automobile passenger and express line between Lehi City and Topliff, Utah, under Certificate of Convenience and Necessity No. 182, issued by the Commission July 20th, 1923. That he is a capable operator of automobiles for hire and he is financially able to furnish the necessary equipment to render the service, proposed by him, between Lehi City and Salt Lake City, Utah.

2. That, Bernell Bateman (Applicant, Case No. 748), is also a resident of Lehi City, Utah, experienced and capable of operating automobiles for hire, he, for several years last past, having been engaged in hauling milk by truck from Lehi to Salt Lake City, Utah, under private contract for an association of farmers at Lehi, Utah; and, that he is financially able to furnish the necessary equipment to render the service proposed by him, between said points.

3. That, the protestants, Los Angeles and Salt Lake Railroad Company, and the Denver and Rio Grande Western Railroad Company, are railroad corporations, doing business within the State of Utah and other states and as a part of their respective railroad systems, operate steam lines carrying passengers, freight and express between Lehi and Salt Lake City, Utah.

4. That, the protestant, Salt Lake and Utah Railroad Company is a railroad corporation, doing business within the State of Utah, and it operates an electric line of railroad, carrying passengers, freight and express between Lehi and Salt Lake City, Utah.

5. That, the American Railway Express Company is a corporation, duly organized for the purpose of carrying express, and is engaged in carrying express for hire over the said lines of railroad, steam and electric, between Lehi and Salt Lake City, Utah.

6. That, the Utah Central Truck Line is an "automobile corporation," carrying freight and express for hire between Provo and Salt Lake City, and intermediate points, including Lehi City, under Certificate of Convenience and Necessity No. 216, issued by this Commission on the 2nd day of March, 1925.

7. That, each and all of the said protestants, railroad corporations, including the express company, maintain, at Lehi City, ample depot facilities, and are prepared to handle

and promptly transport, over their respective lines, any and all property, including dairy products, from Lehi City to Salt Lake City, whenever the same is tendered to them for such transportation.

8. That, numerous farmers, residing in or in close proximity to Lehi City, are engaged in the dairy business; that, many of said farmers have associated themselves together for the purpose of affording advantageous methods of marketing their farm products, including the placing of their dairy products on the Salt Lake City markets, and to that end, they have heretofore made arrangements, under private contract with the applicant, Bernell Bateman, for him to receive, daily, their dairy products at their places of residence, and transport them by auto truck over the public highway to Salt Lake City markets, returning the cans and retainers, empty or refilled with skimmed milk or by-products, from Salt Lake City dairies or markets, the same day.

9. That, there are other farmers or dairymen, not members of said association, who are residing at or near Lehi City, and they desire the same service as that now being given to said association by the applicant, Bernell Bateman.

10. That, the applicant, Bernell Bateman, does not propose to carry, for hire, between said points, any property other than dairy products.

11. That, none of the protestants, including the Utah Central Truck line, are prepared to give the same prompt and efficient service to the said dairymen, as that proposed by the applicant, Bernell Bateman; that, said service is a much needed service and one with which Bernell Bateman is thoroughly familiar and has been giving satisfaction heretofore, under private contract.

The Commission concludes and decides, from the foregoing findings of fact, that a Certificate of Convenience and Necessity should be issued, under the orders of this Commission, to the applicant, Bernell Bateman, authorizing and permitting him to operate, over the public highway, automobile trucks, transporting dairy products for hire, from Lehi City to Salt Lake City, Utah, and return, including intermediate points, except the town of Sandy, Utah, and territory contributory thereto, and that said service be confined to the carrying of dairy products alone. It is apparent, from the foregoing facts, that the farmers and dairymen that will be affected thereby, are in need of such service for the proper handling of their dairy products. If their interests are to be subserved, without great inconvenience and financial

loss to themselves, then they must not be required to leave their farms twice each day, in order to avail themselves of the transportation facilities afforded by the railroad protestants. We think the interests of these shippers demand the distinctive service tendered to them by the automobile truck, a service the railroads are not prepared for and do not offer to give. It is also apparent that the Utah Central Truck Line will not be prepared to give this especially required service, and that, as between the two applicants, J. C. Russell and Bernell Bateman, the latter is already possessed with the necessary equipment, and, from previous experience in transporting dairy products over the route applied for, should be able to give the most efficient and satisfactory service to shippers, of the two applicants. The granting of a Certificate, in this case, is not intended to conflict with the application of Myrle Allsop, in Case No. 753, now pending before the Commission.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 224

Aat a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of March, A. D. 1925.

In the Matter of the Application of J. C. RUSSELL for permission to operate a milk truck line between Lehi, Utah, and Salt Lake City, Utah.	CASE No. 744
In the Matter of the Application of BERNELL BATEMAN for permission to operate a milk truck line between Lehi, Utah, and Salt Lake City, Utah.	CASE No. 748

These cases being at issue upon petitions and protests on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the

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

IT IS ORDERED, That the application of J. C. Russell (Case No. 744), be, and it is hereby, denied.

ORDERED FURTHER, That the application of Bernell Bateman (Case No. 748), be, and it is hereby, granted, and that he is hereby authorized to operate a milk truck line from Lehi City to Salt Lake City, Utah, and return, including intermediate points, except the town of Sandy, Utah, and territory contributory thereto, and that said service be confined to the carrying of dairy products alone.

ORDERED FURTHER, That applicant, Bernell Bateman, 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 showing arriving and leaving time from each station on his route; and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing operation of automobile truck lines.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted January 7, 1925. Decided June 16, 1925

Appearance:

Sam Cline, for W. R. Martin.

REPORT OF THE COMMISSION

McKAY, Commissioner:

Under date of October 4, 1924, an application was filed with the Public Utilities Commission of Utah, by Mortensen and Rasmussen, to relinquish certificate of convenience and necessity to operate passenger stage line between Milford and

Beaver, Utah, and by W. R. Martin to assume operation of said line.

Petition sets forth that Mortensen and Rasmussen have sold and delivered certain equipment used on said line to W. R. Martin, and are desirous of relinquishing the route between Milford and Beaver, to him.

W. R. Martin represents that he has, for the past ten or more years, operated and driven stage and passenger cars throughout Beaver County; that he operates and conducts a general garage business in Milford, Utah, and has ample cars and equipment to take care of the needs of the traveling public between said towns; that he is an experienced auto mechanic and employs a number of experienced drivers and mechanics; and that he is thoroughly familiar with the route and the needs of the traveling public.

This case was assigned for hearing at Milford, Utah, December 23, 1925, at ten o'clock a.m., and due and legal notice given, as required by law.

Hearing was held, as per notice. Proof of publication of notice of hearing was filed at time of hearing. The representations as set forth in the application were substantiated by the evidence in the case. No protests were registered to granting the application.

The Commission finds that the application should be granted and a new certificate of convenience and necessity should be issued to W. R. Martin; and the authority granted in Case No. 588 to Mortensen and Rasmussen, should be cancelled. The new certificate of convenience and necessity should be withheld until the provisions of Senate Bill No. 87, with respect to liability insurance, are complied with. It is the desire of the Commission that W. R. Martin should at all times provide sufficient equipment to transport all of the people desiring to avail themselves of this service.

An appropriate order will be issued.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

ORDER

Certificate of Convenience and Necessity
No. 235

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of June, 1925.

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

This case being at issue upon application 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, that Mortensen and Rasmussen be, and they are hereby, permitted to discontinue operation of the automobile stage line between Milford and Beaver, Utah; that the authority granted to said Mortensen and Rasmussen in Case No. 588 be, and it is hereby, cancelled and revoked.

ORDERED FURTHER, That W. R. Martin be, and he is hereby, granted permission to operate an automobile stage line between Milford and Beaver, Utah, for the transportation of passengers.

ORDERED FURTHER, That applicant, W. R. Martin, 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 Statutes of Utah and 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 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

Submitted November 12, 1924. Decided March 14, 1925.

Appearances:

D. H. Morris, attorney, St. George, Utah, for the applicants, Fred N. Fawcett, B. F. Knell, Louis R. Lund and B. L. Covington.

REPORT OF THE COMMISSION

This matter came on regularly for hearing before the Public Utilities Commission of Utah, on the 11th day of February, 1925, after due notice given in the manner and for the time as required by law, upon the several applications of the applicants, and the Commission, after due investigation and after giving the evidence adduced at said hearing due consideration, now finds, concludes and decides, as follows:

1. That Fred N. Fawcett and B. F. Knell have heretofore maintained and operated an automobile passenger stage line for hire, between Cedar City and St. George, Utah, under Certificate of Convenience and Necessity No. 156, issued by the Public Utilities Commission of Utah on the 11th day of October, 1922.

2. That the said applicants, Fred N. Fawcett and B. F. Knell, desire to discontinue the said service and to sell all their automobile equipment, used in the giving of the same, to the applicants, Louis R. Lund and B. L. Covington, of St. George, Utah.

3. That the applicants, Louis R. Lund and B. L. Covington, are experienced and capable operators of automobiles over the public highways for hire, and that they, and each of them, have the financial ability to provide suitable and adequate equipment for the giving of the service required over the said route, if authorized and permitted so to do.

4. That there is a continuing demand for automobile transportation for persons, between St. George and Cedar City, Utah, and intermediate points.

From the foregoing findings, the Commission now concludes and decides:

That Fred N. Fawcett and B. F. Knell should be authorized and permitted to withdraw from the giving of automobile passenger service between St. George and Cedar City, Utah, and intermediate points, and that permission should be given them to sell and dispose of their automobile equipment, heretofore used in said service, to the applicants, Louis H. Lund and B. L. Covington; that a Certificate of Convenience and Necessity should be issued to the said Louis R. Lund and B. L. Covington, authorizing and permitting them to operate an automobile passenger stage line for hire, between St. George and Cedar City, and intermediate points, upon the filing of proper time and rate schedules, and the surrender and cancellation of said Certificate No. 166; subject, however, to all the provisions of the Utah statutes and the further orders, rules and regulations of this Commission, appertaining to such public service.

An appropriate order will follow.

(Signed) WARREN STOUTNOUR,
(Signed) ELMER E. CORFMAN,
[SEAL] Commissioners.
(Signed) FRANK L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 223

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 14th day of March, A. D. 1925.

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

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 Fred N. Fawcett and B. F. Knell be released from the operation of the automobile stage line between St. George and Cedar City, Utah, and that Certificate of Convenience and Necessity No. 166, (Case No. 570), issued to Fred N. Fawcett and B. F. Knell, under date of October 11, 1922, be, and the same is hereby, cancelled.

ORDERED FURTHER, That Louis R. Lund and B. L. Covington be, and they are hereby, authorized and permitted to assume operation of said line between St. George and Cedar City, under Certificate of Convenience and Necessity No. 223.

ORDERED FURTHER, That applicants, Louis R. Lund and B. L. Covington, 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 route; 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) FRANK L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted November 12, 1924. Decided March 13, 1925.

Appearances:

D. H. Morris, attorney, St. George, Utah, for the applicants, Louis R. Lund, B. L. Covington, Samuel Judd and Frank Judd.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at St. George, Utah, on the 11th day of February, 1925, after due notice given as required by law, upon the several applications of the applicants herein, and the Commission, after making due investigation and giving due consideration to the evidence adduced at said hearing, now finds, concludes and decides as follows:

1. That heretofore the applicants, Samuel Judd and Frank Judd, have maintained and operated over the public highways between St. George and Enterprise, Utah, an automobile passenger line for hire, under Certificate of Convenience and Necessity No. 168 ,issued by the Public Utilities Commission of Utah, on the 13th day of July, 1922.

2. That Samuel Judd and Frank Judd now desire to discontinue the giving of said service, and to sell and dispose of all of their equipment, used by them in the giving of said service, to the applicants, Louis R. Lund and B. L. Covington, of St. George, Utah.

3. That Louis R. Lund and B. L. Covington are experienced, capable and efficient operators of automobiles for hire, over the public highways, and they, and each of them, are financially able to properly equip and maintain an automobile passenger stage line between said points, and have applied to this Commission, for permission and authority so to do.

4. That there is no railroad service, or any means of transportation, for persons desiring passage between said points, other than by automobile stage, and the public is in much need of the automobile service applied for herein, and as heretofore rendered by the said Samuel Judd and Frank Judd.

Wherefore, the Commission concludes and decides that the applicants, Samuel Judd and Frank Judd should be authorized and permitted to withdraw from the giving of automobile stage line service, between St. George and Enterprise, Utah, and to sell and dispose of the automobile equipment, used by them in the giving of said service, to the applicants, Louis R. Lund and B. L. Covington; that the public convenience and necessity require the continuance of such a service; that upon the surrender and cancellation of Certificate No. 158, heretofore held by Samuel Judd and Frank Judd, a certificate of convenience and necessity should be issued to the applicants, Louis R. Lund and B. L. Covington,

authorizing and permitting them to operate and maintain an automobile passenger stage line, between St. George and Enterprise, Utah, for hire; subject, however, to all provisions of the statutes of Utah and the orders, rules and regulations of the Public Utilities Commission of Utah, as in such case made and provided.

An appropriate order and certificate will follow.

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

[SEAL]

Attest:

(Signed) FRANK L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 222

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 13th day of March, A. D. 1925.

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

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 Samuel Judd and Frank Judd be released from the operation of the automobile stage line between St. George and Enterprise, Utah, and that Certificate of Convenience and Necessity No. 158 (Case No. 550), issued to Samuel Judd and Frank Judd, under date of July 13, 1922, be, and the same is hereby, cancelled.

ORDERED FURTHER, That Louis R. Lund and B. L. Covington, be, and they are hereby, authorized and permitted to assume operation of said stage line between St. George

and Enterprise, under Certificate of Convenience and Necessity No. 222.

By the Commission.

(Signed) FRANK L. OSTLER,
Secretary.

[SEAL]

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

(See Case No. 744)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted December 2, 1924. Decided March 13, 1925.

Appearances:

D. H. Morris, of St. George, Utah, attorney for petitioners, B. L. Covington and Joseph J. Milne.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at St. George, Utah, on the 11th day of February, 1925, upon the separate applications of the applicants, B. L. Covington and Joseph J. Milne, and the Commission, after due investigation and consideration of the evidence adduced at said hearing, finds, concludes and decides as follows:

1. That heretofore E. O. Hamblin, A. R. Barton and the applicant, B. L. Covington, residents of St. George, Utah, have been engaged in operating an auto truck freight line over the public highways between St. George and Cedar City, Utah.

2. That the applicant, B. L. Covington, desires to withdraw from said service and dispose of all his property rights in the equipment used in the giving of said service, to the applicant, Joseph J. Milne.

3. That Joseph J. Milne is a capable and efficient operator of automobiles over the public highways for hire, and E. O. Hamblin and A. R. Barton have given their consent, in writing, for the said B. L. Covington to withdraw and for the said Joseph J. Milne to continue with them, in the giving of said automobile service, which said consent is on file with the Public Utilities Commission of Utah.

4. That there is no rail, or other means of transportation between St. George and Cedar City, Utah, and intermediate points, other than that afforded by said truck line; that there is a constant demand for the movement of merchandise, fruits and farm products, between said points.

From the foregoing findings, the Commission concludes and decides:

That the public convenience and necessity require the continued operation of an automobile freight truck line over the public highway, between St. George and Cedar City, Utah; that the applicant, B. L. Covington, should be permitted to withdraw from the giving of such a service; that a certificate of convenience and necessity should be issued to E. O. Hamblin, A. R. Barton and Joseph J. Milne, authorizing and giving them permission to maintain and operate an automobile freight truck line between St. George and Cedar City, Utah, in compliance with statutes of Utah, and the rules and regulations of the Public Utilities Commission of Utah.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) FRANK L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 221

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 13th day of March, A. D. 1925.

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.

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 thereof:

IT IS HEREBY ORDERED, That B. L. Covington be permitted to withdraw from the giving of an automobile freight truck service over the public highway between St. George and Cedar City, Utah, and to sell, transfer and dispose of his interest in the equipment heretofore used in the giving of said service, to Joseph J. Milne.

IT IS HEREBY FURTHER ORDERED, That Joseph J. Milne, E. O. Hamblin and A. R. Barton, be, and they are hereby, authorized and empowered to operate and maintain an automobile freight truck line for hire over said highway between St. George and Cedar City, Utah, in conformity with the statutes of Utah, and the orders, rules and regulations of the Public Utilities Commission of Utah.

By the Commission.

(Signed) FRANK L. OSTLER, Secretary.

[SEAL]

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted February 19, 1925. Decided March 12, 1925.

Appearances:

Albert R. Barnes, Esq., for National Coal Railway Company, Applicant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly to be heard before the Public Utilities Commission of Utah, at Salt Lake City, Utah, on the 23rd day of January, 1925, after due and legal notice given, upon the application of the National Coal Railway Company, for a certificate of convenience and necessity, authorizing and permitting it to construct, operate and maintain a line of railroad, connecting with the Utah Railway, in Carbon County, State of Utah.

After due investigation and consideration of the evidence adduced at said hearing, for and in behalf of, the applicant, the Commission now finds, concludes and decides, as follows:

1. That the National Coal Railway Company is a railroad corporation, organized and existing under the laws of the State of Utah, having its principal place of business and general offices at Salt Lake City, Utah.

2. That under the provisions of its articles of incorporation, a duly certified copy of which is now on file with the Public Utilities Commission of Utah, said National Coal Railway Company is authorized and empowered, among other things, "to build, construct, operate, maintain and own a railroad, operated by steam or electric power in the County of Carbon, State of Utah; beginning at a point on the righ-of-way of the Denver and Rio Grande (Western) Railroad, about two miles southerly from the town of Helper, in said county, and extending, in a southwesterly direction, crossing the right-of-way and railroad of the Utah Railway, at a point about where said railroad crosses Gordon Creek, and extend-

ing thence, in a northwesterly direction, to a point in the canyon of said Gordon Creek near the center of Section 17, Township 13 South, Range 8 East, Salt Lake Meridian, and extending from thence, in a southwesterly direction, along the canyon of said Gordon Creek to a point about in the center of Section 24, Township 13 South, Range 7 East, Salt Lake Meridian, together with a branch line thereof, extending from a point, located about the center of the south half of Section 21, Township 13 South, Range 8 East, Salt Lake Meridian, and extending, in a northerly direction, to a point located in about the center of Section 16, Township 13 South, Range 8 East, Salt Lake Meridian."

3. That the main line of said proposed railroad, as now projected and surveyed, begins at a point from which the northeast corner of Section 5, T. 14 S., R. 9 E., S. L. B. & M., bears N. 24°59′ E. 1818.3 feet, which point is on the Utah Railway at station 753+19°; thence northwesterly to a point from which the northwest corner of Section 24, T. 13 S., R. 7 E., S. L. B. & M., bears N. 38°00′ W. 2555 feet, a length of 10.627 miles.

That the Coal Creek branch of said proposed railroad, as now projected and surveyed, begins at station 353+20° Main Line survey and from which point, the south quarter corner of Section 21, T. 13 S., R. 8 E., S. L. B. & M., bears S. 14°30′ W. 615.0 feet, thence northerly to a point, from which the southeast corner of Section 16, T. 13 S., R. 8. E., S. L. B. & M., bears S. 44°00′ 2990.0 feet, a length of 1.375 miles.

That the Right Fork branch of said proposed railroad, as now surveyed, begins at station 429+05.7 Main Line Survey and from which point, the south quarter corner of Section 17, T. 13 S., R. 8 E., S. L. B. & M., bears south 120.0 feet, thence northerly to a point from which the west quarter corner of said Section 17, bears N. 88°00′ W. 1458.0 feet, a length of 0.527 miles.

That the Brymer Canyon branch of said proposed railroad, as now surveyed, begins at station 439+30.4 Main Line survey, and from which point, the south quarter corner of Section 17, T. 13 S., R. 8 E., S. L. B. & M., bears S. 65°25′ E., 1020.0 feet, thence northwesterly to a point, from which the east quarter corner of Section 18, T. 13 S., R. 8 E., S. L. B. & M., bears N. 27°00′ E. 996.0 feet, a length of 0.546 miles, a total length of 13.075 miles.

4. That the said National Coal Railway Company has procured, and caused to be filed in the office of the Public Utilities Commission of Utah, satisfactory evidence, showing that it has received all necessary permits or franchises, at the

hands of the federal, state, county, city and municipal authorities, righfully authorizing it to construct, maintain and operate said proposed railroad over and upon the lands and premices, as projected and surveyed for the purpose thereof.

5. That, said National Coal Railway, as projected and surveyed, as aforesaid, will extend to and accomodate the coal mines of the National Coal Company, the owner of more than thirteen hundred acres of patented coal rights now aquired and owned by the Gorden Creek Coal Company, the Great Western Coal Mines Company and the Union Coal Company, corporations organized and existing under the laws of the State of Utah, as well as other coal lands, patented and under lease from the government of the United States; that all of said coal lands are near or in close proximity to the surveyed line of said proposed line of railroad, and all of said lands may be reached by and served with transportation facilities that will be afforded by the construction, maintenance and operation of said proposed railroad.

6. That, no other railroad, or means of transportation, has been extended to or is afforded the owners of said coal lands situated in Gordon Creek Canyon, and the construction, maintenance and operation of said National Railway Company, as projected and surveyed, will afford the several owners of said coal lands the necessary transportation facilities for the development of coal mines and the marketing of coal from their coal lands, owned under patents and leases, as aforesaid, from the United States government.

7. That the said National Coal Railway Company has issued and disposed of approximately $40,000.00 worth of its par value stock, and will be able to properly finance the construction, maintenance and operation of said railroad, if authorized and permitted so to do, under a certificate of convenience and necessity, issued under the orders of the Public Utilities Commission of Utah.

From the foregoing findings of fact, the Commission now concludes and decides, that the public interest will be advanced and its needs and convenience will be subserved by the granting of a certificate of convenience and necessity, authorizing and permitting the applicant, the National Coal Railway Company, to construct, operate and maintain a main line of railroad, with branches in Carbon County, Utah, as proposed by its application herein, to-wit

The main line of said railroad to begin at a point from which the northeast corner of Section 5, T. 14 S., R. 9 E., S. L. B. & M., bears N. 24°59′ E. 1818.3 feet, which point is on the Utah Railway at station 753+19°; thence northwester-

ly to a point from which the northwest corner of Section 24, T. 13 S., R. 7 E., S. L. B. & M., bears N. 38°00′ W. 2555 feet, a length of 10.627 miles.

The Coal Creek Branch of said railroad to begin at station 353+20° Main line survey and from which point, the south quarter corner of Section 21, T. 13 S., R. 8 E., S. L. B. & M., bears S. 14°30′ W. 615.0 feet, thence northerly to a point from which the southeast corner of Section 16, T. 13 S., R. 8 E., S. L. B. & M., bears S. 44°00′ 2990.0 feet, a length of 1.375 miles.

The Right Fork Branch of said railroad to begin at station 429+05.7 Main Line survey and from which point the south quarter corner of Section 17, T. 13 S., R. 8 E., S. L. B. & M., bears south 120.0 feet, thence northerly to a point from which the west quarter corner of said Section 17, bears N. 88°00′ W. 1458.0 feet, a length of 0.527 miles.

The Brymer Canyon Branch of said railroad to begin at station 439+30.4 Main Line survey, and from which point, the south quarter corner of Section 16, T. 13 S., R. 8 E., S. L. B. & M., bears S. 65°25′ E., 1020.0 feet, thence northwesterly to a point from which the east quarter corner of Section 18, T. 13 S., R. 8 E., S. L. B. & M., bears N. 27°00′ E. 996.0 feet, a length of 0.546 miles, a total length of 13.075 miles.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) FRANK L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 220

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 12th day of March, A. D. 1925.

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

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 the National Coal Railway Company, a Corporation, be, and it is hereby, authorized to construct, operate, and maintain a line of railroad, in Carbon County, Utah, to connect with the Utah Railway.

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

By the Commission.

(Signed) FRANK L. OSTLER, Secretary.

[SEAL] Secretary.

LOGAN CITY, a Municipal Corporation, Plaintiff,
vs.
UTAH POWER & LIGHT COMPANY, a Corporation, Defendant.
} CASE No. 751

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted December 18, 1924. Decided February 21, 1925.

Appearances:

Leonard G. Charles, Petitioner.

REPORT OF THE COMMISSION

By the Commission:

This application was filed November 24, 1924, by Leonard G. Charles, alleging that no railroad or stage line existed between Tooele City, Utah, and Bauer, Utah, and asked for authority of this Commission to establishe a stage line between these points in Tooele County, Utah, to accommodate the employees of the Combined Metals Reduction Company, situated at or near Bauer, Utah.

The case came on regularly for hearing, the 18th day of December, 1924, at the office of the Commission, 303 State Capitol, Salt Lake City, Utah.

Mr. Charles testified that his post office address is Tooele City, Utah; that he is an experienced automobile driver, and is equipped to take care of the traveling public. He also testified as to his financial standing in the community, and as to the necessity for the establishment of the proposed stage line.

It was alleged that more than a hundred men were engaged at the Smelter, which runs three shifts a day; and that in order to accommodate said employees, three round trips will be made daily.

No protests were received by the Commission.

After careful consideration of all the circumstances and facts bearing upon this question, we find that the application should be granted.

It will be necessary before operating under this order that a schedule of rates and time be filed with the Commission.

An appropriate order and certificate 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. 218

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of February, 1925.

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

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 Leonard G. Charles be, and he is hereby, authorized to operate an automobile passenger and freight line between Tooele City and Bauer, Utah.

ORDERED FURTHER, That applicant, Leonard G. Charles, before beginning operation, shall file with the Commission and post at each station on his line or 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 LEONARD G. CHARLES, for permission to operate an automobile passenger and freight line between Tooele City and Bauer, Utah. } CASE No. 752

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of February 21, 1925, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 218 (Case No. 752), authorizing Leonard G.

Charles to operate an automobile passenger and freight line between Tooele City and Bauer, Utah.

The Commission now finds that, owing to the failure of Leonard G. Charles to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 218 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 218 be, and it is hereby, cancelled, and the right of Leonard G. Charles to operate an automobile stage line for the transportation of passengers and freight, between Tooele City and Bauer, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 24th day of October, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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 to Salt Lake City, Utah, via State Street.	CASE No. 753

Submitted December 17, 1924. Decided March 31, 1925.

Appearances:

Myrle Allsop, of Sandy, Utah, the Applicant.

George H. Smith, of Salt Lake City, Utah, General Attorney for Los Angeles & Salt Lake Railroad Co., a Protestant.

F. M. Orem, of Salt Lake City, Utah, for the Salt Lake & Utah Railroad Company, a Protestant.

Walter C. Hurd, of Salt Lake City, Utah, Attorney for the Utah Central Truck Line, a Protestant.

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, on the 17th day of December, 1924, after due notice given for the time and in the manner required by law, upon the application of Myrle Allsop for a certificate of convenience and necessity authorizing and permitting him to operate an automobile truck line, for hire, over the public highways from Crescent and Sandy to Salt Lake City, Utah, and the written protests thereto filed by the Los Angeles & Salt Lake Railroad Company, the Salt Lake & Utah Company and the Utah Central Truck Line, and from the evidence adduced at said hearing for and in behalf of the respective parties, and after due investigation made, the Commission now finds, concludes and reports as follows:

1. That the applicant, Myrle Allsop, is a resident of Sandy, Salt Lake County, Utah.

2. That the protestant Salt Lake & Utah Railroad Company, is a railroad corporation, doing business within the State of Utah, and it operates an electric line of railroad, carrying passengers, freight and express between Salt Lake City and Payson, Utah.

3. That the protestant Los Angeles & Salt Lake Railroad Company is a railroad corporation, doing business within the State of Utah, and as a part of its system of railroads, operates a steam line between Sandy and Crescent and Salt Lake City, carrying passengers, freight and express.

4. That the protestant Utah Central Truck Line is an "automobile corporation", carrying freight and express between Provo and Salt Lake City, including Sandy and Crescent, Utah, under Certificate of Convenience and Necessity No. 216, issued by the Public Utilities Commission of Utah on the 2nd day of March, 1925.

5. That each and all of the said protestants maintain ample depot facilities, and are prepared to handle and promptly transport each day, over their respective lines any and all property, including dairy products, to Salt Lake City, whenever the same is tendered to them for transportation.

6. That numerous farmers and dairymen, residing at or near Crescent and Sandy, in Salt Lake County, Utah, are engaged in the dairy business, and they are dependent upon Salt Lake City for the marketing of the said products.

7. That the applicant, Myrle Allsop, for about three years last past has been regularly employed by the Clover Leaf Dairy, to gather milk and cream from the farmers and dairymen at Sandy and at Crescent and the near vicinity, and transport the same by automobile trucks to its dairy in Salt Lake City.

8. That the applicant has suitable automobile equipment for and he now proposes to, if granted a certificate of convenience and necessity, transport, as a common carrier for hire, over the public highway between Sandy and Crescent and Salt Lake City, any and all milk and cream offered to him for such transportation, by making one round trip daily and charging 2½ cents per gallon for milk and 20 cents for each five gallon can of cream transported.

9, That the applicant does not propose to carry over said route, for hire, any property other than dairy products.

10. That none of the protestants, including the Utah Central Truck Line, have heretofore, nor are they now prepared to give, the same prompt and efficient service to the farmers and dairymen as that proposed by the applicant.

The Commission concludes and decides from the foregoing findings of fact, that a certificate of convenience and necessity should be issued, under the proper order of this Commission, to the applicant, Myrle Allsop, authorizing and permitting him to operate over the public highway automobile trucks for the transportation of dairy products, for hire, from Crescent and Sandy, and their immediate vicinities, to Salt Lake City, Utah; that said automobile truck service for hire should be confined to the carrying of dairy products alone.

It seems apparent that the farmers along the applicant's proposed route are in need of such service for the proper handling and marketing of their milk and other dairy products.

As was said in Cases Nos. 744 and 748, decided by this Commission, March 16, 1925, if the interests and needs of farmers and dairymen are to be properly safeguarded, without great inconvenience and financial loss to themselves, then they must not be required to leave their farms twice each day, in order to avail themselves of transportation facilities and the prompt delivery of dairy products to available markets. We think the interests of this class of shippers demand the distinctive service tendered to them by the applicant,s proposed truck line, a service that none of the protestants have hereto-

fore offered, nor are they now prepared to give.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 226

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 31st day of March, 1925.

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 to Salt Lake City, Utah, via State Street.	CASE No. 753

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

IT IS ORDERED, That the application of Myrle Allsop, for permission to operate an automobile truck line, for the transportation of milk, from Crescent and Sandy to Salt Lake City, Utah, via State Street, be, and it is hereby, granted.

ORDERED FURTHER, That applicant, Myrle Allsop, 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 Statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

JOHN A. WINDER, Complainant,
vs.
SOUTHERN UTAH TELEPHONE CO., Defendant.
} CASE No. 754

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted April 30, 1925. Decided May 12, 1925.

Appearances:

O. A. Murdock, Attorney for Applicant, Harvey Dean, of Beaver, Utah.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Parowan, Utah, on the 30th day of April, 1925, after due notice had been given of the hearing, as required by law, upon the application of Harvey Dean for a certificate of convenience and necessity authorizing and permitting him to establish, maintain and operate an automobile stage line to carry, for hire, passengers, baggage and express over the public highway, between Beaver City, in Beaver County, and Parowan, in Iron County, Utah. No protests were filed or made to the granting of the application.

At the opening of the hearing, O. A. Murdock, the attorney for the applicant, Harry Dean, requested that the application be considered for and in behalf of Jedediah Dean, of Beaver City, Utah, and made application to the Commission for permission to substitute the name of Jedediah Dean for that of Harry Dean, which said request and motion were granted and the name of Jedediah Dean substituted for that of Harry Dean, and further proceedings with respect to the application treated and held accordingly.

It appears from the evidence adduced at said hearing for and in behalf of the applicant, that there is a demand for transportation service, both passenger and express, between Beaver City and Parowan, and that at the present time there is no such service for hire available between said points; that the applicant, Jedediah Dean, is a resident of Beaver City, Utah, and that he is financially able to provide suitable equipment, and has had sufficient experience in the operation of automobiles over the public highways to enable him to give the public efficient and dependable service between said points, and the public convenience and necessity would be subserved thereby.

The Commission therefore concludes and decides that the applicant, Jedediah Dean, should be granted a certificate of convenience and necessity authorizing and permitting him to maintain and operate an automobile passenger, baggage and express line, for hire, over the public highway between Beaver, in Beaver County, and Parowan, in Iron County, Utah, by giving a daily service between said points, upon his filing with the Commission proper time and rate schedules and subject to the rules and regulations of the Commission and the Statutes of the State of Utah.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 232

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, 1925.

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

This case being at issue upon application 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, that Jedediah Dean be, and he is hereby, authorized to operate an automobile passenger, baggage and express line between Beaver City and Parowan, Utah.

ORDERED FURTHER, That applicant, Jedediah Dean, 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 Statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JEDEDIAH DEAN, for permission to operate an automobile passenger, baggage and express line between Beaver City and Parowan, Utah.	CASE No. 755

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

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

IT IS ORDERED, That Jedediah Dean be, and he is hereby, granted permission to discontinue operation of his automobile passenger, baggage and express line between Beaver City and Parowan, Utah; that Certificate of Convenience and Necessity No. 232 (Case No. 755) issued to the said Jedediah Dean, May 12, 1925, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That discontinuance of operation of the said stage line shall be effective five days after the public has been notified by the posting of notices at con-

spicuous places along the route now operated by Jedediah Dean between Beaver City and Parowan, Utah.

Dated at Salt Lake City, Utah, this 28th day of May, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted December 22, 1924. Decided January 7, 1925.

Appearances:

J. F. MacLane, Attorney for Utah Power & Light Co.
J. W. Horsley, County Attorney, Box Elder County.

REPORT OF THE COMMISSION

By the Commission:

On December 4, 1924, the Utah Power & Light Company filed an application with the Commission, to construct, maintain and operate a hydro-electric generating station in Box Elder and Cache Counties, Utah.

Said application sets forth that applicant is a corporation of the State of Maine, qualified to transact business in the State of Utah, with its principal office at Salt Lake City, Utah; that it is the owner of extensive hydro-electric generating plants and transmission and distribution systems in Utah; that it has property in the state, with assessed valuation in excess of Fifteen Million Dollars ($15,000,000.00); that the demands for electrical energy supplied and to be supplied from applicant's interconnected power system, exceed the supply furnished by the hydro-electric generating plants owned and leased by it; and that applicant is possessed of financial resources to carry out its plans under this application, if granted.

The application sets forth also that proposed plant and development shall be designated as the "Cutler Development"; that if permission of the Commission is given, actual construction will commence at once; that said plant will require approximately two years to complete; that same will have an installed capacity of 30,000 kilowatts; that power and energy will be generated at approximately 6600 volts, which will be transformed at the station to 130,000 volts, and transmitted over existing or additional transmission line circuits at such voltage to substation at Salt Lake City, and thence delivered to applicant's present and prospective customers.

The case came on regularly for public hearing, at Salt Lake City, on Saturday, December 20, 1924, at 10:30 a.m., after due notice given, as provided by law.

No protests were entered, in writing or otherwise, to the granting of this application.

Applicant introduced evidence as to the general physical characteristics of its power system, as well as the specific installation involved in this application. Witnesses likewise testified as to the present load characteristics upon the general system and the capacity of the proposed installation, both in demand and output of kilowatt hours, and the compelling need for additional power to properly serve the public.

After full consideration of all material facts that may or do have any bearing upon this application, the Commission is of the opinion and finds that the application should be granted and a certificate of convenience and necessity be issued to the Utah Power & Light Company, to construct, maintain and operate a hydro-electric station known as the "Cutler Development," together with additional transmission lines and other appurtenances involved in the application.

An appropriate order and certificate 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. 215

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 7th day of January, 1925.

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

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, maintain and operate a hydro-electric generating station (Cutler Development) in Box Elder and Cache Counties, State of Utah.

ORDERED FURTHER, That in the construction of such hydro-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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

ORDER

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

IT IS ORDERED, That 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, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 11th day of July, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted February 11, 1925. Decided March 31, 1925.

Appearances:

Edwin D. Hatch, of Heber City, Utah, Attorney for P. D. Sturn and Alva L. Coleman, Applicants.
George H. Smith, of Salt Lake City, Utah, Attorney for Los Angeles & Salt Lake R. R. Co., a Protestant.
B. W. Robbins, of Salt Lake City, Utah, for Denver & Rio Grande Western Railroad Co., a Protestant.
Aldon J. Anderson, of Salt Lake City, Utah, for the Salt Lake & Utah Railroad Co., a Protestant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Commission, at Salt Lake City, Utah, on the 23rd day of January, 1925, after due notice given for the time and in the manner required by law, upon the application of P. D. Sturn and Alva L. Coleman, and the protests filed thereto by L. Provost, Los Angeles & Salt Lake Railroad Company, Denver & Rio Grande Western Railroad Company and the Salt Lake & Utah Railroad Company; and the Commission having made due investigation and considered the evidence adduced for and in behalf of the respective parties thereto, concludes and decides as follows:

FINDINGS OF FACT

1. That on the 17th day of March, 1922, in Case No. 502, the Commission issued to the applicant, P. D. Sturn, Certificate of Convenience and Necessity No. 134, authorizing and permitting him to operate and maintain an automobile stage line for the transportation of passengers, between Salt Lake City and Heber City, Utah, via Provo, Utah.

2. That upon the issuance of said certificate, P. D. Sturn filed with the Commission and posted at each station on said route his schedule of rates and fares, together with a time schedule, and ever since has operated an automobile stage line between said points, in full compliance with the Utah Statutes and the rules and regulations of the Commission.

3. That said automobile service has heretofore been confined exclusively to persons going to and from Salt Lake City and points in the Uintah Basin, or Eastern Utah, Heber City and the summer resorts in Provo Canyon, and without giving transportation to persons going between Provo and Salt Lake City and their intermediate points.

4. That there is a continuing demand for the said service between Salt Lake City and Heber City, via Provo; that said service affords to travelers the only facility for transportation between Uintah Basin points, Provo and Salt Lake City, each day; likewise, it affords the public the only means of visiting the summer resorts in Provo Canyon, from Provo and Salt Lake City, on the same day; that said automobile stage leaves Salt Lake City for Heber City at 7:00 o'clock a.m., arrives at Heber City, where it meets the stages from Uintah points, at 10:00 a.m.; leaves Heber City for Salt Lake City at 4 p.m. and arrives at Salt Lake City at 7:00 p.m. daily.

5. That the applicant P. D. Sturn, the present holder of said Certificate No. 134, desires to discontinue said stage line service and to sell and transfer his automobile equipment used in giving the same, to the applicant Alva L. Coleman, a resident of Heber City, who proposed to purchase said equipment and to give the same stage line service as heretofore given by P. D. Sturn.

6. That Alva L. Coleman is financially able to conduct and maintain said stage line, and he has had sufficient experience in the operation of automobiles over the public highways to enable him to give the public safe and efficient automobile stage line service as applied for between Heber City and Salt Lake City, via Provo, Utah.

7. That none of the protesting railroads are now giving, nor will they be prepared to render in the immediate future,

the same distinctive service as that proposed by the applicant Alva L. Coleman.

From the foregoing findings of fact, the Commission concludes and decides:

That the applicant, P. D. Sturn, should be permitted to discontinue the giving of automobile stage line service between Salt Lake City and Heber City, via Provo, and to sell and transfer his automobile equipment heretofore used in giving the same to the applicant, Alva L. Coleman; that Certificate of Convenience and Necessity No. 134, held by P. D. Sturn, should be cancelled and annulled; that a certificate of convenience and necessity should be issued to the applicant Alva L. Coleman, authorizing and permitting him to operate and maintain an automobile passenger stage line, for hire, between Salt Lake City and Heber City, via Provo, Utah, exclusive of the giving of any service to persons going only between Salt Lake City and Provo and intermediate points; that a certificate be issued to Alva L. Coleman, upon the filing of proper rate and time schedules, and subject to the statutes of Utah and the rules and regulations of the Public Utilities Commission, as in such cases provided.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 227

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 31st day of March, 1925.

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

This case being at issue upon application and protests on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things in-

volved having been had, and the Commission having, on the date hereof, 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 applicant, P. D. Sturn be, and he is hereby, permitted to discontinue the giving of automobile stage line service between Salt Lake City and Heber City, via Provo; that Certificate of Convenience and Necessity No. 134 (Case No. 502), held by P. D. Sturn, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That applicant Alva L. Coleman be, and he is hereby, granted permission to operate and maintain an automobile passenger stage line, for hire, between Salt Lake City and Heber City, via Provo, Utah, exclusive of the giving of any service to persons going only between Salt Lake City and Provo and intermediate points.

ORDERED FURTHER, That applicant Alva L. Coleman, 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 Statutes of Utah and 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 S. E. POTTER and ARTHUR GRANGE to compel MIKE SERGAKIS to buy petitioners' interest or sell them his interest in the Arrow Auto Line, a corporation.	CASE No. 759

ORDER

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

IT IS ORDERED, That the application of S. E. Potter and Arthur Grange to compel Mike Sergakis to buy petition-

ers' interest, or sell them his interest in the Arrow Auto Line, be, and it is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 3rd day of August, A. D. 1925.

(Signed) E. E. CORFMAN,
(Signed) THOMAS E. McKAY,
(Signed) G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

Submitted February 11, 1925. Decided May 7, 1925.

Appearances:

Karl N. Snow, Attorney for City of St. George, Applicant.
Joseph S. Snow, for himself and other residents of the City of St. George, Protestants.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, in the City of St. George, Utah, on the 11th day of February, 1924, upon the application of the City of St. George for an order permitting it to increase its water rates, due notice of the hearing having been given for the time and in the manner as required by law.

Briefly stated, it is alleged in the application that the revenue that would be earned under water rates now and as heretofore charged consumers in the City of St. George, would be insufficient to take care of the maintenance of the water system, not including the amount necessary to be raised in order to pay off existing bonded indebtedness.

At the hearing, witnesses were sworn and examined, and documentary evidence offered and received in evidenc, from which th Commission finds:

1. That the City of St. George, in Washington County, Utah, is a municipal corporation, which owns, controls and operates a water system, intended to supply its population of about 2,000 people with water for culinary and domestic uses and for municipal purposes in general.

2. That there is no evidence available for determining the original cost or the capital investment in said water system. Its units have been constructed from time to time at variable costs, and its expansion and development have been paid for, largely, by bonding the city and meeting the bonded indebtedness by the usual methods of taxation. The revenue derived from operation from year to year have been oftentimes insufficient to pay the costs of maintenance and operation. The present system is inadequate for the future growth and needs of the city. A portion of the system has almost completely broken down and all parts are rapidly deteriorating. It is estimated that replacements should be made during the year 1925, at a cost of approximately $60,000, in order to meet the demands that will be made upon the system by consumers.

3. That the revenue derived from the existing rates during the year 1924, was $3,946.64.

4. The average yearly revenue derived from the entire water system for the past four years has been $3,980.37, the sum total for the four years, $15,921.08.

5. That the expense maintaining the system during the year 1924, was $8,167.77.

6. That the average yearly cost of manitenance of the system, not including payments on existing bonded indebtedness on the system, has been for the past four years, $3,644.12, a total for the four year period of $14,576.48.

7. The system has an outstanding bonded indebtedness of $35,000, bearing six per cent interest, and $1500.00, bearing five per cent interest, annually, a total bonded indebtedness of $36,500.00.

8. The high cost of maintenance of the system is caused by reason of imperfect and worn out pipes, and water mains that have to be frequently repaired or replaced in order to be of any service whatever.

9. It is estimated that frequent breaks and constant leakage from the worn out system, causes a loss of fifty per cent of the original supply of water.

10. That by reason of the loss of water occasioned by the imperfect and broken down system, the inhabitants of the City of St. George have been curtailed in the use of water for beneficial purposes, and the municipality thereby deprived of

a large amount of revenue that might otherwise have been earned.

11. That on the 1st day of November, 1924, the City Council of St. George passed an ordinance, effective January 1, 1925, providing for a schedule of rates to be charged consumers of water, for both unmeasured (flat rate), and for measured (meter rate) service ,and, among other things, also prescribed rules and regulations governing the service under each of said systems. Section 210 of said ordinance, among other things, provides .that the consumers of water under flat rates shall pay as follows:

> "Bakery $8.00; barber shop or dental parlor $8.00, each additional chair $2.00; boiler for heating purposes only, in private residences a minimum of $3.00, all others a minimum of $8.00 each, but such boilers shall be rated as per water consumed; baths, public, first tub or shower $5.00, each additional tub or shower $3.00; baths in private houses, each $3.00; each additional tub or shower $2.00; butcher shop $8.00; dance hall $8.00, drug store $8.00; engines, stationary and steam boilers, except boilers for heating purposes only, used not to exceed 12 hours out of every 24, per horse power $2.00; engine or steam boiler when used constantly, per horse power $3.00; minimum charge for engines, steam boilers except boilers for heating purposes only $10.00; hose connections for garage for washing cars, minimum charge $10.00; hotel or boarding house, five to ten rooms, single tap $12.00; over ten rooms, $15.00, each additional tap $1.00; house or private residence where the tap is located in the main building $4.00 per tap, each additional tap 75 cents, each additional apartment $4.00, house or private residence where the tap is outside main building, $5.00 per tap, each additional tap $1.00, each additional apartment $5.00; each bath tub in hotel or boarding house $5.00; one water closet public building $6.00, each additional public closet $3.00; water closet in private residence, each $3.00; lavatory $2.00, each urinal $3.00; each laundry $10.00; offices, banks, etc., each tap $8.00; pool or billiard room $8.00; soda foundtain $8.00; store or shop $8.00; corrals for each animal up to five head, 75 cents each, for each animal over five head, 50 cents each; fire plugs or attachments for extinguishing fire $1.00; schools or other public buildings, minimum $10.00. For supply of water for any purpose not especially designated, the price shall be fixed by the Assessor of water rates corresponding with the standards hereinbefore established.

"Provided, that for each tapping of the main there shall be paid a minimum semi-annual tax of $4.00, where this tax is for corral purposes no charge shall be made for animals, until the number exceeds six head.

"On and after January 1, 1925, no permit shall be issued for sprinkling lawns, yards, or gardens, except the water is drawn through a meter.

"Any person, corporation or association may install an automatic public drinking fountain to be installed and maintained at their own expense, provided that the city will furnish free of charge water for such fountain; provided further, that said installation and maintenance is under the supervision of the Superintendent of Water Works, after permission is given by the City Council."

Section 211 of said ordinance, with respect to measured service, provides:

"The meter rates for the supply of water from the City of St. George Water Works are hereby fixed and established as follows:

"All water measured through meters for domestic and culinary uses and for schools and non-profit public institutions shall be paid for semi-annually in advance at the rate of 20 cents for each 1,000 gallons for the first 15,000 gallons, and 10 cents for each 1,000 gallons for all water used in excess of said amount; with a minimum charge of $3.00 for each family, school, or other non-profit public institution, drawing water through said meter.

"All water measured through meters for hotels, garages, barber shops, offices, stores, cafes, markets, or other business places shall be paid for semi-annually in advance at the rate of 30 cents for each 1,000 gallons for the first 15,000 gallons used, and 20 cents for each 1,000 gallons used in excess of said amount; with a minimum charge of $5.00 for each business above mentioned, drawing water through said meter, for each six months."

12. That there are at the present time 465 connections with the system, 284 of which are or will be in the immediate future under the meter system.

13. That the City of St. George proposes to place all consumers of water on the meter rate basis as soon as practicable for it to do so, and to make a charge against consumers that will earn for the municipality a revenue sufficient to take care of depreciation, pay operating costs and

provide for the proper maintenance of the system without resorting to the raising of the necessary revenues for said purposes by means of taxation.

From the foregoing findings of fact, the Commission concludes and decides that the City of St. George should be permitted and authorized to increase its water rates, and improve its water system so as to provide an adequate supply of water for its inhabitants.

In this class of cases, it is provided by Section 4814, Subdivision 1, Compiled Laws of Utah, 1917, among other things, that:

> "The Commission shall have power, after hearing, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or service to be furnished, imposed, observed, and followed by all * * * water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure * * * or other condition pertaining to supply of the product * * * or service furnished or rendered by any such public utility; to prescribe reasonable regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements * .. * "

It is pretty generally conceded, in the absence of judicial interpretation, that under the provision of our Public Utilities Act, particularly under the provisions of Section 4782, Compiled Laws of Utah, 1917, that municipal owned waterlworks come under the jurisdiction of the Public Utilities Commission, and that they are to be regarded as "public utilities," and are subject to the same regulations as are "water corporations" in general. However, the Commission has heretofore been loath to interfere with the direct regulation by the local authorities with respect to this class of public utilities, and has adopted and carried out the policy of leaving their municipal owned utilities largely to such regulatory measures as may be from time to time adopted by their municipal authorities.

In the instant case it seems that the City of St. George has passed an ordinance providing for the regulation, and at the same time fixing the rates for water used from the municipal owned water system. It further appears that the City of St. George desires at this time to operate and maintain its water system upon a basis that will be self-sustaining and independent of revenues that might be raised by taxation. With this desire, consumers and citizens alike are pretty gen-

erally in accord with the local authorities; nor are there any objections filed or made to the rates proposed by the City ordinance ,other than that numerous citizens complain that under both the flat rate and the proposed meter system, the minimum charge to be made under the ordinance against many of the consumers of water, would prove to be unjust, unreasonable and discriminatory. They contend that the service, whether under the flat rate or measured system, should be charged for according to the amount of water consumed, regardless of the number of families, tenants or business occupants there may be in a building.

The Commission believes that the contention of the applicants with respect to measured service should be sustained. The rates to be charged for the use of water should be laregly in accordance with the amount of water actually consumed. The metered system is the only practical one whereby the amount of water used by a customer can, with any degree of accuracy, be determined. Flat rates manifestly ordinarily must work a hardship upon either the consumer or the utility.

Under all the circumstances and the conditions that confront the City of St. George, the Commission is of the opinion that the rates proposed by the ordinance for both measured and unmeasured service, should be, for the time being, approved, with the exception, however, that there should be but one minimum charge made and that at the curb for each building, whether used for residence or business purposes, under the metered system.

Under existing conditions, as shown by the facts found, it is impossible at the present time for the Commission to determine and prescribe, even approximately, a just and equitable rate schedule as between its utility and its residents or consumers of water; nor will the Commission be able to do so until such a time as the city shall have determined for itself the cost of the much needed repairs and improvement of its water system, in order to make it serviceable.

Under the provisions of Chapter 25, Compiled Laws of Utah, 1917, as amended by Chapter 19, Session Laws of 1921, as amended by Session Laws of 1925, the city is given the right, when duly authorized by its qualified voters, to incur bonded indebtedness within certain limits prescribed, for the purpose of supplying its inhabitants with water, and to pay off such bonded indebtedness by sufficient tax levies therefor. It is further provided by the provisions of said chapter, as amended by Section 794, Session Laws 1925, that when "the rate or charges from the operation of the system or plant con-

structed from the proceeds of such bonds may be made sufficient to meet such payments, in addition to operating and maintenance expenses, and taxes shall be levied to meet any deficiencies."

As pointed out, the City of St. George desires to make its water system ultimately self-sustaining. To do that it must be permitted to earn additional revenues. The rates heretofore have been too low to enable the City to pay costs of operation and maintenance of the system. The rates proposed by the City ordinance now under consideration, in all probability may, although higher, still be inadequate to pay costs of maintenance and operation.

We think that matter can be more definitely and satisfactorily determined under a test period of one year's operation under the proposed ordinance rates, and, therefore, the Commission should retain jurisdiction of this case, for further hearing and investigation, after the water system has been repaired and improved to the extent necessary to afford sufficient and dependable service. Meanwhile, the City should refrain from collecting of consumers taking water under the metered system more than one minimum rate, regardless of the number of occupants, business, professional or otherwise, who may be using water in the same building. We think the water for any one building, under the meter system, should be measured either at the curb or at some convenient place inside the building.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
G. F. McGONAGLE,
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 7th day of May, 1925.

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

This case being at issue upon application 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 City of St. George be, and it is hereby, granted permission to increase its rates for water in the City of St. George in accordance with its ordinance and application on file with the Commission.

ORDERED FURTHER, That said increased rates shall be put in effect for a test period of one year from the date of this order, and the Commission shall retain jurisdiction of this case for further hearing and investigation, after the water system has been repaired and improved to the extent necessary to afford sufficient and dependable service; that meanwhile, the City of St. George shall refrain from collecting more than one minimum rate of consumers taking water under the metered system, rgardleess of the number of occupants, business, professional or otherwise, who may be using water in the same building; that the water for any one building, under the meter system, shall be measured either at the curb or at some convenient place inside the building.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WILFORD BAUGH and I. B. GLENN, for permission to operate an automobile stage line between Wellsville, Utah, and Richmond, Utah.	CASE No. 761

Submitted April 9, 1925. Decided May 13, 1925.

Appearances:

J. C. Walters, for Petitioners.
DeVine, Howell, Stine and Gwilliam, for Utah Idaho Central Railroad Company.
Robert B. Porter, for Oregon Short Line R .R. Co.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for a public hearing, at Logan, Utah, April 9th, 1925, after due and legal notice given in the manner and for the time as required by statute, before Commissioners E. E. Corfman and G. F. McGonagle, upon the petition of Wilford Baugh and I. B. Glenn, for a certificate of convenience and necessity authorizing them to operate an automobile stage line between Wellsville, Utah, and Richmond, Utah, in Cache County, and the written protests separately filed thereto by the Utah Legislative Board of the Brotherhood of Locomotive Firemen and Enginemen, the Oregon Short Line Railroad Company, and the Utah Idaho Central Railroad Company.

The petitioners proposed to operate a motor bus, with a capacity of fifteen to thirty-five passengers, between the points mentioned; to make three round trips daily; and to charge not to exceed three cents per passenger per mile.

The proposed service would extend north-easterly from Wellsville to Logan, a distance of ten miles, thence northerly from Logan to Smithfield, seven miles, thence northerly from Smithfield to Richmond, eight miles, or a total distance of twenty-five miles.

There are sixty-five residences between Wellsville and Logan, five residences between Logan and Smithfield, and thirty-three residences between Smithfield and Richmond.

Evidence introduced at the hearing showed:

That nearly all of the residents along the line between Wellsville and Richmond are automobile owners.

That the Utah Idaho Central Railroad Company is operating seven trains each way, daily, and has seventeen intermediate flag stations, between Wellsville and Richmond.

That the Oregon Short Line Railroad Company is operating two trains each way, daily, between Wellsville and Logan, and one train each way, daily, between Logan and Richmond.

That from Wellsville to Logan, the Utah Idaho Central Railroad and Oregon Short Line Railroad lines run east about four miles to Hyrum, and thence north through Logan, Smithfield and Richmond, while the automobile highway runs northeasterly from Wellsville to Logan, and thence north through Logan to Richmond. Thus, the highway and the railroads are together at Wellsville and Logan, and are about three miles apart at a point half way between Wellsville and

Logan. From Logan to Richmond the highway and the railroads run practically parallel, the greatest distance apart being one mile.

The Utah Idaho Central Railroad Company introduced, among other exhibits, statements showing a property valuation for the year 1924 of $5,793,629.04 and a net income of $159,868.06, or a return of 2.76+% on their capital investment. They also showed a daily average maximum load of 901 passengers for the first three months of 1925, and a daily average seating capacity of 1,381, for the same period.

The applicants introduced a petition, signed by forty-five persons, asking that a certificate be granted.

After carefully reviewing the evidence submitted, the Commission is of the opinion that public convenience and necessity does not, at this time, warrant the granting of the certificate asked for, and the application is accordingly denied.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
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 May, 1925.

In the Matter of the Application of WILFORD BAUGH and I. B. GLENN, for permission to operate an automobile stage line between Wellsville, Utah, and Richmond, Utah. } CASE No. 761

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

IT IS ORDERED, That the application of Wilford Baugh and I. B. Glenn, for permission to operate an auto-

mobile stage line between Wellsville, Utah, and Richmond, 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 OLIVER G. BROOMHEAD, for permission to operate an automobile stage line, for the transportation of passengers, between Salt Lake City, Utah, and the Utah-Idaho State Line, on the route to Malad, Idaho.	CASE No. 762

ORDER

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

IT IS ORDERED, That the application of Oliver G. Broowhead, for permission to operate an automobile stage line, for the transportation of passengers, between Salt Lake City, Utah, and the Utah-Idaho State Line, on the route to Malad, Idaho, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 11th day of July, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of DELMAR R. FAIRBANKS, for permission to operate an automobile passenger stage line between State Street and 11th East Street, Salt Lake City, Utah, via 21st South Street.	CASE No. 763

ORDER

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

IT IS ORDERED, That the application of Delmar R. Fairbanks, for permission to operate an automobile passenger stage line between State Street and 11th East Street, Salt Lake City, Utah, via 21st South Street, be, and it is hereby, dismissed, without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 21st day of February, 1925.

(Signed) F. L. OSTLER,
Secretary

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

J. W. JONES, Complainant,
vs.
PLEASANT GREEN WATER CO., Defendant.
} CASE No. 764

ORDER

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

IT IS ORDERED, That the complaint of J. W. Jones vs. Pleasant Green Water Company be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 19th day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HUNTSVILLE TOWN CORPORATION, for permission to charge $1.00 per month rental for each connection. } CASE No. 765

ORDER

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

IT IS ORDERED, That the application herein of Huntsville Town Corporation, for permission to charge $1.00 per month rental for each connection, be, and it is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 22nd day of October, 1925.

(Signed) THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the PIERCE-ARROW SIGHTSEEING & TRANSPORTATION COMPANY, a Corporation, for permission to operate an automobile passenger line between Salt Lake City and Ogden, Utah. } CASE No. 766

ORDER

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

IT IS ORDERED, That the application of the Pierce-Arrow Sight-Seeing & Transportation Company, a Corporation, for permission to operate an automobile passenger line between Salt Lake City and Ogden, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 11th day of July, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of T. M. GILMER, for approval of his Salt Lake City and Fillmore Stage Line Tariff, P. U. C. U. No. 4, filed January 13, 1925, to make same effective on short notice.	CASE No. 767

ORDER

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

IT IS ORDERED, That the application of T. M. Gilmer, for approval of his Salt Lake City and Fillmore Stage Line Tariff P. U. C. U. No. 4, filed January 13, 1925, to make same effective on short notice, be, and it is hereby, dismissed.

By the Commission.

Dated at Salt Lake City, Utah, this 17th day of March, 1925.

(Signed) F. L. OSTLER,
Secretary

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH PARKS COMPANY, a Corporation, for permission to operate an automobile passenger, freight and express line between Cedar City, Cedar Breaks, Bryce Canyon, Zion National Park, and between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park, Utah.	CASE No. 768

Submitted February 24, 1925. Decided March 30, 1925.

Appearances:

George H. Smith and J. T. Hammond of Salt Lake City, Utah, for Applicant, Utah Parks Co.
B. R. Howell, of the Law Firm, Van Cott, Riter & Farnsworth, Salt Lake City, Utah, for Denver & Rio Grande Western Railroad Co.
A. H. Nebeker, of the Law Firm, Bagley, Judd & Ray, Salt Lake City, Utah, for Parry Brothers.
Gilbert R. Beebe, Attorney, for Piute County, Utah.
G. J. Golding, Attorney, for Garfield County, Utah.

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, on the 24th day of February, 1925, upon the application of the Utah Parks Company, for a certificate of convenience and necessity authorizing and permitting it to construct, operate and maintain an automobile passenger, freight and express line between Cedar City, Cedar Breaks, Bryce Canyon and Zion National Park, and between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park.

No protests to the granting of said application were filed or made; and now, after due investigation and after giving due consideration to all the material facts adduced for and in behalf of the applicant at said hearing, the Commission finds, concludes and reports as follows:

1. The Commission finds that the applicant, Utah Parks Company, is a corporation, duly organized and existing under and by virtue of the laws of the State of Utah, with its principal office or place of business at Salt Lake City, Salt Lake County, State of Utah.

2. That said corporation was organized on the 28th day of March, 1923, in the interest of and is controlled by the Los Angeles & Salt Lake Railroad Company, a Utah railroad corporation, operating its main line of railroad through the states of Utah, Nevada and California, with terminals at Salt Lake City, Utah, and at Los Angeles, California.

3. That the said Los Angeles & Salt Lake Railroad Company is jointly owned and controlled by the Union Pacific Railroad Company and the Oregon Short Line Railroad Company, both of which are likewise railroad corporations, organized and existing under the laws of the State of Utah, and these, together with the Oregon-Washington Railroad & Nav-

igation Company and the St. Joseph & Grand Island Railway Company, constitute the railroad lines making up and commonly known as the Union Pacific System.

4. That the Utah Parks Company is capitalized for $25,000.00, all of which, according to its articles of incorporation, a certified copy of which is on file with the Commission, has been paid in.

5. That the objects and business purposes for which the Utah Parks Company is organized are, among other things, to "own, lease, establish, maintain, operate and conduct automobile transportation lines or systems for the carriage of passengers and property."

6. That Cedar Breaks, Bryce Canyon and Zion National Park are localities in the counties of Iron, Garfield and Washington, in Southern Utah, which have many natural wonders and scenic attractions; that these scenic points are visited by thousands of tourists annually; that the nearest railroad stations now available to the traveling public while going to and from said scenic points, are at Cedar City, in Iron County, Utah, on a branch line of the Los Angeles & Salt Lake Railroad, and at Marysvale, in Piute County, Utah, on a branch line of the Denver & Rio Grande Western Railroad Company, the latter a railroad corporation operating its main lines between Salt Lake City, Utah, and Denver, Colorado.

7. That passengers from either of said lines of railroad, when destined to any one or all of said scenic points, have to depend on automobile transportation in reaching them, whether upon leaving the branch line of the Los Angeles & Salt Lake Railroad at Cedar City, or the branch line of the Denver & Rio Grande Western Railroad at Marysvale, Utah; that both Cedar City and Marysvale, although far distant from each other, are interconnected with each other and the said scenic points by public highways, and passengers over either of the said branch lines of railroad may conveniently make a visit to Cedar Breaks, Bryce Canyon or to Zion National Park and return, from either Cedar City or Marysvale, if automobile service is made available for them over the public highways.

8. That heretofore, to-wit: on April 17, 1922, the Public Utilities Commission of Utah issued to C. G. Parry, of Cedar City, Utah, Certificate of Convenience and Necessity No. 135, authorizing and permitting him to engage in motor transportation of persons and property, for hire, over the public highways between Marysvale, Utah, and the Grand Canyon National Park, including the North Rim of the Grand Canyon of the Colorado, Zion National Park, Cedar Breaks and Bryce

Canyon; and that on the 5th day of June, 1922, the Public Utilities Commission of Utah issued to said C. G. Parry, a certificate of public convenience and necessity bearing No. 146, authorizing and permitting him to give a like service over the public highways between Lund, Utah, (junction of Cedar City branch with main line of the Los Angeles & Salt Lake Railroad) and Zion National Park, Grand Canyon National Park, including the North Rim of the Grand Canyon of the Colorado, Bryce Canyon and Cedar Breaks.

9. That said certificates of convenience and necessity issued to C. G. Parry, as aforesaid, are still in full force and effect, and the said C. G. Parry now desires to be relieved from the giving of further service under them over the said routes, except those parts thereof authorizing him to engage in such service between Zion National Park and Grand Canyon National Park, including the North Rim of said Grand Canyon, and between Bryce Canyon and Grand Canyon National Park, and including also the North Rim of the Grand Canyon, provided, however, that the Public Utilities Commission grants to the applicant, Utah Parks Company, a certificate of convenience and necessity to operate over the routes as applied for herein.

10. That the applicant, Utah Parks Company, if granted by the Public Utilities Commission a certificate of convenience and necessity authorizing and permitting it so to do, proposes, during the tourist season of each year, to give the public automobile passenger, freight and express service, for hire, over the public highways between Cedar City and Marysvale, Utah, to Zion National Park, Cedar Breaks and Bryce Canyon, at the times and upon the terms and conditions as per its schedule, attached to its application filed herein, marked "Exhibit C," and which said "Exhibit C" is hereby expressly referred to and made a part of these findings.

11. That the applicant, Utah Parks Company, if granted a certificate of convenience and necessity, authorizing and permitting it to give the automobile service as applied for herein, between Cedar City, Cedar Breaks, Bryce Canyon, Zion National Park, and between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park, proposes to and will employ careful, capable and experienced operators of motor vehicles over the said routes, and that it is financially able at all times to provide suitable equipment for the giving of such safe, convenient, comfortable transportation as may be required by the public during the tourist season of each and every year; that the applicant, for the purpose of affording transportation facilities out of Cedar City and Marysvale to

the said scenic points, has contracted for and intends to provide, if granted a certificate of convenience and necessity, 40 twelve-passenger touring car type motor busses and automobile stages specially designed and constructed for meeting the needs of tourist service at a cost of approximately $190,000.00; that for the purpose of keeping its said motor vehicles properly equipped and in a good state of repair while used in said transportation service, it has constructed and equipped at Cedar City a garage at a cost estimated to be $39,700.00.

12. That for the purpose of providing comforts, conveniences and entertainment for the visitors going to and while at said scenic points, the applicant and the Los Angeles & Salt Lake Railroad Company have acquired titles and leasehold rights to and concessions for the use of lands for the serving of said proposed automobile routes, from the United States and the State of Utah, the proper documentary evidence of all which are on file with the Commission, were received as exhibits at the hearing of this case, and the same are hereby expressly referred to and made a part of these findings.

13. That the Union Pacific System, acting through the applicant and the Los Angeles & Salt Lake Railroad Company for more than two years last past, has been engaged in developing the scenic resources of Southern Utah and providing facilities for visiting tourists, more especially at Cedar Breaks, Bryce Canyon and Zion National Park, in the Counties of Iron, Garfield and Washington, in the State of Utah, and to that end and purpose, a branch line of the Los Angeles & Salt Lake Railroad has been built from Lund, on the main line of the Los Angeles & Salt Lake Railroad, to Cedar City, covering a distance of approximately thirty-two miles; that at Cedar City a hotel has been constructed, furnished and equipped, at a cost of approximately $290,000.00. For the accommodation of the visiting public at Cedar Breaks, Bryce Canyon and Zion National Park, financial arrangements have been made for the construction of pavilions, hotels and cabins, and equipping and furnishing the same, at a cost of $798,791.00, not including the building of said branch railroad from Cedar City to Lund; that $363,208.41 of said sum had already been expended, October 31, 1924, for said purposes; at Zion National Park, a central lodge building, surrounded by cabins, is approaching completion; at Bryce Canyon 51 cabins will be completed and equipped on the opening of the 1925 tourist season, at a cost of approximately $133,940.00; at Cedar Breaks, a day station on said proposed automobile route, applicant contemplates the early construction of a pavilion

at the estimated cost of $48,204.00, of which $3,376.00 has already been expended; other facilities for the accommodation of visitors at said scenic points, in the way of water supply, for the parking of automobiles, and camping grounds are also being provided for by the applicant.

14. Water supply, automobile parking privileges and public camping grounds afforded, as aforesaid, by the applicant, and accessibility to said scenic points as well, will be open to the general public, free of charge.

15. That no protests have been filed or made to the granting of a certificate of convenience as applied for herein by the Utah Parks Company; that the Denver & Rio Grande Western Railroad Company has appeared before the Commission and expressed its final approval of the application of the Utah Parks Company for a certificate of convenience and necessity, and also as to the reasonableness of the proposed schedule for the operation of applicant's motor stages over the public highways between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park.

From the foregoing facts, the Commission concludes and decides that the interests of the public will be advanced and its convenience and necessities subserved by the construction, operation and maintenance of automobile routes and the affording of automobile passenger, freight and express transportation, for hire, over and upon the public highways between Cedar City, Cedar Breaks, Bryce Canyon and Zion National Park, and between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park, in Southern Utah, as applied for by the applicant, Utah Parks Company; that a certificate of public convenience and necessity should be issued by the Public Utilities Commission of Utah to the applicant, Utah Parks Company, authorizing and permitting it to construct, operate and maintain an automobile passenger, freight and express line over and upon the public highways between Cedar City, Cedar Breaks, Bryce Canyon and Zion National Park, and between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park, in Southern Utah, and in accordance with its proposed time and rate schedules on file in this case, subject, however, to the provisions of the Utah Statutes, and the orders, rules and regulations of this Commission, in such cases made and provided; that Certificate of Convenience and Necessity Nos. 135 and 146, issued heretofore to C. G. Parry, should be modified so as to relieve and discharge him from

giving further service under them over the routes aplpied for by the applicant, Utah Parks Company.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 225

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 30th day of March, 1925.

In the Matter of the Application of the UTAH PARKS COMPANY, a Corporation, for permission to operate an automobile passenger, freight and express line between Cedar City, Cedar Breaks, Bryce Canyon, Zion National Park, and between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park, Utah.	CASE No. 768

This case being at issue upon application 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 Utah Parks Company, a corporation of Salt Lake City, Utah, for a certificate of convenience and necessity authorizing and permitting it to maintain and operate, for hire, an automobile passenger, freight and express line over the public highways between Cedar City, Cedar Breaks, Bryce Canyon, Zion National Park, and between Marysvale, Cedar Breaks, Bryce Canyon and Zion National Park, the same being scenic points in the counties of Iron, Garfield, and Washington, in Southern Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That Certificate of Convenience and Necessity Nos. 135 (Case No. 492) and 146 (Case No. 507), issued to C. G. Parry, be, and they are hereby, mod-

ified so as to relieve and discharge him from giving further service under them over the routes applied for in this case by the Utah Parks Company.

ORDERED FURTHER, That applicant, Utah Parks Company, before beginning operation, shall file with the Commission and post at each station on its 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 its line; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE TRANSPORTATION COMPANY, for permission to operate an auto sigh-seeing line over and along Wasatch Drive, canyons and high lines of Salt Lake County.	CASE No. 769
In the Matter of the Application of the PIERCE-ARROW SIGH-SEEING & TRANSPORTATION COMPANY, a Corporation, for permission to operate an auto bus sigh-seeing line over the Wasatch Drive and certain canyons and highways of Salt Lake County.	CASE No. 772
In the Matter of the Application of the SALT LAKE TRANSPORTATION COMPANY, for permission to operate an auto sigh-seeing line between Salt Lake City and Saltair and return via Saltair Speedway, and between Salt Lake City and Saltair via Saltair Speedway and return via Garfield, Magna, Thirty-Third South Highway and State Street	CASE No. 770

In the Matter of the Application of the PIERCE-ARROW SIGH-SEEING & TRANSPORTATION COMPONY, a Corporation, for parmission to operate an auto bus sigh-seeing line between Salt Lake City and Saltair, returning via Garfield, Thirty-third South and State Street, in Salt Lake County.	CASE No. 776

Submitted Feb. 24-25, 1925. Decided July 3, 1925.

Appearances:

Booth, Lee, Badger, Rich & Rich, of Salt Lake City, Utah, attorneys, for Applicant, Salt Lake Transportation Company.

H. L. Mulliner, Esq., of Salt Lake City, Utah, Attorney, for Applicant, Pierce-Arrow Sight-Seeing & Transportation Company.

REPORT OF THE COMMISSION

By the Commission:

These matters came on regularly for hearing, before the Commission, at Salt Lake City, Utah, on the 24th day of February, 1925, upon the several applications of the respective parties, due notice having been given for the time and in the manner required by law.

The applications in Cases Nos. 769 and 772, respectively, are made for the same routes by the Salt Lake Transportation Company and the Pierce-Arrow Sight-Seeing & Transportation Company, and likewise in Cases Nos. 770 and 776. By stipulation of the parties interested, and by order of the Commission, Cases Nos. 769 and 772 were heard, and are to be considered and treated by the Commission as in opposition to each other, as are also Cases Nos. 770 and 776, and the evidence adduced at the hearing for and in behalf of the respective parties, in so far as the same may be material, is to be held to apply to each of the cases presented and submitted.

From the evidence adduced for and in behalf of the respective parties, the Commission finds:

1. That the applicant, Salt Lake Transportation Company, is, and has been since 1914, a corporation, duly organized and existing under and by virtue of the laws of the State of Utah, with its principal office and place of business at Salt Lake City, Utah; that its business and pursuit is, and has

been since its organization, among other things, the carrying on of a general sight-seeing business, principally for tourists and others visiting Utah, particularly during the summer months of each year, by operating over the public highways of the State and the streets of Salt Lake City, sight-seeing automobile busses, as a means of showing to them Utah's scenic and other attractions.

2. That the applicant, Salt Lake Transportation Company, was organized and incorporated in the year 1916, by the consolidation and merger of the interests, from time to time, of three companies, viz., Seeing Salt Lake Company, incorporated 1908, The Automobile Livery and Taxicab Company, incorporated in 1912, and the Salt Lake Livery & Transfer Company, incorporated approximately forty-five years ago. These sereval companies, during their time, and since having been merged into the Salt Lake Transportation Company, have continuously afforded to tourists and other Utah visitors, facilities for pleasure and sight-seeing trips in and about Salt Lake City and the nearby canyons of the Wasatch range of mountains opening into Salt Lake valley and affording wonderful scenic attractions.

3. Notably, among the trips afforded and planned by the applicant, Salt Lake Transportation Company, for sight-seeing and pleasure out of Salt Lake City, by automobile, over the public highways, are the following: The Wasatch Drive, leaving Salt Lake City and going north into City Creek Canyon, about four miles back and over and on the highway to the east side of Salt Lake City, to Eleventh Avenue, then across the Fort Douglas Reservation, into the mouth of Emigration Canyon, from Emigration Canyon along the highroad leading into Parley's Canyon, returning on the floor of Parley's Canyon, through the Salt Lake Country Club District, then over the high road around to Mill Creek Canyon, and from Mill Creek Canyon following over the highroad to the mouth of Cottonwood Canyon, returning over the highway through Holliday, Mill Creek, Sugarhouse, 13th East and 3rd South Streets, to the business center of Salt Lake City, a total distance of about forty-one miles; and the Saltair trip, leaving Salt Lake City for Saltair Beach, on the shores of Great Salt Lake, over the Saltair Speedway, and returning the same way or by way of Garfield and its neighboring mills and smelters, to Thirty-third South and State Streets, to the bueiness center of Salt Lake City, the same being the routes for which certificates of convenience and necessity are sought for by each of the applicants in the present cases.

4. That the applicant, Salt Lake Transportation Company, has all the contracts with railroad transportation companies coming to and passing through Salt Lake City, for the handling and transfer of their passengers' baggage; that it has provided and has in use at the present time for the transportation of passengers and baggage, and for the carriage of tourists and others on pleasure and sight-seeing trips, some seventy pieces of automobile equipment of standard and the most modern type; at a cost of about $225,000.00.

5. That said equipment consists of twenty-two seven-passenger touring cars, twelve seven-passenger sedans, twenty-two taxicabs and twelve sight-seeing coaches, and the necessary trucks for the handling of passenger baggage.

6. That the Salt Lake Transportation Company maintains and operates its own garages, has suitable and commodious offices and waiting-rooms, for the accommodation of its patrons, at convenient points within Salt Lake City.

7. That the applicant, Salt Lake Transportation Company, employs none but competent, well informed, capable and courteous attendants and operators for its tourist and sight-seeing automobile busses, and it has heretofore given its tourist and sight-seeing patrons ample, efficient and commodious transportation service in every way over the scenic routes applied for in these cases.

8. That the Pierce-Arrow Sight-Seeing & Transportation Company is an automobile corporation but recently organized, existing under and by virtue of the laws of the State of Utah, with its principal offices and place of business at Salt Lake City, Utah, and having for its business objects and purposes, among other things, the carrying on of a general sight-seeing business in and about Salt Lake City, Utah; that it has contracted for its use in the sight-seeing business, five twenty-five passenger Pierce-Arrow, de luxe motor busses, at a cost of approximately $55,000.00; that it proposes to employ none but competent, well informed, capable and courteous attendants and operators for its sight-seeing busses.

9. That both of the applicants herein, the Salt Lake Transportation Company and the Pierce-Arrow Sight-Seeing & Transportation Company, are under capable and efficient management, are each financially able, and each of them proposes, if granted a certificate of convenience and necessity to operate over said routes, upon schedule time and at uniformly scheduled prices, and to confine their operations to the transportation of tourists and sight-seers, exclusively.

10. That the tourist business in and about Salt Lake City is largely seasonal, from May 15th to October 15th of each year.

11. That scenic grandeur and beauty and points of interest in Salt Lake Valley, along the routes applied for and now under consideration, are to the tourist and traveler most pleasing and a source of delightful entertainment.

12. Salt Lake City and its environs, until in recent years, have been but scantily advertised. For the past few years, the Salt Lake City Chamber of Commerce has conducted an extensive publicity campaign, with most gratifying success. Many civic and other organizations have awakened to the wonderful possibilities afforded for entertaining the tourist and the traveling public. The net result is, tourists and travelers are stopping in Salt Lake City in ever increasing numbers.

13. Sight-seeing business is promoted and developed from year to year, largely through the medium of advertising matter in newspapers and other periodicals, and by the broadcasting of information by means of leaflets and folders.

14. Sight-seeing traffic in and about Salt Lake City originates almost wholly without the borders of the State. Not one per cent of it originates with local people.

15. Sight-seeing trips over the public highways are sold through the medium of numerous agencies, founded and established in the various centers of population, oftentimes connected, and with which local operators make business arrangments and connections for the sale of their sight-seeing trips. Each of the applicants in these cases have made business connections with such agencies.

16. Frequently, the sale of one pleasing sight-seeing trip to the tourist, leads to the sale of another, when it can be readily afforded by the operator.

17. That the Salt Lake Transportation Company, during the year 1924, carried 5,200 tourists to Saltair Beach and return, charging $2.00 per passenger, occupying seats in passenger busses, and $2.50 per seat in touring cars and sedans; that during the same year, it carried 3,900 passengers over the Wasatch Drive, charging $2.50 per passenger for the round-trip; that each of the applicants now propose to make the same charges for time scheduled service each day during the tourist season of each year.

18. That there is no demand or necessity whatever for automobile passenger transportation service, for hire, over the public highways under consideration, other than for tourists and other sight-seeing persons.

19. That the applicants have filed with the Commission certified copies of their articles of incorporation, respectively.

From the foregoing findings of fact, and after due investigation, the Commission concludes and decides that public convenience and necessity requires automobile passenger service, for hire, for the accommodation of tourists and other sight-seeing persons over the public highways out of Salt Lake City, commonly known as the Wasatch Drive and Saltair trip, more particularly described in the applications on file in this case; that a certificate of public convenience and necessity should be granted to each of the applicants, Salt Lake Transportation Company and the Pierce-Arrow Sight-Seeing & Transportation Company, autrorizing and permitting each of them to operate, for hire, over said public highways passenger automobile touring cars and busses, and to charge each passenger taken out of Salt Lake City over the Saltair Speedway to Saltair Beach and return, for bus service, $2.00, and for touring car service, $2.50, with an additional charge of $.50 for either service, when return is made via Magna; for each passenger carried out of Salt Lake City over the Wasatch Drive, $2.50 per round-trip, whether carried by bus or touring car; that the service over each of the said highways should be confined and limited to the carrying of tourists and other sight-seeing persons, exclusively.

The facts developed in these cases, after giving them careful and conscientious consideration, have impelled the Commission to divert from its usual and well established policy of not permitting competitive automobile service over the same highway. The service proposed to be furnished by the applicants is a special and distinct service that is not comparable with that rendered by automobile stage lines operating under certificates heretofore granted by this Commission. As we view the evidence, the applicants are equally able and well prepared to give efficient and commodious tourist transportation service over the highways applied for by them.

As shown by the evidence in these cases, sight-seeing trips are sold largely outside the borders of the State, from year to year, and the demand created by advertising and broadcasting information concerning the scenic attractions and other points of interest to be shown Utah visitors. It is common knowledge that Utah has been lagging behind other western states in offering visitors entertainment and pleasure in the way of sight-seeing trips, when, as a matter of fact, it has had more to offer of interest and delight to the tourist and sightseer than any other section of America. Its civic or-

ganizations, transportation companies, newspaper periodicals and many other agencies have, in recent years, combined in conducting publicity campaigns concerning Utah's attractions, with gratifying results. The possibilities of the future along these lines cannot now be fortold, but, from the standpoint of real merit, they should be greater than we have yet dreamed of.

In our judgment, the applicants in these cases will be able to successfully function and promote the general welfare of the State, just to the extent that they are active in selling from year to year sight-seeing trips for their cars and busses.

The applicant, Salt Lake Transportation Company, has brought to our attention the fact that it has pioneered in the sight-seeing transportation business, and for that reason, it contends it would be unjust to it and against the interest of the general public to allow competitive service over the routes applied for, which it has used for many years. The fact that it has for several years conducted a sight-seeing transportation service over these highways, without applying for a certificate of public convenience and necessity, is not all persuasive, nor can we be brought to the way of thinking that the public interests would be better subserved by limiting the right to entertain and please Utah's visitors, to any one well organized and dependable sight-seeing transportation agency.

Therefore, appropriate orders will issue in accordance with these findings and conclusions.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
Commissioners.

[SEAL]

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

ORDER

Certificates of Convenience and Necessity
Nos. 238, 239, 240 and 241.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 3rd day of July, 1925.

In the Matter of the Application of the SALT LAKE TRANSPORTATION COMPANY, for permission to operate an auto sight-seeing line over and along Wasatch Drive, Canyons and high lines of Salt Lake County.	CASE No. 769
In the Matter of the Application of the PIERCE-ARROW SIGHT-SEEING & TRANSPORTATION COMPANY, a Corporation, for permission to operate an auto bus sight-seeing line over the Wasatch Drive and certain canyons and highways of Salt Lake County.	CASE No. 772
In the Matter of the Application of the SALT LAKE TRANSPORTATION COMPANY, for permission to operate an auto sight-seeing line between Salt Lake City and Saltair and return via Saltair Speedway, and between Salt Lake City and Saltair via Saltair Speedway and return via Garfield, Magna, Thirty-third South Highway and State Street.	CASE No. 770
In the Matter of the Application of the PIERCE-ARROW SIGHT-SEEING & TRANSPORTATION COMPANY, a Corporation, for permission to operate an auto bus sight-seeing line between Salt Lake City and Saltair, returning via Garfield, Thirty-third South and State Street, in Salt Lake County.	CASE No. 776

These cases being at issue upon applications 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 reports containing its findings, which said reports are hereby referred to and made a part hereof:

IT IS ORDERED, That applicant Salt Lake Transportation Company, be, and it is hereby, granted Certificate of Convenience and Necessity No. 238, authorizing it to operate an automobile sight-seeing line over and along Wasatch Drive, leaving Salt Lake City and going north into City Creek Canyon, about four miles back and over and on

the highway to the east side of Salt Lake City, to Eleventh Avenue, then across the Fort Douglas Reservation, into the mouth of Emigration Canyon along the highroad leading into Parley's Canyon, returning on the floor of Parley's Canyon, through the Salt Lake Country Club District, then over the highroad around to Mill Creek Canyon, and from Mill Creek Canyon following the highroad to the mouth of Cottonwood Canyon, returning over the highway through Holliday, Mill Creek, Sugarhouse, 13th East and 3rd South Streets, to the business center of Salt Lake City, Utah.

ORDERED FURTHER, That applicant Pierce-Arrow Sight-Seeing & Transportation Company be, and it is hereby, granted Certificate of Convenience and Necessity No. 239, authorizing it to operate an automobile sight-seeing line over and along the Wasatch Drive and certain canyons and highways of Salt Lake County, following the same route outlined in above paragraph.

ORDERED FURTHER, That applicant Salt Lake Transportation Company be, and it is hereby, granted Certificate of Convenience and Necessity No. 240, authorizing it to operate an automobile sight-seeing line between Salt Lake City and Saltair and return via Saltair Speedway, and between Salt Lake City and Saltair, via Saltair Speedway and return via Garfield, Magna, Thirty-third South Highway and State Streets, Salt Lake County, Utah.

ORDERED FURTHER, That applicant Pierce-Arrow Sight-seeing & Transportation Company, a Corporation, be, and it is hereby, granted Certificate of Convenience and Necessity No. 241, authorizing it to operate an automobile sight-seeing line between Salt Lake City and Saltair and return via Saltair Speedway, and between Salt Lake City and Saltair, via Saltair Speedway and return via Garfield, Magna, Thirty-third South Highway and State Street, Salt Lake County, Utah.

ORDERED FURTHER, That applicants, Salt Lake Transportation Company and the Pierce-Arrow Sight-Seeing & Transportation Company, a Corporation, before beginning operation, shall file with the Commission and post at each station on their routes, 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 lines; and shall at all times operate in accordance with the Statutes of Utah and the rules and regulations pre-

scribed 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 SALT LAKE TRANSPORTATION COMPANY, for permission to operate an auto sight-seeing line between Salt Lake City and Saltair and return via Saltair Speedway, and between Salt Lake City and Saltair via Saltair Speedway and return via Garfield, Magna, Thirty-third South Highway and State Street. } CASE No. 770

(See Case No. 769.)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of OWEN CHENEY and ORION PETERSON, for permission to operate an automobile stage line, for the transportation of passengers, between Tremonton, Utah, and the Bear River Canyon. } CASE No. 771

Submitted April 9, 1925. Decided April 14, 1925.

Appearances:

Owen Cheney and Orion Peterson, Applicants.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, at Logan, Utah, on the 9th day of April, 1925, after due notice given for the time and in the manner required by law, and the Commission having heard the evidence and having made due investigation, finds the facts to be, and concludes and decides, as follows:

1. That at the present time a concrete dam is being constructed by the Utah Power & Light Company across the

Bear River Canyon, near a place known as Cutler, in Box Elder County, Utah; that a large number of men are engeged in the construction of said dam, who reside at or in the vicinity of the towns of Garland, East Garland, Riverside and Fielding, and they have no adequate means of transportation between their homes and Cutler, while going to and from their work.

2. That the applicants propose to operate, daily, an automobile stage line, for hire, over the public highway between Garland and Cutler, via East Garland, Riverside and Fielding, in Box Elder County, for the accommodation of all persons desiring to make said trip, including intermediate points.

3. That the applicants are financially able to provide good and sufficient equipment for the giving of said service, and they, and each of them, have had sufficient experience in the operation of automobiles over the public highways, to enable them to render safe and satisfactory service to the public over the said route.

4. That the applicants, if granted by the Commission a certificate of convenience and necessity authorizing and permitting them so to do, propose to charge each passenger carried, whether employed at Cutler or not, fifty cents for one round trip over said route, when carried upon regular scheduled time.

5. That the applicants also propose to give a special service for the accommodation of persons desiring to be carried between said points at other times than those prescribed by their regular schedule, charging for said special service, increased fares.

From the foregoing findings of fact, the Commission concludes and decides that the public convenience and necessity will be subserved by the maintenance and operation of an automobile passenger stage line, for hire, over the public highway between Garland and Cutler, via East Garland, Riverside and Fielding, in Box Elder County, Utah, and, therefore, the applicants, Owen Cheney and Orion Peterson, should be granted a certificate of convenience and necessity authorizing and permitting them so to do.

The Commission, however, is of the opinion that the applicants' schedule of charges should be uniform to all persons desiring transportation over the said route, who present themselves to be carried, in the regular stages and at the regular scheduled times. If persons desire to be carried over the said route by special cars at different times than regularly scheduled by the applicants, those are matters to be left for private arrangement between applicants and the persons de-

siring to be so served, and over which this Commission does not assume to exercise any jurisdiction.

An appropriate order will follow.

(Signed) THOMAS E. McKAY
E. E. CORFMAN
G. F. McGONAGLE
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 229

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, 1925.

In the Matter of the Application of OWEN CHENEY and ORION PETERSON, for permission to operate an automobile stage line, for the transportation of passengers, between Tremonton, Utah, and the Bear River Canyon.	CASE No. 771

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

IT IS ORDERED, That applicants, Owen Cheney and Orion Peterson, be, and they are hereby, permitted to operate an automobile stage line, for the transportation of passengers, between Garland and Cutler, in Bear River Canyon, via East Garland, Riverside and Fielding, in Box Elder County, Utah.

ORDERED FURTHER, That applicants, Owen Cheney and Orion Peterson, 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 Statutes of Utah and 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 OWEN CHENEY and ORION PETERSON, for permission to operate an automobile stage line, for the transportation of passengers, between Tremonton, Utah, and the Bear River Canyon. } CASE No. 771

ORDER

By the Commission:

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

IT IS ORDERED, That Certificate of Convenience and Necessity No. 229, issued April 14, 1925, to Owen Cheney and Orion Peterson (Case No. 771), be, and it is hereby cancelled and annulled, and the right of said Owen Cheney and Orion Peterson to operate an automobile passenger stage line between Tremonton and Bear River Canyon, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 13th day of August, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

In the Matter of the Application of the PIERCE-ARROW SIGHT-SEEING & TRANSPORTATION COMPANY, a corporation, for permission to operate an auto bus sight-seeing line over the Wasatch Drive and certain canyons and highways of Salt Lake County. } CASE No. 772

(See Case No. 769.)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

GARFIELD COUNTY, a Corporate and political body, complainant, vs. GARFIELD COUNTY TELEPHONE & TELEGRAPH COMPANY, a corporation, defendant.	CASE No. 773

ORDER

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

IT IS ORDERED, That the complaint of Garfield County, a corporate and political body, vs. Garfield County Telephone & Telegraph Company, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 22nd day of October, 1925.

(Signed) THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, a railroad corporation, for permission to discontinue operation of its trains Nos. 17 and 18, between Price and Springville, Utah.	CASE No. 774

Submitted February 26, 1925. Decided March 11, 1925

Appearances:

B. R. Howell, Esq., of the law firm, Van Cott, Riter & Farnsworth, for the applicant, the Denver and Rio Grande Western Railroad Company.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Commission, at Salt Lake City, Utah, on the 26th day of February, 1925, due notice having been given in the manner and for the time as required by law, upon the petition of the Denver and Rio Grande Western Railroad Company.

From the evidence adduced at said hearing, for and in behalf of said applicant, now, after due investigation, the Commission finds, decides and reports, as follows:

1. That, the applicant, the Denver and Rio Grande Western Railroad Company, is a railroad corporation, duly authorized and empowered, under the laws of the State of Utah, to do business in said state as a common carrier of passengers and freight for hire, and is now operating an interstate line of railroad from Ogden, Utah, to Denver, Colorado, and intermediate points, serving, among other places, Price, Utah and Salt Lake City, Utah.

2. That, for more than four years last past, the said applicant has been operating passenger trains Nos. 17 and 18, commonly known as the Price Stub trains, between Price and Salt Lake City, Utah. Since June, 1924, said trains Nos. 17 and 18 have connected at Springville, Utah, with trains Nos. 409 and 512, which last mentioned trains operate between Salt Lake City and Springville, Utah. Passengers leave Price on train No. 17 at 6 o'clock a.m., arrive at Springville at 9:35 a.m.; leave Springville on train No. 409 at 9:45 a.m., and arrive at Salt Lake City at 11:40 a.m. In the opposite direction, passengers leave Salt Lake City at 8:30 a.m. on train No. 512, arrive at Springville at 10:10 a.m.; leave Springville at 10:20 a.m. on train No. 18, and arrive at Price at 2:30 p.m. Train No. 1, from Denver, Colorado, Price and other points in Utah, east of Salt Lake City, leaves Price, westbound, at 7:36 a.m. daily, one hour and thirty-six minutes later than train No. 17, and arrives in Salt Lake City at 12:45 p.m., one hour and five minutes later than train No. 409. In the opposite direction, train No. 4 leaves Salt Lake City at 8:10 a.m., twenty minutes later than train No. 512, and arrives at Price at 1:25 p.m., an hour and five minutes earlier than train No. 18.

3. That, said trains Nos. 17 and 18, otherwise called the Price Stub trains, do not operate east of Price, and were put on by the applicant Railroad Company, to afford a special convenience to the citizens of Price and Helper, in reaching Salt Lake City and in returning from Salt Lake City to

Price and Helper, and also for the special purpose of relieving trains Nos. 1 and 4 of express work.

4. That, the operations of trains Nos. 17 and 18 do not receive sufficient patronage and do not afford the applicant sufficient revenue to pay the costs of their operation. That, continued operation of said trains Nos. 17 and 18 is not necessary for the needs and convenience of the traveling public, between Price and Salt Lake City, and the needs and convenience of the public can be quite as well subserved by said trains Nos. 1 and 4.

5. That, the discontinuance of the operation of trains Nos. 17 and 18 will not affect the operation of train No. 512, serving stations on applicant's Marysvale branch, nor will it, in any way, qualify or interfere with the operation of train No. 409, serving the towns between Springville and Silver City, including Eureka, said trains connecting at Springville with said Price Stub trains, Nos. 17 and 18.

6. That, local officials and representatives of civic organizations from points beyond and between Springville and Price have expressed their opinion before the Commission, that the discontinuance of trains Nos. 17 and 18 would result in an improved service between the last mentioned points, by reason of trains Nos. 2 and 4 eastbound, and trains Nos. 1 and 3 westbound, taking over and handling the traffic heretofore received by said Price Stub trains.

7. That, the estimated train earnings for said train No. 17 from January, 1924 to December, 1924, inclusive, was $12,645.31, a monthly average of $1,053.78; that, estimated revenues derived by the operation of its train No. 18 for the same period, was $7,471.92, a monthly average of but $622.66.

8. That, the average monthly cost of operation of said trains Nos. 17 and 18, between Springville and Price, from January, 1924 to December, 1924, inclusive, based on 30-day months, was $4,132.45.

9. That, no opposition has been filed or made to the discontinuance of said trains Nos. 17 and 18, as applied for herein, by any person or persons whomsoever.

From the foregoing findings of fact, the Commission concludes and decides, that applicant's trains Nos. 17 and 18 are being operated between Price and Springville, Utah, at an unnecessary financial loss; that, the public convenience and necessity will be just as well, if not better, subserved by the discontinuance of said trains and the traffic, passenger, freight and express, heretofore handled by them, taken over and handled on applicant's trains Nos. 2 and 4 east bound, and trains Nos. 1 and 3, westbound.

An appropriate order will follow.

(Signed) ELMER E. CORFMAN,
(Signed) 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 11th day of March, A. D. 1925.

In the Matter of the Application of the DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, a railroad corporation, for permission to discontinue operation of its trains Nos. 17 and 18, between Price and Springville, Utah.	CASE No. 774

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 the Denver and Rio Grande Western Railroad Company, a Corporation, be, and it is hereby, authorized to discontinue the operation of its trains Nos. 17 and 18, between Price and Springville, Utah.

Good cause therefore being shown, IT IS FURTHER ORDERED, that the foregoing order be, and the same shall become effective March 16, 1925, and that notice thereof be given the public by the Denver and Rio Grande Western Railroad Company, amending its train schedule, in accordance herewith.

By the Commission.

Dated at Salt Lake City, Utah, this 11th day of March, A. D. 1925.

(Signed) FRANK L. OSTLER,
Secretary

[SEAL]

In the Matter of the Application of the DENVER & RIO GRANDE WESTERN RAILROAD COMPANY and the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to cancel joint intrastate rates between said companies. } CASE No. 775

(Pending.)

In the Matter of the Application of the PIERCE-ARROW SIGHT-SEEING & TRANSPORTATION COMPANY, a corporation, for permission to operate an auto bus sight-seeing line between Salt Lake City and Saltair, returning via Garfield, Thirty-third South and State Street, in Salt Lake County. } CASE No. 776

(See Case No. 769)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE TRANSPORTATION COMPANY, for permission to operate an auto bus and sight-seeing line between Salt Lake City and Timpanogos Cave in American Fork Canyon, thence over the mountain high-line to Aspen Grove, Provo Canyon, thence down Provo Canyon to the Utah County and Salt Lake public highway, to Salt Lake City; being a continuation of the application and permit granted in Case No. 614, between Salt Lake City and Timpanogos Cave, in American Fork Canyon. } CASE No. 777

Submitted June 8, 1925. Decided June 25, 1925.

Appearances:

Benjamin L. Rich, for Applicant, Salt Lake Transportation Company.

Van Cott, Riter & Farnsworth, for Denver and Rio Grande Western Railroad Company.

Aldon J. Anderson, for Salt Lake & Utah Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

This case came on regularly for hearing before the Commission, at Salt Lake City, Utah, on June 8, 1925, upon written application of the Salt Lake Transportation Company, for an amended certificate of convenience and necessity, authorizing it to establish and operate auto stages over the following routes: From Salt Lake City to Timpanogos Cave, in American Fork Canyon, thence easterly along American Fork Canyon, thence southerly to Mutual Dell, thence over the mountain highway over the divide to Aspen Grove, on the eastern shoulder of Mount Timpanogos, thence down to Provo Canyon, thence westerly down Provo Canyon to its mouth, thence westerly to the Utah County and Salt Lake paved highway, thence northerly to Salt Lake City, the total distance for the round trip being approximately 104 miles.

This application was protested by the Salt Lake & Utah Railroad Company, against the granting of a certificate which would permit the applicant to handle passengers between Salt Lake City, Provo or intermediate points. It was also protested by the Denver & Rio Grande Western Railroad company, on the grounds that applicant should not be allowed to take on passengers at points in Provo Canyon, or at intermediate points between Provo Canyon and Salt Lake City, destined for Salt Lake City or intermediate points, for the reason that the service furnished by the protestant over its railroad is ample to serve the transportation needs of the territory.

The petition set forth that following a hearing before the Commission on April 26, 1923, a certificate of convenience and necessity was, on July 25, 1923, issued to the applicant, authorizing it to operate a sight-seeing automobile stage line from Salt Lake City to Timpanogos Cave and return; that since said certificate was issued, a large number of tourists had been transported between said points; that subsequently there was built and completed a scenic mountain high-line extending from Mutual Dell, in American Fork Canyon, over the divide into Aspen Grove, on the eastern shoulder of Mount Timpanogos, connecting at Aspen Grove with a road leading to Provo Canyon, the route throughout being extremely attractive to tourists, because of the exceptional mountain scenery.

Testimony taken at the hearing indicated that there would be no objection on the part of the protestants to the granting of the certificate applied for, if the applicant were

restricted from transporting passengers between intermediate points covered by said route. The applicant offered no objection to these restrictions, provided that it would be permitted to grant stopovers at various resorts along the route to passengers holding tickets for the round-trip from Salt Lake City around the loop mentioned. It did, however, request that where east-bound tourists over the Denver & Rio Grande Western Railroad desired to board the train at Provo, instead of returning to Salt Lake City for that purpose, they should be allowed to do so.

The Commission therefore finds that public convenience and necessity requires that an automobile stage line should be established and operated, daily, over the route covered in the application; that the rights of the Salt Lake Transportation Company under Certificates of Convenience and Necessity Nos. 185 and 236, issued by the Public Utilities Commission of Utah in Case No. 614 and in this case as well, should be expressly limited and restricted so as to permit and allow the carrying of tourist and sight-seeing passengers only out of Salt Lake City, who are destined to scenic points situated on said route and return; provided, reasonable stopover privileges may be permitted at all scenic points, and any of said tourists and other sight-seeing passengers desiring to travel east over the Denver & Rio Grande Western Railroad, may be transported over the public highway which diverges from said scenic route to Provo, and there discharged for taking passage eastward over said railroad.

An appropriate order will be issued in accordance with the above findings.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 236

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 25th day of June, 1925.

In the Matter of the Application of the SALT LAKE TRANSPORTATION COMPANY, for permission to operate an auto bus and sight-seeing line between Salt Lake City and Timpanogos Cave in American Fork Canyon, thence over the mountain high-line to Aspen Grove, Provo Canyon, thence down Provo Canyon to the Utah County and Salt Lake public highway, to Salt Lake City; being a continuation of the application and permit granted in Case No. 614, between Salt Lake City and Timpanogos Cave, in American Fork Canyon.	CASE No. 777

This case being at issue upon application 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, that the Salt Lake Transportation Company be, and it is hereby, authorized to operate an auto bus sight-seeing line between Salt Lake City and Timpanogos Cave, in American Fork Canyon, thence over the mountain high-line to Aspen Grove, Provo Canyon, thence down Provo Canyon to the Utah County and Salt Lake public highway, to Salt Lake City.

ORDERED FURTHER, That the rights of the Salt Lake Transportation Company under Certificates of Convenience and Necessity Nos. 185 and 236, issued by the Public Utilities Commission of Utah in Case No. 614 and in this case as well, be, and the same are hereby, expressly limited and restricted so as to permit and allow the carrying of tourist and sight-seeing passengers only out of Salt Lake City, who are destined to scenic points situated on said route and return; provided, reasonable stop-over privileges may be granted at all scenic points, and any of said tourists and other sight-seeing passengers desiring to travel east over the Denver & Rio Grande Western Railroad, may be transported over the public highway which diverges from said scenic route to

Provo, and may be there discharged for taking passage eastward over said railroad..

ORDERED FURTHER, That applicant, Salt Lake Transportation Company, before beginning operation, shall file with the Commission and post at each station on its 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 its line; and shall at all times operate in accordance with the statutes of Utah and 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 D. A. MATHESON, for permission to operate an automobile freight and express truck line between Parowan and Cedar City, Utah.	CASE No. 778

ORDER

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

IT IS ORDERED, That the application of D. A. Matheson, for permission to operate an automobile freight and express truck line between Parowan and Cedar City, Utah, be, and it is hereby, dismissed, without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 5th day of May, 1925.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STEEL CITY INVESTMENT COMPANY, for permission to increase the rate for water furnished for culinary and domestic purposes in Steel City Subdivisions, Ironton and other parts of Utah County, State of Utah.	CASE No. 779

Submitted July 21, 1925. Decided August 28, 1925.

Appearances:

W. H. Ray, President, Steel City Investment Co.
S. A. Cotterell, Vice-President, Steel City Investment Co.

REPORT OF THE COMMISSION

By the Commission:

The applicant, Steel City Investment Company, was, on the 16th day of January, 1924, granted Certificate of Convenience and Necessity No. 198 (Case No. 687), to 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. The rates established under this certificate were: 10c for each 100 cubic feet of water, with a minimum charge of $1.00 per month for each connection with the water system.

On July 30, 1924, the Company made an application to the Commission for permission to modify Section 2 of the said Company's rules relating to charges for water; but, it appearing that what was really desired was permission to increase their rates for culinary water, the application for change of rules, was, on May 28, 1925, dismissed, without prejudice.

The Company, on February 20, 1925, filed this application, for permission to increase the rate for water furnished, superseding the application for a modification of its rules. The application set forth that the rate of 10c per 100 cubic feet, with $1.00 minimum charge per month for each user, was entirely inadequate, and asked permission to increase said charges to 30c per 100 cubic feet, with a minimum charge of $2.00 per month for each connection.

This case was heard by the Commission, at Salt Lake City, Utah, on the 15th day of July, 1925.

The applicant set forth that it had expended on the actual construction of the line, $16,520.56; that it had exchanged eleven lots in Plat "D" of its subdivision to Eliza J. Carson, for water rights valued at $1650.00; that it had exchanged eighty-one lots in Plat "D" to F. W. C. Hathenbruck, for water rights valued at $12,150.00; and that it was also indebted for water rights in what is known as the Boardman Springs to the extent of $20,000.00, and that the total value of its entire system was $50,320.56. Applicant testified that its total net receipts since construction of the system in 1923 to date, had been $216.13.

It was shown that applicant has only eleven customers using water, several of whom appeared at the hearing as protestants and testified that $1.00 a month was all they could afford to pay for water.

Without inquiring into the value of the water rights as set up by the applicant, and taking only the amount of money actually expended for construction of pipelines, it is apparent that the revenues now received are entirely inadequate, and that any rate that would establish a reasonable return on the property, would be prohibitive as far as the customers are concerned.

The auditor of this Commission examined the Company's books and reported that in February, 1925, the actual money expended on the pipeline amounted to $16,398.00, and that no charges were being made by the Investment Company against the system for management. All of the necessary work of collecting, reading meters and keeping books of the water system, is performed by the Investment Company, without charge.

Subsequently, on July 21, 1925, the applicant filed a stipulation, asking that the rate charged for water be 30c per 100 cubic feet, with a minimum charge of $1.00 per month for each connection.

The Commission ,therefore, finds that in accordance with the stipulation of July 21, 1925, the Company may make a minimum charge of $1.00 for each connection and 30c for each 100 cubic feet of water used for culinary purposes.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
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 August, 1925.

In the Matter of the Application of the STEEL CITY INVESTMENT COMPANY, for permission to increase the rate for water furnished for culinary and domestic purposes in Steel City Subdivisions, Ironton and other parts of Utah County, State of Utah. } CASE No. 779

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Steel City Investment Company, be, and it is hereby, granted permission to make a minimum charge of $1.00 for each connection and 30c for each 100 cubic feet of water used for culinary purposes.

ORDERED FURTHER, That such rates and charges shall become effective upon the filing with the Commission of an amended schedule containing rates as herein authorized.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

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. 780

Submitted March 19, 1925. Decided April 6, 1925.

Appearances:

H. V. Van Pelt, Attorney for Applicant.

REPORT OF THE COMMISSION

By the Commission:

On the 21st day of February, 1925, J. P. Clays, a resident of Salt Lake City, Utah, filed before the Public Utilities Commission of Utah an application for a certificate of convenience and necessity authorizing and permitting him to construct, maintain and operate an aerial tramway, in Little Cottonwood Canyon, Salt Lake County, Utah, for a distance of about six and a half miles, easterly and westerly, the west terminal to be at Wasatch, connecting with the tracks of the Denver & Rio Grande Western Railroad, and the east terminal thereof to be at Alta, where numerous metal mines are being operated and developed.

It is in substance alleged in the application that said mines are without adequate transportation facilities, and that if a certificate of convenience and necessity is granted to the applicant to construct, maintain and operate said line of tramway, sufficient traffic is assured to enable applicant to pay all expenses of maintenance and operation and a net profit of at least seven per cent annually on the cost of construction, which is estimated to be upwards of three hundred thousand dollars and not more than five hundred thousand dollars, according to the extent and character of the construction, including such auxiliary lines as may from time to time be developed.

No protests were received or filed to the granting of the application, and no one appeared in opposition thereto.

The matter came on regularly to be heard before the Commission, at Salt Lake City, Utah, on the 19th day of March, 1925, after due notice had been given, for the time and in the manner as required by law; and the Commission, after due investigation and from the evidence adduced for and in behalf of said application, now finds, concludes and reports as follows:

FINDINGS OF FACT

1. That the applicant, J. P. Clays, is a resident of Salt Lake City, Salt Lake County, Utah, who, for many years last past, has been actively engaged in the development and

operation of metal mines at and in the vicinity of Alta, a mining camp or townsite in Little Cottonwood Canyon, Salt Lake County, Utah.

2. That Little Cottonwood Canyon is hemmed in by high canyon walls, and from its head, near Alta, to its mouth, near Wasatch, the descent is steep and precipitous; that during the winter months the heavy snows render the canyon road impassable, and wagon haul with teams has to be abandoned; that there is now no railroad freight service between Wasatch and Alta, neither in summer nor winter, and during the winter season, when the snows preclude wagon haul, a number of the mines have to shut down and cease operation, for the reason that they have no transportation facilities; that there are numerous mines now being operated and developed at and in the near vicinity of Alta, some of which are so situated that the only practical way of affording them transportation for mine supplies and their mine products, will be by aerial tramway; that it is entirely feasible to handle mine supplies and mine products between Alta and vicinity and Wasatch, by an aerial tram line, with connecting laterals for the accommodation of the several mines; that the cost of such transportation will be less than by team haul, and such tram can be so constructed as to be available for service at all seasons of the year; that some of the mines at Alta are productive of low grade ores, the values being so low that the cost of any other transportation than by means of a tram, is and will continue to be prohibitive of the placing of them on the markets.

3. That the cost of moving ores by wagon haul from Alta to Wasatch, ranges from $2.50 to $4.00 per ton; the cost of moving ores by tram would range from $1.50 per ton to $3.00 per ton.

4. It is estimated that in the operation of a tram between Alta and Wasatch, the mines would afford 150 tons daily for transportation.

5. It is estimated that the cost of building the tramway as proposed by the applicant, will be $250,000.00.

6. That the cost of maintenance and operation will be approximately $55.00 daily.

7. That the applicant has been assured of sufficient financial assistance to enable him to pay the cost of construction, and sufficient patronage from the several mine owners at and near Alta to enable him to successfully operate and maintain said aerial tram, when constructed, and to earn a fair return on the capital to be invested in the construction

of the same; that the applicant has made arrangements for the procuring of the necessary right-of-way therefor.

From the foregoing findings of fact, the Commission concludes and reports:

That the public interest would be advanced and its convenience and necessities subserved by the construction, maintenance and operation of an aerial tram line for the transportation of property in Little Cottonwood Canyon between Wasatch and Alta, connecting with the branch line of the Denver & Rio Grande Western Railroad at or near Wasatch, in Salt Lake County, Utah, including such laterals as will subserve the convenience and necessities of the mines situated in that district; that the applicant, J. P. Clays, should be granted a certificate of convenience and necessity as prayed for in his application.

That said aerial tramway should be constructed in conformity with and subject to such rules and orders of this Commission as it may from time to time prescribe; and that the same be completed and placed in operation on or before the sixth day of April, 1926.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 228

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 6th day of April, 1925.

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. 780

This case being at issue upon application 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, J. P. Clays, be, and he is hereby granted permission to construct, maintain, conduct and operate an aerial tramway for the transportation of property in Little Cottonwood Canyon between Wasatch and Alta, connecting with the branch line of the Denver & Rio Grande Western Railroad at or near Wasatch, in Salt Lake County, Utah, including such laterals as will subserve the convenience and necessities of the mines situated in that district.

ORDERED FURTHER, That said aerial tramway shall be constructed in conformity with and subject to such rules and orders of this Commission as it may from time to time prescribe.

ORDERED FURTHER, That said aerial tramway be completed and placed in operation on or before the sixth day of April, 1926.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WALTER GRAHAM and RALPH SEIP, doing business under the name of GRAHAM & SEIP, a co-partnership, for permission to operate an automobile stage line between Price and Vernal, Utah.	CASE No. 781

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application of Walter Graham and Ralph Seip, doing business under the name of Graham & Seip, a co-partnership, for permission to operate an automobile stage line between Price and Vernal, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 12th day of June, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

THOMAS L. MITCHELL, Complainant,
vs.
MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, a corporation, Defendant.

CASE No. 782

(Pending)

STATE OF UTAH, Complainant,
vs.
DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, A. R. Baldwin, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, J. H. Young, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, T. H. Beacom, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, and LOS ANGELES & SALT LAKE RAILROAD COMPANY, Defendants.

CASE No. 783

(Pending)

SALT LAKE TRIBUNE PUBLISHING COMPANY, Complainant,
vs.
AMERICAN RAILWAY EXPRESS COMPANY, Defendant.

CASE No. 784

(Pending)

TELEGRAM PUBLISHING COMPANY, Complainant,
vs.
AMERICAN RAILWAY EXPRESS COMPANY, Defendant.
} CASE No. 785

(Pending)

In the Matter of the Application of M. C. GODBE, for permission to operate a railroad car loading trap over a specially constructed railroad spur, built at the expense of the Applicant, near mile post 17.37 on the Newhouse Branch of the Union Pacific Railroad near Frisco, Utah.
} CASE No. 786

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

STANDARD INVESTMENT COMPANY, a corporation, Complainant,
vs.
UTAH POWER & LIGHT COMPANY, Defendant.
} CASE No. 787

ORDER

By the Commission:

The Commission having been advised by the Standard Investment Company that the complaint herein has been fully satisfied;

IT IS ORDERED, That the complaint of the Standard Investment Company, a corporation, vs. the Utah Power & Light Company, be, and it is hereby, dismissed.

Dated at Salt Lake City, Utah, this 15th day of May, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

DESERET NEWS COMPANY, Complainant,
vs.
AMERICAN RAILWAY EXPRESS COMPANY, Defendant.
} CASE No. 788

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of LOUIS F. WINSCHELL, for permission to operate an automobile stage line between Logan, Utah, and the principal camp of the Utah Power & Light Company near Plymouth, on the Bear River.
} CASE No. 789

Submitted April 9, 1925. Decided April 14, 1925.

Appearances:

Louis F. Winschell, the Applicant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, at Logan, Utah, on the 9th day of April, 1925, after due notice given for the time and in the manner required by law, and the Commission having made due investigation, finds the facts to be, and concludes and decides as follows:

1. That the Utah Power & Light Company, a corporation, has at the present time a large number of men employed in connection with its power plants at or near the town of Plymouth, Box Elder County, Utah; that a large number of said employees reside at Logan, Utah, and on the highway connecting the towns of Logan and Plymouth, and they are without transportation facilities in going back and forth from their homes to their place of work at Plymouth.

2. That the applicant, Louis F. Winschell, proposes to operate, daily, an automobile stage line, for hire, over the public highway between Logan and Plymouth, for the accommodation of said employees and all other persons desiring

automobile passenger transportation service between Logan and Plymouth, including intermediate points.

3. That the applicant is financially able to provide suitable equipment for the giving of said service, and has had sufficient experience in the operation of automobiles over the public highways to enable him to render safe and satisfactory service to the traveling public over the said route.

From the foregoing findings of fact, the Commission concludes and decides that the applicant, Louis F. Winschell, should be granted a certificate of convenience and necessity authorizing and permitting him to establish, operate and maintain an automobile passenger stage line between Logan and Plymouth, Utah, for the purpose of carrying persons, for hire, over the public highway between Logan and Plymouth, including intermediate points, upon the filing of proper time and rate schedules with the Commission.

An appropriate order will follow.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 230

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, 1925.

In the Matter of the Application of LOUIS F. WINSCHELL, for permission to operate an automobile stage line between Logan, Utah, and the principal camp of the Utah Power & Light Company near Plymouth, on the Bear River.	CASE No. 789

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

IT IS ORDERED, That applicant, Louis F. Winchell, be, and he is hereby, permitted to operate and maintain an automobile passenger stage line between Logan and Plymouth, Utah, and intermediate points.

,ORDERED FURTHER, That applicant, Louis F. Winschell, 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 Statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission:

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of T. M. GILMER, for approval of the Eureka-Payson Auto Stage Line Passenger Tariff P. U. C. U. No. 3, and Salt Lake and Fillmore Auto Stage Line Passenger and Express Tariff P. U. C. U. No. 4 (Investigation and Suspension Docket No. 25).	CASE No. 790

Submitted July 28, 1925. Decided September 30, 1925.

Appearances:

A. L. Hoppaugh, of Dey, Hoppaugh & Mark, for Applicant, T. M. Gilmer.

H. L. Mulliner, for various petitioning citizens.

B. R. Howell, of Van Cott, Riter & Farnsworth for Denver & Rio Grande Western Railroad Co., Protestant.

Frederick C. Loofbourow, for Salt Lake & Utah Railroad Company, Protestant.

J. T. Hammond, Jr., Dana T. Smith and R. B. Porter, for Union Pacific R. R. System.

L. E. Gehan, for American Railway Express Company, Protestant.

C. B. Doty, for Brotherhood of Railroad Trainmen, Protestant.

A. C. Wilson, for Order of Railway Conductors, Protestant.

Wm. Fowler, Jr., and William O'Rourke, for various brotherhoods of railway trainmen and miscellaneous railway employees, protestants.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On January 14, 1925, the Salt Lake and Fillmore Stage Line (T. M. Gilmer) filed application with the Public Utilities Commission of Utah, for permission to file passenger and express tariff No. 4, P. U. C. U. No. 4, naming rates for transportation of passengers and express between Salt Lake City and Fillmore, Utah, to become effective January 15, 1925, on less than statutory notice. Said tariff provides for rate increases, also for changes in schedules and the giving of additional service.

Thereafter, certain railroad carriers filed their protests against the Commission approving said schedule—the Los Angeles & Salt Lake Railroad Company, January 16, 1925, Denver & Rio Grande Western Railroad Company, January 19, 1925, Salt Lake & Utah Railroad Company, January 17 and 30, 1925.

Thereupon, the Commission set this Case (Case No. 767) for hearing, February 3, 1925.

Said Case No. 767 was brought on for hearing before the Commission, at Salt Lake City, Utah, February 3, 1925, and certain evidence was offered and received thereat, bearing upon the question as to whether or not the public convenience and necessity would be subserved by the said proposed increased service. Thereupon, the applicant, T. M. Gilmer, asked leave to withdraw his said proposed schedule, which was granted, and Case No. 767 was then dismissed by the Commission.

On March 27, 1925, the Salt Lake & Fillmore Auto Stage Line (T. M. Gilmer) filed another schedule, P. U. C. U. No. 4, being practically the same as that theretofore withdrawn.

Thereafter, certain railroad carriers filed herein their protests against the Commission approving said schedule, the Denver & Rio Grande Western Railroad Company, April 1, 1925, Salt Lake & Utah Railroad Company and the Los Angeles & Salt Lake Railroad Company, respectively, on March 31, 1925. Said carriers allege that public convenience and necessity does not require the proposed additional service.

Thereupon, the Commission, on March 31, 1925, issued its Investigation and Suspension Docket No. 25, suspending said schedule until July 29, 1925, unless otherwise ordered by the Commission. On June 16, 1925, the Commission issued its further and supplemental order, concerning this matter, Investigation and Suspension Docket No. 25, suspending said tariff or schedule, filed March 27, 1925, until July 29, 1925,

unless otherwise ordered by the Commission, and further ordered that the Commission, upon complaint, without formal pleading, enter upon a hearing concerning the lawfulness of the rates, rules and services stated in said schedule, and as to whether or not the public convenience and necessity would be subserved thereby, and at the same time ordered that the case and the matters involved be set for hearing before the Commission, June 26, 1925. Upon the application of T. M. Gilmer, made June 22, 1925, said hearing was postponed until July 1, 1925, at which time the matters involved were brought on for hearing before the Commission, at its office in Salt Lake City. At said hearing, the applicant, T. M. Gilmer, appeared and moved that the several protests filed by and in behalf of the railroad carriers be dismissed, and at the same time challenged the right or jurisdiction of the Commission to proceed to take any testimony bearing on the question, as to whether or not the public convenience and necessity would be subserved by the additional service as set forth in said schedule, P. U. C. U. No. 4 and as proposed thereby. Said motion was denied, and thereupon the Commission proceeded to hear evidence bearing upon the question of public convenience and necessity.

After due investigation and from the evidence adduced at the hearing, and from the records on file in the office of the Commission appertaining to the service of the applicant, T. M. Gilmer, the Commission now finds:

1. That on the 11th day of April, 1919, one Joseph Carling filed in the office of the Public Utilities Commission of Utah an application for permission (Certificate of Convenience and Necessity) to operate an automobile stage line for the transportation of passengers and express over the public highway between Salt Lake City and Fillmore, Utah, a distance of 155 miles, said service as applied for to include intermediate points. That said applicant, among other things, alleged in said application "That petitioner desires and is prepared to make the following trips each week:

Leave Fillmore, Utah, 8:00 a.m., Monday.
Arrive Salt Lake City, 8:00 p.m., Monday.
Leave Salt Lake City, 8:00 a.m., Wednesday.
Arrive Fillmore, Utah, 8:00 p.m., Wednesday.

2. That said application was assigned Case No. 148, and was submitted May 31, 1919, and decided June 10, 1919. In that case the Commission, in rendering its report, found that the applicant, Joseph Carling, had theretofore "been engaged in the business of transporting passengers and express

between Salt Lake City and Fillmore, Utah, and intermediate points * * * and that there was a present and future public convenience and necessity for the continuance of such operation, under the jurisdiction of the Commission; that said service had been furnished by an automobile equipped to handle both passengers and express; that his (applicant's) initial point was Fillmore, which is located about thirty-five miles east of the Salt Lake Route (Los Angeles & Salt Lake Railroad), in Millard County, and about forty-five miles south of the same route in Juab County; that the only means of getting from Fillmore to the railroad is by wagon or automobile; that there is no regular service being offered between Fillmore and Juab County, a portion of the route over which the service is given; that there is a necessity and convenience for part of the traveling public who desire to go from Fillmore to Salt Lake City, direct, as well as the receiving and the sending of express."

3. That following said report, June 10, 1919, the Commission made and entered its order, Certificate of Convenience and Necessity No. 48, in Case No. 148, wherein it stated:

> "It is ordered, that applicant, Joseph Carling, be, and he is hereby, granted a certificate of convenience and necessity, and is authorized to operate an automobile stage line for the transportation of passengers and express, between Salt Lake City, Utah, and Fillmore, Utah.
>
> "Ordered further, that applicant shall file with the Commission and post at each station on his route, a printed or typewritten schedule of rates and charges, together with schedule showing arriving and leaving time, and shall at all times operate in accordance with the rules and regulations prescribed by the Commission governing the operation of automobile stage lines."

That rate and time schedules, P. U. C. U. No. 1, were afterwards filed with the Commission by Joseph Carling, providing for weekly service, only.

4. That after said order and schedules, P. U. C. U. No. 1, aforesaid had thus been made and filed, said Joseph Carling thenceforth continued to give a weekly automobile stage service between Salt Lake City and Fillmore, Utah, until the applicant, Salt Lake & Fillmore Auto Stage Line (T. M. Gilmer) succeeded him therein, and until the present proceedings were instituted in behalf of said T. M. Gilmer.

5. That on the 9th day of January, 1924, said Joseph Carling and T. M. Gilmer filed their joint application before

the Commission, wherein it was alleged "that ever since June 10, 1919, your 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 * * * under and by virtue of that certain franchise granted to him (Joseph Carling), by your Honorable Body, on June 10, 1919. That it is the desire and wish of your petitioner, Joseph Carling, to sell, assign, transfer, set over and deliver to your petitioner, T. M. Gilmer, the said business and all his right, title and interest therein. That it is the desire of your petitioner, T. M. Gilmer, 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, June 10, 1919."

6. Said application alleged that Joseph Carling did not desire to withdraw from said service, unless his rights could be transferred to T. M. Gilmer, and prayed that a certificate of convenience and necessity be issued to T. M. Gilmer, should the Commission decide that the Carling certificate, No. 48, was not transferable or assignable.

7. Said case was assigned Case No. 690, and was brought on for public hearing before the Commission, on the 22nd day of January, 1924. At that hearing T. M. Gilmer, the applicant herein, testified, when asked the question concerning the service he proposed to give:

> "Q. What service do you contemplate giving between Salt Lake and Fillmore?
>
> "A. The same service that Mr. Carling is now giving. O ne trip each way per week."

Again the question was asked this witness:

> "Q. But, Mr. Gilmer, before granting a schedule the Commission, I believe, is entitled to know as to the extent of service that you intend to perform?
>
> "A. I am not asking for a grant of a new thing. I am just asking for a continuance of an old thing."

Again, this same witness testified, when asked by the Commission concerning the service he proposed giving:

> "Q. Mr. Corfman: Your present proposition is to operate with time schedule and rate schedule of Mr. Carling?
>
> "A. Yes."

8. On December 30, 1924, the Commission rendered its report in said Case No. 690, wherein it was held "that the public will be equally well served by the applicant, T. M.

Gilmer, as by the present holder of the certificate, Joseph M. Carling; that Joseph M. 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."

9. Following, December 30, 1924, the Commission made and entered its order in Case No. 690 (Certificate of Convenience and Necessity No. 214), cancelling Certificate No. 48 Case No. 148), and further ordered "That T. M. Gilmer 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 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."

10. That on the 10th day of January, 1925, following, Salt Lake & Fillmore Stage Line (T. M. Gilmer) filed with the Commission, in compliance with its said order or Certificate of Convenience and Necessity No. 214, his rate and time schedule, P. U. C. U. No. 3, providing for a weekly service only between Salt Lake City and Fillmore, precisely the same as had theretofore been given by the said Joseph Carling, under his Certificate No. 48.

11. On March 27, 1925, Salt Lake & Fillmore Auto Stage Line (T. M. Gilmer) filed in the office of the Commission, in connection with his said Certificate of Convenience and Necessity No. 214, Tariff No. 4, providing for rate increases, on less than statutory notice, and also providing for a change in service, from a weekly to a daily service, for the transportation of both passengers and express, over the public highway between Salt Lake City and Fillmore, Utah, including intermediate points, being P. U. C. U. No. 4, under suspension herein, Case No. 790.

12. That numerous petitions have been filed herein, for and in behalf of various taxpayers, merchants, business men, companies and individuals, residents of the towns and cities to be affected by the proposed daily service to be given by the applicant under his schedule, P. U. C. U. No. 4, asking

that a daily service be not permitted, and setting forth that the railroad transportation service between Salt Lake City and Fillmore, and intermediate points, is fully adequate and sufficient for the transportation needs of said communities, and that no public necessity exists requiring additional transportation facilities.

13. That various brotherhoods and labor organizations, whose members are connected with railroad service in the State of Utah, have filed with the Commission, in connection with the matter under consideration, their protests against permission being given to applicant for additional service over his route between Salt Lake City and Fillmore, Utah, claiming that the present railroad facilities for transportation between said points, is ample and efficient to meet the needs of the public, and that the approval of applicant's proposed daily schedule would mean the elimination of train service, thus depriving their members of the means of earning a livelihood, without any resulting good to the towns and communities served by the applicant, and would be inimical to the general welfare of the public, as a whole.

14. That numerous petitions have been filed with the Commission, signed by residents of the cities and towns served by the applicant's automobile stage line, expressing their appreciation of the benefits accruing to their communities by the service rendered them by the rail carriers, but expressing their belief that there is a growing demand for automobile transportation, and that the granting of increased service to them would not only subserve the public convenience and necessity, but would furnish additional, different and desirable modes of transportation which would be the means of bringing them in easier touch with each other, thereby promoting commercial intercourse and aid to the development of their property holdings, and enhance their values.

15. That the applicant's stage line extends over the public highway leading from Salt Lake City to Fillmore, Utah, and it serves all intermediate points, in which are included the towns or cities of Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, Salem, Payson, Santaquin, Mona, Nephi, Levan, Scipio and Holden.

16. That the protestant, Denver & Rio Grande Western Railroad Company, is an interstate steam railroad, carrying passengers and freight and express, for hire, between Ogden, Utah, and Denver, Colorado; that as a part of its railroad system, it operates in Utah a line between Salt Lake City, Provo, Springville, Payson and Eureka, serving all intermediate points; one passenger train each way, each day, between

Salt Lake City and Payson, and five passenger trains each way each day between Salt Lake City and Springville, Utah, serving intermediate points. Its passenger trains also carry express.

17. That the protestant, Salt Lake & Utah Railroad Company, operating an electric line of railroad between Salt Lake City and Payson, Utah, a distance of 66.6 miles, serving the intermediate points or towns of Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, Salem and Payson. That it operates eight passenger trains each way each day between Salt Lake City and Payson, two of said trains each way carrying express. It also operates between said points two freight trains per day each way over its said line.

18. That the protestant, Los Angeles & Salt Lake Railroad Company, is a part of the Union Pacific System, protestant. It is a common carrier of passengers, freight and express, for hire, operating a steam railroad out of Salt Lake City, passing through and serving the towns or cities of Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, Payson, Santaquin, Mona, Nephi, Levan and Fillmore, Utah, with passenger and express service, one train each day each way. This company constructed a branch line from Delta, via Holden to Fillmore, in 1922.

19. That each of said protestants, rail carriers, are fully equipped for the giving of safe, prompt, convenient and efficient passenger and express service to all who may desire the same over their respective lines.

20. That in addition to said passenger and express service, the said railroads are fully equipped for the giving of prompt and efficient freight service, and are fully prepared and do transport promptly and efficiently, all freight traffic tendered them at the points served by their respective lines.

21. That the protestant, American Railway Express Company, is a common carrier, for hire, conducting a daily express service between Salt Lake City and Fillmore, Utah, over the Los Angeles & Salt Lake Railroad, a daily express service between Salt Lake City and Payson, Utah, over the Salt Lake & Utah Railroad, and it in general gives prompt and efficient express service over each of the lines of the said protesting railroads, at all points served by them, between Salt Lake City and Fillmore, Utah.

22. The public highway between Salt Lake City and Fillmore, Utah, used by the applicant in giving automobile transportation service, for the most part parallels the lines of the protesting rail carriers herein, and every town and

community served by the applicant over his said route, with the exception of Scipio and Holden, is at the present time served by at least one of the protestants.

23. The towns and communities now reached and served by the applicant with auto transportation over his said route and by the protestants as well, over their respective rail lines, have combined population of about 168,125; Salt Lake City, about 125,000; Lehi, 3,600; American Fork 3,300; Pleasant Grove 2,500; Provo, 13,150; Springville, 3,600; Spanish Fork, 4,600; Salem, 1200; Payson, 3,600; Santaquin, 1,200; Mona, 500; Nephi, 3,500; Levan, 775; Fillmore, 1600. Scipio and Holden, not reached by the rail carriers, have a combined population of about 1100.

24. That for the most part, the population served by the respective carriers along the route from Salt Lake City to Fillmore, Utah, reside in the towns and cities, with the exception between Salt Lake City and Payson, Utah, where a considerable number of people reside along the countryside. That between Salt Lake City and Payson, Utah, the protestant Salt Lake & Utah Railroad Company makes some thirty-eight stops, for taking on and letting off passengers, in the operation of its line of railroad.

25. That owing to weather conditions during the winter months, the public highways between Salt Lake City and Fillmore, Utah, each season at times become blocked with snow and impassable for automobile stage transportation.

26. That towns, cities and communities served by the carriers, both by rail and automobile, are, generally speaking, absolutely dependent upon the rail carriers for the movement of the products of factory, farm and orchard, and oftentimes for mass transportation of their residents, in which are included hundreds of young people in attendance at high schools, academies, and at a university at Provo, Utah.

27. That a large proportion of the residents between Salt Lake City and Fillmore, Utah, own their own automobiles.

28. That covering a period of more than five months, from March 21st to August 31st, 1925, according to the reports filed with the Public Utilities Commission of Utah, the stage line operated by the applicant, T. M. Gilmer, once each week each way, over the public highway between Salt Lake City and Fillmore, including intermediate points, carried only 166 passengers.

29. The Public Utilities Commission of Utah, in granting Certificate of Convenience and Necessity No. 214, in Case No. 690, decided December 30, 1924, authorizing and permit-

ting the applicant, T. M. Gilmer, to give automobile transportation service, for hire, over the public highway between Salt Lake City and Fillmore, Utah, fully intended to and did limit him to the giving of the same service he had then applied for, that is to say, one round trip each week between said points, being the same service as theretofore rendered over said highway by Joseph Carling, under Certificate No. 48, in Case No. 148, and no more.

30. None of the protesting rail carriers are at the present time earning a fair return on their capital inevstment used in the giving of transportation service to the communities served by them on their respective lines of railroad between Salt Lake City and Fillmore, Utah, and, in some instances, are operating at a loss.

31. That the applicant, T. M. Gilmer, is not earning a fair return on his investment at the present time, in giving automobile transportation over his said route between Salt Lake City and Fillmore, Utah.

From the foregoing findings of fact, the Commission concludes and decides that the public convenience and necessity does not at this time require the operation of an automobile stage line for the carrying of passengers or property between Salt Lake City and Fillmore, Utah, and intermediate points, more frequently than once each way, each week, and as intended by the issuance of its Certificate of Convenience and Necessity No. 48, and as applied for by T. M. Gilmer in his application in Case No. 148.

As the Commission views the evidence bearing on the question of public convenience and necessity, in the pending matter (Investigation and Suspension Docket No. 25), there is not at the present time any public need whatever for additional automobile transportation service over the public highway between Salt Lake City and Fillmore, Utah, as proposed by applicant's schedule P. U. C. U. No. 4. The granting of such a privilege under existing conditions and circumstances, would, in the judgment of the Commission, eventually mean the elimination of train service, clearly indispensable to the future growth, prosperity and welfare of the communities that would be affected thereby.

As the Commission interprets the Public Utilities Act of Utah, its provisions preclude us from granting certificates of public convenience and necessity to occupy and use the public highways of the State, for the transportation of persons and property by automobile, for hire, unless, upon a proper showing made, the convenience and needs of the public so require.

IT IS THEREFORE ORDERED, That the applicant's, T. M. Gilmer's, schedule P. U. C. U. No. 4, providing for additional automobile stage service for the transportation of passengers and express over the public highway between Salt Lake City and Fillmore, Utah, be not approved, and that the same be and remain permanently suspended, that is to say, until upon a proper showing made before the Commission that public convenience and necessity require such additional service; that said schedule P. U. C. U. No. 4, as to rates to be charged, be, and the same is hereby, approved.

IT IS FURTHER ORDERED, That the order or certificate of public convenience and necessity No. 214, issued by the Public Utilities Commission of Utah to T. M. Gilmer, on the 30th day of December, 1924, in Case No. 690, be, and the same is hereby, modified and expressly limited to conform to and with his time schedule P. U. C. U. No. 3, filed with the Commission, January 10, 1925, in Case No. 767, providing for one round trip each week, between Salt Lake City and Fillmore, Utah, being the same service applied for by him and that rendered theretofore by Joseph Carling, under Certificate of Convenience and Necessity No. 48, in Case No. 148, issued to said Joseph Carling, June 10, 1919.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of T. M. GILMER, for approval of the Eureka-Payson Auto Stage Line Passenger Tariff P. U. C. U. No. 3, and Salt Lake and Fillmore Auto Stage Line Passenger and Express Tariff P. U. C. U. No. 4 .	CASE No. 790

SUPPLEMENTAL ORDER OF THE COMMISSION

By the Commission:

The effective date of the Report and Order in the above entitled proceeding is November 1, 1925.

Dated at Salt Lake City, Utah, this 6th day of October, 1925.

(Signed) THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 16th day of April, 1925.

UTAH LAKE DISTRIBUTING COMPANY, et al., Complainants, vs. UTAH POWER & LIGHT COMPANY, a corporation, Defendant.	CASE No. 791

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, 1925:

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, 1925.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of MILTON L. DAILEY, for permission to withdraw from, and J. LOWE BARTON to assume the operation of the automobile stage line between Paragonah and Cedar City, Utah.	CASE No. 792

Submitted April 30, 1925. Decided May 11, 1925.

Appearances:

Milton L. Dailey and J. Lowe Barton, the Petitioners.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Cedar City, Utah, on the 30th day of April, 1925, upon the application of Milton L. Dailey to withdraw from, and J. Lowe Barton to be permitted by the Public Utilities Commission to give an automobile passenger stage line service over the public highway between Cedar City and Paragonah, in Iron County, Utah.

It appears that the applicant Milton L. Dailey has heretofore been operating an automobile passenger stage line over the public highway between said points under Certificate of Convenience and Necessity No. 167 (Case No. 560), issued by the Commission on the 11th day of October, 1922; that said applicant desires to withdraw from said service and to sell and transfer his automobile equipment used in the said service to the applicant, J. Lowe Barton, who desires to continue to operate for hire over the said route, by rendering the same service as that heretofore given by the said Milton L. Dailey.

It further appears that J. Lowe Barton is financially able to provide the necessary equipment for said automobile service; that for more than two years last past he has been employed as the operator of said automobile stage line by the said Milton L. Dailey, and that he is an experienced, capable and efficient operator of automobiles over the public highways.

The Commission further finds, after due investigation made, that the public convenience and necessity will continue to be subserved by the operation of an automobile stage line over the said route.

Therefore, the Commission concludes and decides:

That the applicant, Milton L. Dailey should be permitted to discontinue giving automobile bus passenger service between Cedar City and Paragonah, in Iron County, Utah, and to sell and dispose of his automobile equipment now and heretofore used in said service, to the applicant, J. Lowe Barton, and that Certificate of Convenience and Necessity No. 167 heretofore held by him, authorizing and permitting him to render said service, be cancelled and annulled.

That the applicant J. Lowe Barton should be granted a certificate of convenience and necessity authorizing and permitting him to operate, for hire, an automobile passenger bus line over the public highway between Cedar City and

Paragonah, in Iron County, Utah, subject to his filing with the Commission proper time and rate schedules, and his complying with the rules and regulations of the Commission and the statutes of Utah, as in such cases made and provided.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 231

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of May, 1925.

In the Matter of the Application of MILTON L. DAILEY, for permission to withdraw from, and J. LOWE BARTON to assume the operation of the automobile stage line between Paragonah and Cedar City, Utah.	CASE No. 792

This case being at issue upon application 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 applicant Milton L. Dailey be, and he is hereby, permitted to discontinue the giving of automobile stage line service between Paragonah and Cedar City, Utah; that Certificate of Convenience and Necessity No. 167 (Case No. 560), held by Milton L. Dailey, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That applicant J. Lowe Barton be, and he is hereby, granted permission to operate and maintain an automobile passenger stage line, for hire, between Paragonah and Cedar City, Utah.

ORDERED FURTHER, That applicant J. Lowe Barton 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 Statutes of Utah and 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 H. D. BAYLES, et al., for permission to construct, operate and maintain an electric power line in Parowan Valley, Iron County, Utah.	CASE No. 793

Submitted October 20, 1925. Decided November 4, 1925.

Appearances:

W. F. Knox, for Applicants.
D. H. Morris, for Dixie Power Company.
H. C. Parcells, for Parowan City.

REPORT OF THE COMMISSION

By the Commission:

This case came on for hearing before the Commission, at Parowan, Utah, on Thursday, the 30th day of April, 1925.

The application, signed by H. D. Bayles and eighteen others, sets forth, among other things, that they, as individuals, desire an order to construct, operate and maintain an electric power line, for the purpose of conveying electrical power from the northwest corner of Parowan City to their various farms in Parowan Valley, lying west and north of said Parowan City, for use in pumping water for irrigation purposes in farming said farms; that at present the Dixie Power Company, which owns and operates a power line in the vicinity of which the applicants desire to erect the line herein requested, has for the past two seasons been handicapped in not having sufficient water to enable it to operate its generation plants to the capacity necessary to give adequate service to the pumping district served in said Parowan Valley.

The application further sets forth that the Dixie Power Company has refused to construct additional lines to various

of the applicants' farms, so the power could be used by them, but said Dixie Power Company insists that such lines be constructed by the farmers wishing said power, at the expense of said farmers; that the applicants have an arrangement with the officials of Parowan City whereby said city will sell to the applicants power for this proposed project, and in sufficient quantities to assure an amount necessary for the use of said applicants, said power to be delivered by Parowan City to the applicants at a point to be definitely fixed by Parowan City and the applicants, on the northwest boundary of Parowan City.

It developed at the hearing that there was nothing to indicate that the Town of Parowan was a party to the proceeding and nothing to show that the petitioners were going to sell power. The evidence was to the effect that the petitioners proposed to engage in the power business as a personal matter, not as a public service corporation; but merely to serve their several farms.

This being so, the Commission would have no jurisdiction whatever. It would be nothing more or less than a mutual arrangement among these individuals to purchase power from the City and then to use it, as they would have a perfect right to do, for pumping water on their separate farms.

On the other hand, Parowan City, in selling power to the petitioners, as individuals, would, however, come under the jurisdiction of the Commission.

Similarly, the Dixie Power Company would be within its legal rights as a protestant against the sale of power by Parowan City beyond the corporate limits.

After some discussion, it was agreed that Parowan City be made a party applicant in the case, and that the Dixie Power Company be made a party defendant in the case, and it was so ordered by the Commission.

The testimony developed that on August 22, 1922, a resolution was passed by the City Council of Parowan, providing that an election be held to determine whether or not the City should create a bonded debt of $65,000, for the purpose of constructing a new hydro-electric plant, and $7,000 for improving the water system. This election was held on September 30, 1922, and the bond issue authorized.

On September 27, 1922, a petition, asking for segregation from Parowan City, was filed in the District Court by the owners of a large acreage lying within the corporate limits, but outside of the platted portion. The decree granting this petition was filed at Parowan on December 20, 1923.

The assessed valuation, at the time of calling the bond election, was $719,398.00, and the assessed valuation after segregating was $430,484.00. Thus, Parowan City finds itself with a legal bond limit, on the present valuation of $51,658.00; whereas, the actual bonded indebtedness is $82,900.00.

The new plant has a capacity of 500 horse-power, while the total load in Parowan City and the Town of Paragonah, which is also served by this plant, is 120 horse-power. Parowan City thus is in possession of a surplus of a minimum of 380 horse-power, and it is a portion of this surplus that the petitioners proposed to use.

The territory which the petitioners proposed to irrigate is a portion of the segregated area that was formerly within the corporate limits of Parowan, and is being and has been served by the Dixie Power Company since 1920.

It was shown that, contrary to the petition, the Dixie Power Company had not refused to furnish sufficient trunk lines to properly serve the area, but had declined to install, at its expense, branch lines running from its main trunk lines to the farmers as individuals.

A mass of testimony was introduced as to the cost of producing electric power by the City of Parowan, and also a large amount of testimony was taken as to the reasonableness of the present rate of $6.00 per horse-power, charged by the Dixie Power Company. The City of Parowan had tentatively agreed to furnish 200 H.P. to the petitioners for $3.00 per horse-power per month for four months of the year, and 50 H.P. at $3.00 per horse-power per month the remaining eight months; the petitioners to construct from eight to ten miles of transmission line at their expense.

The Dixie Power Company is a corporation, organized for the purpose of furnishing electrical energy for power and lighting purposes, and at the present time is supplying light and power service to various towns and industries in Iron and Washington Counties.

A statement covering the past three years, showing the investment in fixed capital, operating revenues, operating expenses and rate of return, as shown by the books of the Company, follows:

	1922	1923	1924
Investment in Fixed Capital	$477,125.19	$494,679.76	$553,416.58
Operating Revenues	53,287.16	61,388.04	77,601.60

Operating Expenses	33,332.89	33,843.60	37,967.41
Uncollectible Accounts	1,272.99	319.84	127.62
Taxes Assigned to Electric Operation	5,249.90	5,391.71	4,654.12
Rent for Lease of Plant	1,108.10	1,825.90	1,846.00
Total Operating Ded'tns	40,963.86	41,381.05	44,595.15
Balance of Income Applicable to Return..	12,323.28	20,006.99	33,006.45
Rate of Return	2.58%	4.04%	5.96%
Deductions: Interest and Miscellaneous Amortization Ded'ns ..	22,370.78	22,040.72	23,114.68
Balance Transferred to Surplus	*$10,047.50	*$ 2,033.73	$ 9,891.77

The Power Company has two hydro-electric plants on the Santa Clara River, in Washington County, with a combined capacity of 1,000 to 1,100 horse-power. It was shown that in anticipation of the drouth in 1924, the Company had replaced about thirty miles of iron wire with copper, had installed a pump, to make certain spring water available for use in the Santa Clara Plant, and had purchased two gas engines, with a combined capacity of 480 horse-power, the total expenditure being around $35,000.00.

The gas engines were not installed until late in August, so that the Parowan Valley farmers did not receive adequate service up to that time. This condition having been remedied, it appears that the Power Company is in a position to render adequate service, and that its charges are not unreasonable, considering its system as a whole.

While the lower rate offered by Parowan to Bayles and others, would have inured to its advantage for the present, the Commission is compelled to take into consideration the effect that granting this petition would have upon the users of power and light in the balance of the territory occupied by the Dixie Power Company.

The loss of the income now derived by the Power Company in the vicinity of Parowan, together with the capital loss entailed by the enforced removel of the existing transmission lines, would ultimately have to be borne by the users in St. George, Cedar City, Hurricane, Washington, Summit and various other communities and industries new served by it.

*Deficit.

Ppon completion of the plant in March, 1925, the Dixie Power Company offered to purchase this "dump," or surplus power, on the following terms:

Dixie Power Company to:

1. Extend its 33,000 volt line from the nearest practical point on its present system, to the Parowan City power station.
2. To furnish suitable transformers for raising the city's 2300 volts to the Dixie Power Company's 33,000 volt transmission system.
3. To pay $1.25 per H.P. per month for 200 H.P. guarantee, so long as the city is in a position to furnish this amount for full 24 hours. To pay the same amount for any additional power taken. To pay 10/24 of the $1.25 for such excess power used between the hours of 7:30 a.m. and 5:30 p.m., taken in excess of the 24 hour power.
4. Measurements to be on the average daily demand, as measured by Westinghouse Type R. A. 30-minute interval, demand meter.

Parowan City to:

1. Install voltage regulator, repair broken water wheel, install 2300 volt control switch, install Westinghouse Type R. A. 30-minute demand meter with K.W.H. meter attached and set of out-door type lightning arresters.
2. To deliver a minimum of 150 K.W. (200 H.P.) for a period of five years, unless demand of Parowan and Paragonah requires the power of Parowan City.
3. To furnish competent help for 24 hours operation and to comply with the rules and regulations of the Dixie Power Company as to station operation.
4. To sell all its surplus power to the Dixie Power Company, as fast as the Dixie Power Company can market it.
5. To grant right-of-way over the City's grounds and through such streets of Parowan as may be necessary.

The City Council made a counter-proposition as follows:

Dixie Power Company to guarantee to pay for 300 H.P. from May 1st to August 31st.

Dixie Power Company to guarantee to pay for 250 H.P. remainder of year:

Rate to be $1.50 per H.P. per month;

Contract to be for two (2) years;
Renewal optional with the City;

Minor details, such as line extension, transformers, inside station wiring, meters and measurements, to be taken up after the five points are determined.

This coutner-proposition was declined by the Dixie Power Company.

Subsequent to the hearing at Parowan, the Dixie Power Company reopened negotiations for the purchase of all surplus power generated by the Parowan plant and the Dixie Power Company, and Parowan City now submits the following contract, for approval by this Commission:

"AGREEMENT, Made this.....day of....., 1925, between Parowan City, a municipal corporation of the State of Utah, of the first part, and hereinafter called the 'City,' and Dixie Power Company, a corporation of the State of Utah, of the second part, and hereinafter called the 'Power Company,' WITNESSETH:

"The City is the owner of an hydro-electric generating plant of 500 H.P. capacity in Parowan Canyon in Iron County, State of Utah, from which the City receives over its transmission system electrical energy sufficient for its municipal requirements and those of its inhabitants and from which the City also supplies the Town of Paragonah, some four miles distant, with electrical energy sufficient for the municipal purposes of that Town and the uses of its inhabitants within its corporate limits. Such demand satisfied, there remains a generating surplus for which the City has no market. The Power Company is engaged in the generation and distribution of electrical energy as a public utility in Washington and Iron Counties in the State of Utah, is in need of additional electrical energy to enable it adequately to meet the demand upon its system, has offered to purchase the City's surplus and the City is desirous of accepting such offer.

"WHEREAS, it is agreed:

"1. The City shall reserve for and deliver to the Power Company upon the latter's demand at the point of delivery hereinafter specified all the City's surplus electrical energy now or hereafter generated or acquired by it from any and all sources, and such surplus is hereby defined as the total electrical energy of the City remaining after due provision shall have been made for its municipal re-

quirements and the municipal requirements of the Town of Paragonah and the demand within the corporate limits of each said municipalities of the inhabitants thereof. Said point of delivery shall be the point where the City's wires and apparatus shall be connected with those of the Power Company and shall be determined as hereinafter provided. Each party shall assume responsibility for and fully, adequately and promptly repair, replace, renew and maintain its equipment to insure at all times the greatest possible efficiency in the performance by each of the parties hereto of their several undertakings herein defined.

"2. The City shall at its expense forthwith install and ever thereafter during the life of this agreement efficiently maintain, renew and replace upon the switchboard within the City's said generating station and therefrom to pothead terminal at the transformers just beyond the west wall of said power plant, one Westinghouse type "R-A" thirty-minute demand with integrating watt hour meter attachment, or similar meter of standard make, voltage, regulator, synchronizing meter, 2300 volt oil switch with time relay and set-off, and 33000 volt G. E. lead oxide lightning arresters or others of equal efficiency, all of which, together with the necessary lead-covered cable from switchboard to transformers, pothead and transformers, the City shall at all times properly cover, enclose and protect by suitable building.

"3. Power Company shall at its cost and expense extend and own its 33000 volt transmission line from Parowan Fields to or in the immediate vicinity of the intersection of the Parowan-Lund highway with the westerly boundary line of the City's corporate limits. Power Company shall thereupon in manner agreeable to standard practice, construct from said point of intersection to the City's power plant and power line and equip the same for the transmission of energy at 33000 volts, and in addition thereto and concurrently therewith Power Company shall purchase and install just beyond the west wall of the City's said power plant three 250-K.V.A. 2300-33000 volt transformers and make all proper connections therewith for the receipt and delivery upon Power Company's transmission system of the energy to be delivered by City to Power Company hereunder.

"4. When the City shall have purchased and installed the equipment and facilities in paragraph 2 herein before provided and shall have erected the enclosure thereby required, and when Power Company shall have

completed the construction of said power line from said intersection of the Parowan-Lund Highway with the City's power plant and shall have completed the installation of said transformers and made the necessary connections therewith, all as in paragraph 3 hereinbefore provided, the parties hereto shall meet, submit for audit, each by the other, their several accounts of expense incurred therein, whereupon such expense so incurred shall be totaled and apportioned equally between said parties and the balance thus found owing by one to the other shall be forthwith paid. Said parties shall thereupon proceed to a segregation of the ownership of the equipment and facilities so constructed and installed and accomplish the same by allocating to the power line constructed by the Power Company from said point of intersection to the installed facilities at the City's said generating station at the actual cost of construction of the power line, the portion of said total cost borne by Power Company and upon said determination Power Company shall thereupon become and be the absolute owner of so much of said power line and facilities then to be so particularly designated, and the City shall thereupon become and be the absolute owner of the remainder of said power line and facilities.

"That certain point of division of ownership so found and designated shall be the point of delivery hereunder and on the generating side thereof. The City's responsibility and undertaking shall attach as in paragraph 1 hereinbefore provided, the Power Company assuming a like responsibility for its equipment on its side of said point of delivery.

"5. The City shall throughout the life of this agreement ever keep and maintain its generating plant, transformers and facilities in a condition of maximum efficiency under the head and flow available at all seasons of the year.

"6. Power Company shall make in writing from time to time its demands upon the City for power deliveries hereunder and should occasion arise that such written demands shall not be practical the oral demand shall forthwith be confirmed in writing. Power Company shall from time to time furnish City operating instructions relative to the City's power deliveries to Power Company hereunder and the characteristics thereof and therewith City shall promptly conform, it being understood that Power Company's demand upon the City shall be for de-

livery suitable to Power Company's commercial service and shall be of such nature as to enable Power Company to satisfy its obligations to its consumers, but not necessitating other or additional installation by the City than that heretofore made by it or provided for herein, duly maintained, replaced and renewed as herein provided, and not seriously interfere with the City's service to itself and its inhabitants or to the Town of Paragonah and its inhabitants. And Power Company shall from time to time counsel with and promulgate such regulations of the City's operations as to Power Company shall seem advisable for the protection of the property of both parties and therewith the City shall faithfully comply.

"7. Power Company shall pay City on the 10th day of each calendar month the sum of $1.25 per horsepower of electrical energy delivery by City to and received by Power Company for the calendar month preceding, and said horsepower so delivered and received, for which said payment shall be made, shall be determined by an average for each twenty-four hour period of the thirty-minute averaged peaks occurring therein, such daily averages to be in turn averaged for the calendar month for which payment shall be made. But Power Company shall pay to City so long as City shall have held available for Power Company's use hereunder at least 200 H. P. of electrical energy, a minimum monthly charge of $250.00, whether or not received or consumed by Power Company, but, should the City's load, serving only itself and its inhabitants, the said Town of Paragonah and its inhabitants, as herein provided, grow to the point that the City has no longer available for Power Company such minimum of 200 H.P., Power Company shall not be obligated to pay any minimum charge whatever: and should the City's said load leave available for Power Company less than 100 H.P., Power Company may at its option terminate this contract.

"8. Power Company shall furnish to City during the life of this agreement when Power Company's load shall permit, breakdown service at the same rate of charge and method of measurement as in paragraph 7 hereof, provided, there being, however, no minimum charge. Such energy shall be delivered by Power Company to the City at 33000 volts and upon the City's facilities at or in the vicinity of the City's generating station and shall be measured on the City's 2300 volt line from its gerenating plant for its municipal service, Power Company to stand

all transformer losses. The City shall at its expense install, own, maintain and protect all transformer and other facilities used in the receipt by it of Power Company's said breakdown service. Provided, however, and it is hereby further agreed that should Power Company's load be such that the energy from its hydro-electric plant be not sufficient in addition for such breakdown service and the same require the generation of electrical energy therefor by Power Company from its auxiliary plants, the City shall pay to Power Company for all energy generated by such auxiliary plants and so furnished the City the actual cost incurred on that account in the production thereof.

"9. Power Company shall in the construction of its said power line from the intersection of the Parowan-Lund Highway and the City's corporate limits keep without such corporate limits where reasonably practicable so to do.

"10. Neither party shall be liable to the other for failure in or interruption of service or other act or omission caused directly or indirectly by strikes, labor troubles, accident, litigation, United States, State or municipal interference or other causes not due to negligence; but the cause producing such interruption, act or omission shall be removed with all reasonable diligence.

"11. This agreement shall be and continue in full force and effect until the City's load shall leave available for Power Company less than 100 H.P. of electrical energy and Power Company shall exercise the option hereby granted it, and terminate the same; and this contract shall also terminate upon the exercise with reference thereto of any regulatory power by the United States, state or other govermental agency that shall result in the modification, alteration, elimination or substitution of any rate, change or other term or provision of said contract.

"12. This contract shall extend to, benifit and bind the successors and assigns of each of the parties hereto

"PAROWAN CITY,
By.....Mayor.
"Countersigned and Attested:
..... City Recorder.
"DIXIE POWER COMPANY,
By.....
"Attests: ..... Secretary."

It being the duty of Parowan to serve its inhabitants first, this contract could exist only until such time as a market developed for the surplus power within the corporate limits.

If the original petition were granted, Parowan City, in this special instance, would, with respect to its sale of power to others than the inhabitants hereof, become a public utility, proposing to enter the field already occupied by another utility.

In the case of the Bank of the U.S. vs. Planters' Bank of Georgia, the Supreme Court of the United States has said:

> "It is * * * a sound principle, that when a government becomes a partner in any * * * company, it divests itself so far as concerns the transactions of that company, of its sovereign character and takes that of a private citizen."

The Commission therefore finds that the rates and terms of the contract entered into by Parowan and the Dixie Power Company, subsequent to the hearing, are fair to all concerned and should be approved, subject, however, to this Commission's exercising such further jursidiction and making such further orders herein from time to time with respect to the reasonableness and lawfulness of said contractual rates between the contracting parties, as may be justified, upon proper showing made by any interested party; that the application of H. D. Bayles, et al. herein should be denied, as should also be that of Parowan City herein.

An appropriate order will be entered.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
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 November, 1925.

In the Matter of the Application of H. D. BAYLES, et al., for permission to construct, operate and maintain an electric power line in Parowan Valley, Iron County, Utah. } CASE No. 793

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of H. D.Bayles, et al. herein and the application of Parowan City herein be, and the same are 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 GEORGE H. BUNNELL, for permission to operate an automobile passenger stage line between Park City and Hot Pots, via Midway, Utah.	CASE No. 794

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application of George H. Bunnell for permission to operate an automobile passenger stage line between Park City and Hot Pots, via Midway, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 30th day of December 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

In the Matter of the Application of WILLIAM McMULLIN and DAVID ELLIS, for permission to operate an automobile passenger stage line between Producers' and Consumers' Coal Camp, Gordon Creek, Utah, and Price, Utah. } CASE No. 795

(See Case No. 803)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of M. D. PROVOST, for permission to operate an automobile passenger stage line between Salt Lake City and Silver City, Utah, via Eureka, Utah. } CASE No. 796

ORDER

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

IT IS ORDERED, That the application of M. D. Provost, for permission to operate an automobile passenger stage line between Salt Lake City and Silver City, via Eureka, Utah, be, and it is hereby, dismissed, without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 11th day of May, 1925.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

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 Town of Huntsville, Utah. } CASE No. 797

Submitted May 4, 1925. Decided June 3, 1925.

REPORT OF THE COMMISSION

By the Commission:

Under date of May 4, 1925, 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 Town of Huntsville, Utah.

Said franchise authorizes the Utah Power & Light Company to construct, maintain and operate in the present and future streets, alleys and public places in Huntsville, Utah, electric light and power lines and equipment, 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 supplying electrical power or energy over said lines to said town and its inhabitants, and 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 Town of Huntsville, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 233.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 3rd day of June, 1925.

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 Town of Huntsville, Utah.	CASE No. 797

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 Town of Huntsville, 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,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of DELBERT S. HOLMES, for permission to operate an automobile passenger stage line between Brigham City and the Cutler Dam Site in Bear River Canyon, Box Elder County, Utah.	CASE No. 798

Submitted July 21st, 1925. Decided August 6th, 1925.

Appearances:

Delbert S. Holmes, Applicant.
J. W. Horsley, Attorney, for Box Elder County.
J. H. Olivo, for Chamber of Commerce, Brigham, Utah.

REPORT OF THE COMMISSION

By McKay, Commissioner:

In an application filed with the Public Utilities Commission of Utah, May 6th, 1925, Delbert S. Holmes sets forth that he is a resident of Brigham City, Utah; that heretofore, and at the present time, he is under contract with the Board of Education of Box Elder County, to transport students from and to Box Elder High School, at Brigham City; that

he is the owner of a Dodge truck, which is being operated in carrying out the provisions of the contract previously mentioned; that a hydro-electric plant is being conctructed by the Utah Power & Light Company, under contract, at Cutler, Box Elder County, Utah; and, that he desires a certificate of convenience and necessity to operate an automobile stage line between Brigham City, Utah, and Cutler, Utah, and intermediate points, for the purpose of transporting passengers.

The case came on for hearing at Brigham City, Utah, on July 21st, 1925, at 10:30 A.M., after due and legal notice had been given.

Applicant testified that he is a resident of Brigham City, Utah; that he is married and has a family; that he is purchasing the home in which he resides; that he is engaged, during the school year, in the transportation of students to and from the Box Elder High School; that he is under contract with the Board of Education of Box Elder County, to perform said transportation service. That he is purchasing a Dodge truck which he desires to use for transporting passengers between Brigham City and Cutler, Utah, a distance of approximately twenty-eight (28) miles. He also testifies that he desires a certificate of convenience and necessity to perform said service, until the High School commences in the fall. He stated he proposes to charge one (1) dollar per passenger for the round trip between Brigham City and Cutler. Applicant also testified that the Phoenix Construction Company is under contract to construct the dam at Cutler, and in the very near future, a number of men, residing in Bingham City, will be employed by said construction company; and, that they will require transportation. He proposes to operate one bus each way on each working day, if granted a certificate. He testified that the wage for laborers was approximatly $3.20 per day, and, that the men who would be employed would desire said transportation and would make the round trip each day.

J. W. Horsley testified he is the County Attorney of Box Elder County, and also the Secretary of the Chamber of Commerce; that a comittee has been appointed, by the President of the Chamber of Commerce, to make a trip to Cutler, for the purpose of securing employment for the unemployed in Brigham City; that at present time, most of the men employed are skilled along certain lines; that most of the work accomplished thus far is the construction of forms, and, when the work of putting in the concrete begins, the company will employ many additional men. He testified that he has known the applicant for several years, and that he is in favor of granting him a certificate, as requested.

J. H. Olivo represented that he is Vice President of the Chamber of Commerce in Brigham City, and also Manager of the Mountain States Telephone and Telegraph Company in Brigham City, Utah. He testified that the business men in Brigham City, and also the Chamber of Commerce, are in favor of granting permission to the applicant.

After giving due consideration to all the facts, the Commission finds that the application should be granted and that a certificate of convenience and necessity should be issued to Delbert S. Holmes, to operate an automobile stage line, for the purpose of transportating passengers between Brigham City and Cutler, Utah.

An appropriate order will be issued.

(Signed) THOMAS F. McKAY.
Commissioner.

We concur:

(Signed) E. E. CORFMAN.
(Signed) G. F. McGONAGLE.
[SEAL] Commissioners.

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

ORDER

Certificate of Convenience and Necessity
No. 246.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 6th day of August, 1925.

In the Matter of the Application of DELBERT S. HOLMES, for permission to operate an automobile passenger stage line between Brigham City and the Cutler Dam Site in Bear River Canyon, Box Elder County, Utah. } CASE No. 798

This case being at issue upon application 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, that Delbert S. Holmes be, and he is hereby, authorized to operated an automobile passenger stage line be-

tween Brigham City and the Cutler Dam Site in Bear River Canyon, Box Elder County, Utah.

ORDERED FURTHER, That applicant, Delbert S. Holmes, 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 Statutes of Utah and 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 DELBERT S. HOLMES, for permission to operate an automobile passenger stage line between Brigham City and the Cutler Dam Site in Bear River Canyon, Box Elder County, Utah.	CASE No. 798

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of August 6, 1925, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 246 (Case No. 798), authorizing Delbert S. Holmes to operate an automobile passenger stage line between Brigham City and the Cutler Dam Site, in Bear River Canyon, Box Elder County, Utah.

The Commission now finds that, owing to the failure of Delbert S. Holmes to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 246 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 246 (Case No. 798) be, and it is hereby, cancelled, and the right of Delbert S. Holmes to operate an automobile stage line, for the transportation of passengers, between Brigham City and the Cutler Dam Site

in Bear River Canyon, Box Elder County, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 3rd day of December, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UNION PACIFIC RAILROAD COMPANY, for permission to discontinue the operation of trains Nos. 223 and 224 between Echo, Utah, and Coalville, Utah. } CASE No. 799

Submitted June 11, 1925. Decided July 10, 1925.

Appearances:

R. B. Porter, Attorney, for Applicant.
David H. Jordan, for Coalville Chamber of Commerce.

REPORT OF THE COMMISSION

By the Commission:

This matter came on for hearing at Coalville, Utah, on Thursday, the 11th day of June, 1925.

The application set forth that the Union Pacific Railroad Company is a common carrier, operating in Utah, Wyoming, Colorado and Nebraska; that the petitioner is now, and for a long time past has been, operating passenger trains between Echo and Park City and between Echo and Coalville, as follows:

Train No. 225 ,leaving Echo 10:30 a.m.; leaving Coalville 10:55 a.m.; arriving Park City 12:25 p.m.

Train No. 223 leaving Echo 10:00 a.m.; arriving Coalville 10:30 a.m.

Train No. 226 leaving Park City 3:00 p.m.; leaving Coalville 4:35 p.m.; arriving Echo 5:00 p.m.

Train No. 224 leaving Coalville 2:45 p.m.; arriving Echo 3:05 p.m.

The application set forth further that trains Nos. 223 and 224 are local trains, operating only between Echo and Coalville, and that trains Nos. 225 and 226 run from Echo, through Coalville to Park City, and return, daily; that trains Nos. 223 and 224 are now, and have been for a long time past, operated at a loss of approximately $2800 per month; that during the twelve months from April 1, 1924, to April 1, 1925, train No. 223 carried but one passenger from Echo to Coalville, and that the passenger earnings of train 224 during the same period aggregated the sum of $403.92; that there are no settlements between Echo and Coalville, and that practically all persons living along said line of railroad, travel back and forth in their own automobiles.

The Commission sent notices of hearing to the Town Board of Echo, the Town Board of Coalville, the Mayor of Park City and the County Attorney of Summit County, none of whom appeared. Mr. David H. Jordan, who stated that he represented the Chamber of Commerce of Coalville, appeared as a protestant.

The testimony showed that the Union Pacific Railroad Company at present operates two mixed trains daily between Echo and Coalville, one of which goes on to Park City; that on the train running from Echo to Coalville, but one passenger had been carried during the twelve months from April, 1924, to April, 1925, and that the average number of passengers carried from Coalville to Echo had been about three, daily. The maximum monthly passenger earnings of this train occurred in January, 1925, and totaled $84.60; whereas, the total expense of operating the train amounted to $2875.00 per month.

It was shown that if the Railroad Company was permitted to discontinue this train, it could easily handle all of the freight business in this district on the remaining train, with practically no additional expense, and with no impairment of service.

David H. Jordan, protestant, objected to the withdrawal of the train, on the grounds that because of the freight carried, the train was a profitable investment, without taking the passenger business into consideration. Inasmuch as all of the freight business could be easily handled by the remaining train, it does not appear that Mr. Jordan's position was well taken.

If this train were taken off, passengers desiring to go from Ogden to Coalville by rail, would leave Ogden at about eight o'clock in the morning, would make a fairly close connection at Echo, and reach Coalville at 10.55 a.m. If passen-

gers, however, desire to go from Coalville to Ogden, they would leave Coalville at 4:35 p.m., reach Echo at 5 p.m., and would be required to remain at Echo over night before being enabled to board the train from Echo to Ogden. It appears from the record, however, that, inasmuch as Coalville is only five miles from Echo, the public traveling to Ogden had evidently been driving to Echo to catch a westbound train, passing through Echo at 3:25 p.m., or else had driven their own automobiles on through to Ogden. The fact is shown by the record that only one person had traveled this train in twelve months between Echo and Coalville, and that an average of only three passengers a day, during the twelve months, had traveled between Coalville and Echo.

The Commission believes that it would be unreasonable to require the Union Pacific Railroad Company to expend practically $30,000 per annum for a revenue of $408.00 per annum, and that, therefore, the applicant's petition should be granted.

The Commission has recently granted a certificate of convenience and necessity for the operation of a stage running from Coalville to Ogden and from Ogden to Coalville, daily, and there already exists a stage line operating directly between Coalville and Salt Lake City, daily, and there yet remains a mixed train making one round-trip daily between Echo and Park City, via Coalville.

The Commission feels that very little inconvenience will be caused the citizens of Coalville by the removal of this train. The failure of any of the officials of Coalville or of Summit County to appear at the hearing, would not indicate that there was much opposition to the train being taken off. The population of Coalville is approximately one thousand.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secratary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of July, 1925.

In the Matter of the Application of the UNION PACIFIC RAILROAD COMPANY, for permission to discontinue the operation of trains Nos. 223 and 224 between Echo, Utah, and Coalville, Utah. } CASE No. 799

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

IT IS ORDERED, That the application be, and it is hereby, granted, that the Union Pacific Railroad Company be, and it is hereby, authorized to discontinue the operation of trains Nos. 223 and 224 between Echo, Utah ,and Coalville, Utah.

ORDERED FURTHER, That this change in service may be made effective upon five days' notice to the public and the Commission.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] 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 11th day of May, A. D. 1925.

In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to abandon certain train service between King Mine and Mohrland stations on its line of railroad. } CASE No. 800

TENTATIVE REPORT AND ORDER OF THE COMMISSION

By the Commission:

The Utah Railway Company, a railroad corporation of Utah, having filed, with the Commission ,on the 9th day of May, 1925, its application, in due form, to discontinue and abandon its train service between King Mine and Mohrland stations, in Emery County, Utah;

And it appearing, to the Commission, that no necessity exists, at the present time, for train service between said points, the Commission therefore grants, to the Utah Railway Company, permission to immediately discontinue said train service, reserving, however, the right to re-open this case in the event complaints are filed, and the public convenience and necessity demand that such train service be re-established.

IT IS THEREFORE ORDERED, That the Utah Railway Company discontinue said train service and that this order be effective May 11th, 1925.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ISAAC O'DRISCOLL, for permission to operate an automobile passenger stage line between Coalville and Ogden, Utah, via Echo, Henefer, Croyden, Devil's Slide and Morgan, Utah.	CASE No. 801

Submitted June 11, 1925. Decided July 10, 1925.

Appearances:

Isaac O'Driscoll, Applicant.
R. B. Porter, Attorney, for Union Pacific Railroad Co.
David H. Jordan, for Coalville Chamber of Commerce.

REPORT OF THE COMMISSION

By the Commission:

This case was heard at Coalville, Utah, on the 11th day of June, 1925.

The applicant, Isaac O'Driscoll, set forth in his application that he proposed to operate an automobile stage line between Coalville and Ogden, Utah, via Echo, Henefer, Croyden, Devil's Slide and Morgan, Utah. He proposed to

leave Coalville each morning for Ogden, and leave Ogden each afternoon for Coalville.

No protests were filed against the granting of this application.

The Reclamation Service of the United States Government proposes to construct a large impounding dam near Echo, in the near future. This work will be under construction for possibly eighteen months, and will undoubtedly require transportation of a large number of men from Ogden, Coalville and other points along the proposed route. In addition to this service, the proposed line will also afford an opportunity for residents of Coalville to go from Coalville to Ogden and back to Coalville the same day.

The record shows that the applicant is an experienced automobile operator, and is able to furnish suitable equipment to satisfactorily serve the public.

The Commission feels that public convenience and necessity warrants the granting of this application ,and will so find.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 242

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 10th day of July, 1925.

In the Matter of the Application of ISAAC O'DRISCOLL, for permission to operate an automobile passenger stage line between Coalville and Ogden, Utah, via Echo, Henefer, Croyden, Devil's Slide and Morgan, Utah.	CASE No. 801

This case being at issue upon application 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, that Isaac O'Driscoll be, and he is hereby, authorized to operate an automobile passenger stage line between Coalville and Ogden, Utah, via Echo, Henefer, Croyden, Devil's Slide and Morgan, Utah.

ORDERED FURTHER, That applicant, Isaac O'Driscoll, 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 Statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

PROVO CITY, a Municipal Corporation, Complainant,
vs.
UTAH VALLEY GAS & COKE COMPANY, a Corporation, Defendant.
} CASE No. 802

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of TONY M. PERRY, for permission to operate an automobile stage line between Helper and Great Western, Utah.
} CASE No. 461

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

In the Matter of the Application of WILLIAM McMULLIN and DAVID ELLIS, for permission to operate an automobile passenger stage line between Producers' and Consumers' Coal Camp, Gordon Creek, Utah, and Price, Utah.
} CASE No. 795

In the Matter of the Application of J. H. WADE, for permission to operate an automobile stage line, for the transportation of passengers and express from Price and Helper to Gibson, via Coal City, Carbon County, Utah. } CASE No. 803

Appearances:

Tony M. Perry, of Helper, Utah, for himself.
O. K. Clay, Attorney, of Price, Utah, for J. A. Halverson.
George J. Constantine, Attorney, of Moab, Utah, for Wm. McMullin and David Ellis.
J. H. Wade, of Price, Utah, for himself.

Submitted June 5, 1925. Decided July 2, 1925.

REPORT OF THE COMMISSION

By the Commission:

The above entitled cases came on regularly for hearing, at Price, Utah, on the 5th day of June, 1925.

The Commission, of its own motion, ordered a hearing in Case No. 461, this being a case wherein Tony M. Perry had, on the 17th day of September, 1921, been granted a certificate to operate an automobile stage line between Helper and Great Western, Utah.

This case was consolidated, for the purpose of a hearing, with three other cases, i. e., the application of Jesse A. Halverson to operate an automobile stage between Helper and Great Western; the application of William McMullin and David Ellis, to operate an auto stage between Price and Gibson; and the application of J. H. Wade to operate an auto stage from both Price and Helper to Gibson.

In each case, the applicants proposed to furnish service to practically the same termini, Great Western (now known as Coal City) and Gibson, both being coal camps on the north fork of Gordon Creek, fourteen miles west of the paved highway between Price and Helper. Gibson is two miles up Gordon Canyon from Coal City.

In Case No. 461, the former record shows that Tony M. Perry was granted a certificate, on September 17, 1921, or about three years and nine months prior to the present hearing. His testimony shows that during this period, he had made no effort to exercise the rights granted under his certificate, was still unable to drive an automobile, did not own an automobile and had filed no schedules of fares or arriving

and leaving time with the Commission. He testified that he had not believed the camps required auto stage service up to the present time, but was now willing to purchase a car and operate, if permitted by the Commission.

In Case No. 637, J. A. Halverson testified that he was now operating a car in taxi service, at Helper, and, if granted a certificate, could operate between Helper and Gibson, in addition to his present taxi business.

In Case No. 795, William McMullin testified that he had some teams employed on the railroad grade near Gibson; that both he and his co-applicant, David Ellis, were the owners of automobiles, but that neither had driven an automobile for hire. He proposed to operate between Price and Gibson, and supported his application with a petition signed by seventy-seven persons, residing at Gibson.

In Case No. 803, J. H. Wade testified that he had been operating an automobile stage line between Price and Helper for the past five years, under a certificate heretofore granted by the Commission, and was the owner of three seven-passenger cars and one twelve-passenger bus.

The road to Gibson diverges from the Price-Helper highway at a point about four miles north of Price and three miles south of Helper, and runs westward about fourteen miles to Gibson. The applicant proposes to start one car from Price and one from Helper, at 8:00 a.m. daily. These cars would meet at the junction with the road to Gibson, the passengers from Helper for Gibson would transfer, and the Price car would continue to Gibson, this operation being reversed on the return trip from Gibson.

After reviewing the record and the testimony, the Commission is of the opinion that Certificate of Convenience and Necessity No. 119 (Case No. 461), heretofore granted to Tony M. Perry, should be revoked, for non-compliance with the provisions therein; that the application of Jesse A. Halverson, to operate from Helper, and the application of McMullin and Ellis to operate from Price, should be denied; and that a certificate issue to J. H. Wade, authorizing him to operate from both Price and Helper to Gibson.

It is the belief of the Commission that the public interest will be better subserved by this arrangement than by the proposals made by the other applicants.

The total population of the two camps mentioned does not exceed three hundred persons, and it is doubtful whether a stage operating from Price only, or from Helper only, would be profitable.

Mr. Wade is in the transportation business, and, by operating to Gibson in connection with his present line between Price and Helper, should be able to render better service to the public than any of the other applicants.

Appropriate orders will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

ORDER

Certificate of Convenience and Necessity
No. 237

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of July, 1925.

In the Matter of the Application of TONY M. PERRY, for permission to operate an automobile stage line between Helper and Great Western, Utah.	CASE No. 461
In the Matter of the Application of JESSE A. HALVERSON, for permission to operate an automobile stage line between Helper and Dempsey City (Great Western), Utah.	CASE No. 637
In the Matter of the Application of WILLIAM McMULLIN and DAVID ELLIS, for permission to operate an automobile passenger stage line between Producers' and Consumers' Coal Camp, Gordon Creek, Utah, and Price, Utah.	CASE No. 795
In the Matter of the Application of J. H. WADE, for permission to operate an automobile stage line, for the transportation of passengers and express from Price and Helper to Gibson, via Coal City, Carbon County, Utah.	CASE No. 803

These cases being at issue upon application 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. 119 (Case No. 461), heretofore issued to Tony M. Perry, be, and it is hereby, cancelled, and the right of Tony M. Perry to operate an automobile stage line between Helper and Great Western, Utah, be, and it is hereby, revoked.

ORDERED FURTHER, That the application of Jesse A. Halverson, to operate an automobile stage line between Helper and Dempsey City (Great Western), Utah, be, and it is hereby, denied.

ORDERED FURTHER, That the application of William McMullin and David Ellis, to operate an automobile stage line between Producers' and Consumers' Coal Camp, Gordon Creek, Utah, and Price, Utah, be, and it is hereby, denied.

ORDERED FURTHER, That the application of J. H. Wade, to operate an automobile stage line, for the transportation of passengers and express, from Price and Helper to Gibson, via Coal City, Carbon County, Utah, be, and it is hereby, granted.

ORDERED FURTHER, That applicant, J. 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 Statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

In the Matter of Investigation and Suspension Docket No. 26, suspending increased rates on milk and cream between all stations on the DENVER & RIO GRANDE WESTERN RAILROAD and the RIO GRANDE SOUTHERN RAILROAD, as carried in D. & R. G. W. Local and Joint Tariff No. 382, P. U. C. U. No. 86	CASE No. 804

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ALBERT J. PETERSEN, for permission to operate an automobile passenger stage line between Garland, Utah, and the Cutler Dam, in Bear River Canyon, Box Elder County, Utah. } CASE No. 805

ORDER

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

IT IS ORDERED, That the application of Albert J. Petersen, for permission to operate an automobile passenger stage line between Garland, Utah, and the Cutler Dam, in Bear River Canyon, Box Elder County, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 9th day of June, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Lindon, Utah. } CASE No. 806

Submitted May 28, 1925. Decided June 3, 1925.

REPORT OF THE COMMISSION

By the Commission:

Under date of May 28, 1925, the Utah Power & Light Company filed an application with the Public Utilities Commission of Utah, for a certificate of convenience and neces-

sity to exercise the rights and privileges conferred by franchise granted by the Town of Lindon, Utah.

Said franchise authorizes the Utah Power & Light Company to construct, maintain and operate in the present and future streets ,alleys and public places in the Town of Lindon, Utah, electric light and power lines and equipment, 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 supplying electricity to said town and its inhabitants, and 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 Town of Lindon, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 234

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 3rd day of June, 1925.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Lindon, Utah. } CASE No. 806

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 Town of Lindon, 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]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the ALTA AUTO BUS & STAGE COMPANY, for permission to extend its line from Sandy to Salt Lake, and to increas its passenger rates.	CASE No. 807

Submitted July 15, 1925. Decided July 23, 1925.

Appearances:

E. G. Despain, of Sandy, Utah, for Alta Auto Bus & Stage Co., Applicant.
James L. Boome, of Salt Lake City, Utah, for Utah Light & Traction Co., Protestant.

FINDINGS AND REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Commission, at Sait Lake City, Utah, on the 15th day of July, 1925, after due notlce given in the manner and as required by law, upon the application of the Alta Auto Bus & Stage Company, for permission to extend its automobile route from Sandy to Salt Lake City, Utah, to increase its passenger fares; and the protest of the Utah Light & Traction Company to the extention of appilcant's route from Sandy to Salt Lake City, Utah.

The Commission, having heard the evidence adduced at said hearing for and in behalf of the applicant, and the reasons for protest by the Utah Light & Traction Company, and all matters and things involved having been duly investigated and considered, now finds and decides as follows:

1. That the applicant, Alta Auto Bus & Stage Company, is an "automobile corporation," duly organized and existing under and by virtue of the laws of the State of Utah, with its principal office and place of business at Sandy, Utah.

2. That among other things for which the applicant, Alta Auto Bus & Stage Co., was organized for and in which for many years last past it has been actively engaged, was the business of transporting persons and property, by automobile, for hire, over the public highway between Sandy and Wasatch, a distance of eight miles, and between Wasatch and Alta, Utah, by giving an auto rail service over narrow gauge railroad, for eight miles, a total distance of sixteen miles.

3. That said route from Wasatch to Alta is difficult of operation, more especially during the winter months, when auto rail service has to be abandoned and the service rendered by means of horse-drawn sleighs, on account of the heavy falls in the canyon traversed between the last mentioned points.

4. That the traffic over the said route originates largely at Salt Lake City and consists of men who are employed in the mines at Alta and nearby territory, together with their baggage and express, with the exception that during the summer months a considerable number of persons desire transportation to and from the summer resorts situated in the Little Cottonwood Canyon, beyond Sandy.

5. That the protestant, Utah Light & Traction Company is a "railroad corporation" under the laws of the State of Utah, operating a street railroad system in Salt Lake City, and, in addition thereto, an interurban line carrying passengers, for hire, between Salt Lake City and Sandy, and all intermediate points.

6. That said interurban line has been constructed by protestant at a cost of approximately $320,000.00, upon which investment the revenues earned by protestant for several years last past have been insufficient to pay maintenance and operating costs, without allowing for depreciation or any return upon investment. For the month of May, 1925, the operating revenues for this line of railroad were substantially less than $8,000.00. For the same month, the operating expenses were substantially more than $8,000.00. For the same month, there was a deficit of approximately $700.00 from the operation of said line.

7. A portion of the operating revenues earned by said interurban line of railroad has been derived from persons going to and from Alta via Sandy by using said line of railroad in conjunction with said stage line.

8. That the applicant in this case does not propose to pick up and carry passengers between Salt Lake City and Sandy unless they are passengers destined from Salt Lake City to points beyond Sandy, or passengers from Alta and intermediate points farther than to Sandy, unless the passengers are destined to Salt Lake City from points beyond Sandy.

9. That the protestant, Utah Light & Traction Company, consents and proposes to withdraw its protest against the applicant's proposed service between Salt Lake City and Sandy, if said service is confined to the carrying of passengers and property out of Salt Lake City destined to points beyond Sandy, and from Alta to Sandy, including intermediate points, when passengers and property are destined to Salt Lake City, only.

10. That the applicant, if granted permission so to do, proposes to make the following charges for transportation of passengers over the public highways between Salt Lake City and Alta, including intermediate points between Sandy and Alta, to-wit:

Salt Lake City to Alta	$2.90
Sandy to Alta	2.50
Wasatch to Alta	1.75
Sandy to Wasatch	.75
Alta to Salt Lake City	2.50
Alta to Sandy	2.00
Alta to Wasatch	1.25
Wasatch to Sandy	.75
Special round-trip rate, Salt Lake and Alta	4.75
Special round-trip rate, Sandy and Alta	4.00
Express charges, 1c per pound from Salt Lake or Sandy to Alta, and the same rate from Alta to Sandy or Salt Lake.	

11. That the applicant will have invested in equipment devoted to said service, approximately $6,000.00.

12. That the applicant, for the last twelve months, has been unable to earn any return on its capital investment, after paying operating expenses and allowing for depreciation on equipment.

13. That the applicant has filed with the Commission a certified copy of its articles of incorporation.

14. That the applicant has filed with the Commission liability insurance covering its equipment to be used for taxes

to be paid the State of Utah, as required by law, covering the extension of its said route.

From the foregoing findings of fact, theCommission concludes and decides:

That the applicant should be permitted to extend its automobile route over the public highway from Sandy to Salt Lake City, Utah, and to carry both passengers and express, for hire, over said extension; provided, that it shall not be permitted to receive either passengers or property at Salt Lake City for transportation, unless the same are destined to points beyond Sandy, Utah; nor shall it receive or discharge passengers or property at intermediate points between Salt Lake City and Sandy, Utah; that it should not be permitted to carry passengers or property from Alta and intermediate points beyond Sandy, farther than to Sandy, unless the same be destined to Salt Lake City.

It appears that the proposed extension of service by the applicant will not appreciably affect the revenues of the protestant's interurban line from Salt Lake City to Sandy, and will, at the same time, be a great convenience and meet the needs of those employed at the mines at Alta and vicinity and the campers during the summer in Little Cottonwood Canyon, beyond Sandy, by reason of their not having to make transfers, including baggage, from the railroad to the stage; that the applicant should be permitted to charge for service as per its proposal set forth in the foregoing findings of fact, and that a certificate of convenience and necessity should be issued to applicant upon the filing of such schedule of prices.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

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

ORDER

Certificate of Convenience and Necessity
No. 245

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, 1925.

In the Matter of the Application of the ALTA AUTO BUS & STAGE COMPANY, for permission to extend its line from Sandy to Salt Lake, and to increase its passenger rates. } CASE No. 807

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby granted; that the Alta Auto Bus & Stage Company be, and it is hereby, authorized to extend its automobile route over the public highway from Sandy to Salt Lake City, Utah, for the transportation of passengers and express; provided, that it shall not be permitted to receive either passengers or property at Salt Lake City for transportation, unless the same are destined to points beyond Sandy, Utah; nor shall it receive or discharge passengers or property at intermediate points between Salt Lake City and Sandy, Utah; and that it shall not be permitted to carry passengers or property from Alta and intermediate points beyond Sandy, farther than to Sandy, unless the same be destined to Salt Lake City, Utah.

ORDERED FURTHER, That applicant, Alta Auto Bus & Stage Company be, and it is hereby, permitted to make the following charges for transportation of passengers over the public highways between Salt Lake City and Alta, including intermediate points between Sandy and Alta, Utah, to-wit:

Salt Lake City to Alta	$2.90
Sandy to Alta	2.50
Wasatch to Alta	1.75
Sandy to Wasatch	.75
Alta to Salt Lake City	2.50
Alta to Sandy	2.00
Alta to Wasatch	1.25
Wasatch to Sandy	.75
Special round-trip rate, Salt Lake and Alta	4.75
Special round-trip rate, Sandy and Alta	4.00

Express charges, 1c per pound from Salt Lake or Sandy to Alta, and the same rate from Alta to Sandy or Salt Lake.

ORDERED FURTHER, That applicant, Alta Auto Bus & Stage Company, before beginning operation, shall file with the Commission and post at each station on its route, a schedule as provided by law and the Commission's Tariff Circulra No. 4, naming rates and fares and showing arriving and leaving time from each station on its line; and shall at all times operate in accordance with the Statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ALVA L. COLEMAN, for permission to increase his rates for the transportation of passengers between Heber City and Provo, Utah. } CASE No. 808

Submitted July 15, 1925. Decided July 29, 1925.

Appearance:

Alva L. Coleman, Applicant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Commission, at Salt Lake City, Utah, July 15, 1925, after due notice given for the time and in the manner required by law.

Applicant seeks to increase the fares charged for passenger service over his automobile route between Provo and Heber City, Utah. In substance, applicant alleges in his application that traffic between Provo and Heber City has increased to the extent that he has to operate additional equipment and employ more help, in order to give the service required by the public over the said route; that the Statutes of Utah enacted in 1925, providing that automobile corporations shall carry liability insurance and pay a special tax, have

imposed additional burdens upon him, to the extent that he can no longer maintain his route and pay a just and reasonable return on capital invested, from the revenues earned in giving the said service.

From the evidence received at the hearing, and after due investigation, the Commission finds and decides:

1. That the applicant and his predecessors have been engaged in the operation of an automobile stage line, carrying passengers, for hire, over the public highway between Provo and Heber City, Utah, for several years last past, under certificates of convenience and necessity issued by this Commission.

2. That during the last six months, passenger traffic has materially increased over said route, so that the applicant has been required to provide additional equipment and help, in order to accommodate the same.

3. That the present traffic over said route requires the use of an additional automobile and driver, but has not increased to the extent that the additional revenues derived therefrom will pay to the applicant the costs incurred and a fair and just return on the investment.

4. That for a seven months' period, beginning December 15, 1924, and ending July 15, 1925, the applicant's operating revenues amounted to $3938.50, and his operating expense to $3993.20, leaving him a net loss of $154.70.

5. That the present passenger fare, one way, between Heber City and Provo, a distance of twenty-eight miles, is $1.25, and applicant proposes to increase said fare to $1.50.

From the foregoing findings, the Commission concludes and decides that the fares charged by applicant over his route from Heber City to Provo, Utah, should be increased from $1.25 to $1.50, one way, and that said rate increase should become effective upon his filing with the Commission a rate schedule, accordingly.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
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 July, A. D. 1925.

In the Matter of the Application of ALVA L. COLEMAN, for permission to increase his rates for the transportation of passengers between Heber City and Provo, Utah. } CASE No. 808

This case being at issue upon application 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, that Alva L. Coleman be, and he is hereby permitted to increase the one way fare between Provo and Heber City, from $1.25 to $1.50, and that said increase shall become effective upon his filing with the Commission, a rate schedule accordingly.

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 IDAHO CENTRAL RAILROAD COMPANY, for permission to operate an automobile stage line between Ogden and Logan, Utah, and intermediate points. } CASE No. 809

Submitted June 29, 1925. Decided July 15, 1925.

Appearances:

DeVine, Howell, Stine & Gwilliam, Attorneys, for Applicant, Utah Idaho Central Railroad Co.

E. R. Callister, Attorney, for Wells R. Streeper, Protestant.

REPORT OF THE COMMISSION

By the Commission:

This case came on regularly for hearing, at Ogden, Utah, June 29, 1925, on the application of the Utah Idaho Central Railroad Company for permission to operate an automobile

stage line between Ogden and Logan, Utah, and intermediate points.

Wells R. Streeper, holding Certificate of Convenience and Necessity No. 213 (Case No. 698), providing for the operation of an automobile freight line between Ogden and Garland, Utah, via Brigham City and Tremonton, Utah, appeared as a protestant, in the event that the applicant proposed to haul freight and express between Ogden and Brigham City.

The application set forth that applicant is a corporation, owning and operating a railroad between Ogden, Utah, and Preston, Idaho; that in order to more adequately serve the public with transportation facilities in the territory where it now operates, it desires a certificate permitting it to operate as a common carrier, by motor vehicle, between Ogden and Logan, Utah; that, in the event said certificate is granted, the order should provide that in all cases of bad roads or inclement weather, and when from other causes beyond its control, it is found impracticable to operate motor vehicles over said route, that it be permitted to furnish said transportation service over its lines of railroad so as to carry on uninterrupted its transportation service between the points named, at all times during the year.

The protestant, Wells R. Streeper, filed a protest against the applicant being allowed to transport freight and express under the proposed certificate.

In support of its application, the Utah Idaho Central Railroad Company introduced ordinances granting a franchise:

1. By Ogden City.
2. By Weber County.
3. By Brigham City.
4. By Box Elder County.
5. By Wellsville City.
6. By Cache County.
7. By Logan City.

These franchises cover in full the route proposed to be traversed by the applicant.

Letters were also introduced, supporting the application, from the Chambers of Commerce at Logan, Brigham and Ogden.

The applicant proposes to coordinate its automobile stage line with its present rail service, by eliminating a portion of its rail trains and replacing them with bus operation. It proposes to establish additional service in Cache County from

Wellsville to Preston, connecting with the bus service, and to equip the bus line with the most modern type of passenger busses.

This service will be operated in and out of its existing station facilities which it now has in the towns it proposes to operate through, and, should it be necessary in order to obtain more rapid operation not accommodated by its present stations, it proposes to provide additional facilities close to the highway.

The record shows that the proposed service is to be confined exclusively to passenger, baggage and such express transportation as might be feasible under its present operations. It is not proposed to go into freight service at this time.

Considerable testimony was taken as to the amount of express proposed to be hauled by the applicant, it being the contention of the protestant that this service might seriously interfere with the service now rendered by the protestant.

The protestant operates a daily freight truck service; whereas, the applicant, in addition to a large number of trains, proposes to operate three or four bus trips daily. The Commission believes that the public convenience will be enhanced under the plan proposed by applicant, and that a certificate, as prayed for, should be issued.

We are of the opinion that the applicant should be allowed to transport, by either bus or rail, such express as may be offered to its lines, in the interest of prompt service to the public. Inasmuch as the applicant is under contract with the American Railway Express Company for the transportation of express over its existing lines, it would appear that any express carried by the bus line, would be express that has heretofore been carried on applicant's trains, and would not interfere in any way with the truck line business of the protestant.

The present rail line runs northerly from Ogden to Brigham, thence to Wellsville and Logan, via Collinston and Mendon, the distance between Brigham and Logan by rail being 35.3 miles. The proposed bus line parallels the rail line of the applicant from Ogden to Brigham, thence diverges over the State highway easterly to Mantua, and thence northerly through Wellsville to Logan, the distance between Brigham and Logan by this route being 25.4 miles, thus effecting a saving in distance of about ten miles.

An order will be issued in accordance with these findings.

(Signed) E .E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secratary.

ORDER

Certificate of Convenience and Necessity
No. 243

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 15th day of July, 1925.

In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to operate an automobile stage line between Ogden and Logan, Utah, and intermediate points. } CASE No. 809

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that the Utah Idaho Central Railroad Company be, and it is hereby, authorized and permitted to maintain and operate an automobile stage line, for the transportation of passengers, baggage and express, for hire, over the public highway between Ogden and Logan, Utah, and intermediate points.

ORDERED FURTHER, That in all cases of bad roads or inclement weather, and when from other causes beyond its control, it is found impracticable to operate motor vehicles over said route, or when the public convenience and necessity otherwise requires, the applicant shall furnish said transportation service between Ogden and Logan, Utah, and intermediate points, over its line of railroad, so as to carry on uninterrupted its transportation service between points named, at all times during the year, and in such manner as traffic conditions and public convenience and necessity may require.

ORDERED FURTHER, That applicant, Utah Idaho Central Railroad Company, before beginning operation, shall file with the Commission and post at each station on its 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 its line; and shall at all times operate in accordance with the Statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines, and that this order become effective upon the applicant's filing with the Commission a policy acceptable to the Commission, providing for liability insurance, as required by law.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WILLIS THOMAS, for permission to operate an automobile stage line between Spring Lake, Santaquin, Goshen and the Tintic Standard Mines.	CASE No. 810

Submitted August 10, 1925. Decided August 15, 1925.

Appearances:

Dan B. Shields, Attorney for Applicant.
Messrs. Dey, Hoppaugh and Mark, Attorneys, for T. M. Gilmer, Protestant.

REPORT OF THE COMMISSION

By the Commission:

This case came on for hearing, August 10, 1925.

The petition of the applicant sets forth that there are about fifty employees of the Tintic Standard Mine, at Dividend, Utah, who reside at Spring Lake, Santaquin and Goshen, and that these men have no reliable means of transportation; that the bus line now running between Payson, Utah, and Eureka, Utah, does not reach Dividend, and that the present schedule is not in harmony with working hours of the employees at the mine; that if the petition of applicant were granted, it would in no way interfere with the busi-

ness of the present bus line operated between Payson and Eureka.

This application was protested by T. M. Gilmer. The protestant set forth that he is now operating an automobile stage, daily, between Payson and Eureka, leaving Payson at 1:45 p.m. and 8:50 p.m. each day, and leaving Eureka at 10:30 a.m. and 5:30 p.m. each day; and that said automobile stage passes through the towns of Payson, Spring Lake, Santaquin, Harold, Goshen and Elberta, and passes within one and one-quarter mile of Dividend, the location of the Tintic Standard Mine.

The protestant sets forth that the reason said auto stage does not pass through Dividend at present is that the road is in such condition that it is not safe for bus operation; but that the road is being put in good condition and will be completed early in the fall, at which time the protestant will commence and continue to operate his stage line through the town of Dividend, en route to Eureka.

It was shown by the testimony that there are about fifty employees of the Tintic Standard Mines living in Spring Lake, Santaquin and Goshen who are now going to and from work in cars owned by said employees, and that if the petition of the applicant were granted, they would probably discontinue the use of their private automobiles and go to and from their work on the bus proposed to be operated by the applicant.

The applicant proposes to charge a round-trip fare of seventy-five cents between Dividend and Spring Lake, sixty-five cents between Dividend and Santaquin, and fifty cents between Dividend and Goshen, and to operate on a schedule that would permit the transportation of the two day shifts but not of the night shift employees.

The applicant, Willis Thomas, testified that he is now employed as a truck driver at Garfield, is an experienced operator of automobiles, and is financially able to purchase a bus for the purpose mentioned.

The Commission is of the opinion that the establishment of this service will be a convenience to the employees mentioned; that this transportation will in no way affect the revenues of the present Payson-Eureka stage, and that the petition of the applicant should be granted. The Commission is of the further opinion that the applicant should be restricted solely to the transportation of Tintic Standard employees living in the towns heretofore mentioned, going to and from their work at Dividend. With this restriction, it does not appear that any interference or loss will be suffered by the

protestant in this case, and that his statement of his intent at some later date to operate through Dividend, would not affect this decision, inasmuch as it is not practicable to operate the Payson-Eureka stage on a schedule and in a manner that will conform to the requirements of the employees proposed to be transported by the applicant.

An order containing the restrictions mentioned above as to whom may be transported, will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 248

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 15th day of August, 1925.

In the Matter of the Application of WILLIS THOMAS, for permission to operate an automobile stage line between Spring Lake, Santaquin, Goshen and the Tintic Standard Mines.	CASE No. 810

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hreeof;

IT IS ORDERED, That the application be, and it is hereby, granted, that Willis Thomas be, and he is hereby, authorized to operate an automobile stage line between Spring Lake, Santaquin and Goshen, Utah, to the Tintic Standard Mines, at Dividend, Utah, for the transportation of employees of the Tintic Standard Mines, exclusively, who reside at Spring Lake, Santaquin and Goshen, Utah, in going to and from their work at Dividend, Utah.

ORDERED FURTHER, That applicant, Willis Thomas, 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 Statutes of Utah and 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 G. FOX, for permission to operate a milk truck route from Granger Meeting House to Hunter, Pleasant Green, Magna and State Street and 33rd South, Street, Salt Lake City, Utah.	CASE No. 811

ORDER

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

IT IS ORDERED, That the application of George G. Fox, for permission to operate a milk truck route from Granger Meeting House to Hunter, Pleasant Green, Magna and State Street and 33rd South Street, Salt Lake City, Utah, be, and it is hereby dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 15th day of July, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

ASHTON FIRE BRICK & TILE COMPANY, Complainant,
vs.
BAMBERGER ELECTRIC RAILROAD COMPANY, Defendant.
} CASE No. 812

ORDER

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

IT IS ORDERED, That the complaint herein of the Ashton Fire Brick & Tile Company vs. the Bamberger Electric Railroad Company be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 15th day of December, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the VERNAL MILLING & LIGHT COMPANY, a Corporation, for permission to increase its light and power rates.
} CASE No. 813

Submitted October 1, 1925. Decided October 29, 1925.

Appearance:

Thos. W. O'Donnell, of Vernal, Utah, for Applicant.

REPORT OF THE COMMISSION

CORFMAN, Commissioner:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, at Vernal, Utah, on the 1st day of August, 1925, upon the application of the Vernal

Milling & Light Company to increase certain rates as the same now appear in its Tariff No. 1, filed with the Commission, August 14, 1922, due notice having been given for the time and in the manner required by law.

No one oppeared in opposition to the application made.

After the said matter had been heard at Vernal, Utah, the case was continued for further investigation and for the purpose of receiving certain data at the hands of the applicant.

On the 17th day of September, 1925, the applicant asked permission, which was granted by the Commission, to file herein an amended application for further change or modification of rates, together with its proposed Tariffs Numbers 2 and 3, said Tariff No. 2 being entitled "Schedule of Rates for Electric Service effective in Vernal and territory contiguous thereto supplied by the Company's System," which includes the now proposed rates and charges, and Tariff No. 3, entitled "General Rules and Regulations applicable to all Classes of Electric Service."

From the evidence adduced for and in behalf of the said applicant at said hearing, and from the further reports and statement made and rendered to the Commission by the applicant, under the said order of the Commission, for the continuance of said case for further investigation, the Commission now reports and finds as follows:

1. That the applicant, Vernal Milling & Light Company, is a corporation, organized and existing under the laws of the State of Utah, with its principal place of business at Vernal, Utah.

2. That the said corporation, among other things, is organized for the purpose of, and for more than eighteen years last past has been engaged in the business of furnishing electric power and light to the inhabitants of Vernal, Utah, and contiguous territory. That it owns a hydro-electric plant, together with some forty-three miles of electric lines, used as distributing system, for the furnishing of light and power to its customers in said territory.

3. That during said time, under said Tariff No. 1, it charged its customers the following rates:

For General Heating and Cooking (Meter Rate): 3c per K.W.H. for all monthly consumption, with a minimum monthly charge of $2.00 gross.

For Residential and Commercial Lighting (Meter Rate): 10c per K.W.H. for all monthly consumption, where parties own meter.

12c per K.W.H. for all monthly consumption, where Company furnishes meter.

Minimum Charge: $1.00 per month, where the meter is owned by the consumer. $1.25 per month, where the Company furnishes the meter.

For Retail Power (Meter Rates):

5c per K.W.H. for all 5 H.P. motors and over.

Minimum monthly charge on all small motors not operated on 10c rate; and without meter, $2.50 per month. Minimum charge on 5 H.P. motors and over, $6.25 per month.

For Motion Picture and appliances used in connection with the same:

8c per K.W.H. first 300 K.W.H. of monthly consumption.

7c per K.W.H. in excess of 300 K.W.H. of monthly consumption.

Minimum monthly charge: $7.50 gross.

For Street Lighting in Vernal City:

For one hundred twenty-seven 60-watt Mazda lamps, or lamps of equal candle power, $86.90 per month, and additional 60-watt lamps as may be called for and used by the city, 70c per month.

4. The petitioner alleges that it is not receiving a fair return on its capital investment; that by virtue of the limited population of Vernal City and contiguous territory thereto, the aforementioned rates are inadequate, and that the annual revenue received therefrom heretofore has been insufficient to enable it to set aside and accumulate any funds for depreciation and maintnance purposes, and that it has been paying insufficient dividends to its stockholders. It is further alleged that a large expenditure will soon have to be made to rehabilitate its said electric plant and distributing system.

5. On the 1st day of October, 1925, Messrs. Ambler & Riter, independent engineers of Salt Lake City, Utah, filed with the Commission a certified appraisal, covering the reproduction physical valuation of the applicant's power and light property, with other data and information with respect thereto, showing that the applicant is serving 530 residential and commercial lighting customers, nine heating and cooking connections, twelve flat rate customers, eighteen retail power

customers (approximately 175 H.P.,) and the Vernal street lighting system, comprising one hundred forty-five 60-watt lamps, owned and operated by the Company; that the value of the property used and useful in the giving of said service, based on the reproduction costs of the property, amounts to the sum of $143,520, not including any allowance for intangible capital, expenditures such as organization expense, legal expense, cost of securing franchise, water rights or permits, or cost of financing, and allowance for discounts on securities, or cost of developing load and business, or going concern values, that the physical value of said plant at the present time, after allowing for depreciation, is estimated by said engineers to be $112,450.00.

6. That according to the annual report for 1924 of the applicant, made as of December 31, 1924 ,and filed with the Commission, May 27, 1925, the book value of fixed capital that goes into the giving of said service, is shown to be $119,-925.46; that the total revenues from the operation of its plant amounted to the sum of $21,536.15; that the operating expenses, etc., for said period amounted to the sum of $16,073.76, not including dividends paid or any interest payments during 1924.

7. That the rate of return on capital investment in accordance with said report for 1924 to the Commission as made by the applicant, would therefore be 4.5%, according to the said report on file with the Commission, made by the engineers, Ambler & Riter, 4.8%.

8. That the proposed schedule of rates for electric service (Tariff No. 2) filed with the Commission, September 17, 1925, cancelling P. U. C. U. No. 1, provides for the following rates:

SCHEDULE No. 1

12c per K.W.H. first 250 K.W.H. of monthly consumption.
10c per K.W.H. next 250 K.W.H. of monthly consumption.
9c per K.W.H. next 250 K.W.H. of monthly consumption.
8c per K.W.H. for all K.W.H. of monthly consumption in excess of 750 K.W.H.

SCHEDULE No. 2

General Heating and Cooking, Meter Rate.
4c per K.W.H. for all monthly consumption.

SCHEDULE No. 3

Retail Power, Meter Rate.
8c per K.W.H. for the first 30 K.W.H. used per month per

H. P.
7c per K.W.H. for the next 50 K.W.H. of monthly consumption.
5.5c per K.W.H. for the next 200 K.W.H. of monthly consumption.
4c per K.W.H. for the next 800 K.W.H. of monthly consumption.
1.75c per K.W.H. for all excess monthly consumption.

SCHEDULE No. 4

General Power, Meter Rate.

$2.50 per month per contract H.P., which charge entitles consumer to use during such month 30 K.W.H. for each H. P. of contract power.
7.5c per K.W.H. for the next 50 K.W.H. of monthly consumption.
5.5c per K.W.H. for the next 250 K.W.H. of monthly consumption.
3.5c per K.W.H. for the next 750 K.W.H. of monthly consumption.
1.2c per K.W.H. for all excess monthly consumption.

SCHEDULE No. 5

General Power, Meter Rate.

$2.50 per month per contract H.P., which charge entitles consumer to use during such month 35 K.W.H. for each H. P. of contract power.
7c per K.W.H. for the next 50 K.W.H. of monthly consumption.
5c per K. W. H. for the next 250 K. W. H. of monthly consumption.
3c per K.W.H. for the next 750 K.W.H. of monthly consumption.
1c per K.W.H. for all excess monthly consumption.

SCHEDULE No. 6

Municipal Street Lighting, Flat Rate. Series Incandescent.

$30.00 per year for each 100 candle power lamp connected.
39.60 per year for each 250 candle power lamp connected.
46.20 per year for each 400 candle power lamp connected.
57.60 per year for each 600 candle power lamp connected.
66.00 per year for each 1000 candle power lamp connected.

Said schedules also provide for discounts within certain discount periods.

9. That the power plant and distributing system of the applicant is situated near Vernal, Utah, approximately one hundred miles from any railroad, and that the equipment used therefor is required to be freighted by truck over the public highways, at somewhat increased cost over that which ordinarily would be charged for rail transportation.

10. That the Commission has not in this case made an independent investigation for the purpose of finding the value of the applicant's property devoted to the giving of said service.

From the foregoing findings of fact, the Commission concludes and decides that the applicant's tariff, P.U.C.U. No. 1, now on file with the Commission, in fairness to the applicant and for the best interests of the public, should be cancelled, and, in lieu thereof, its said Tariffs Nos. 2 and 3, as filed before the Commission, should be made and become effective as to its rates, charges, rules and regulations as set out therein, subject, however, to such further fixing and determination of its property values and the reasonableness of its rates, charges, rules and regulations as the Commission may feel disposed to make at any time hereafter, either upon its own initiative or upon complaint and proper showing of any interested party as to the unreasonableness of the rates, charges, rules and regulations now made and to become effective; that the said schedules P. U. C. U. Nos. 2 and 3 should become effective on the first day of November, 1925.

An appropriate order will be entered.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) G. F. McGONAGLE,
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 29th day of October, 1925.

In the Matter of the Application of the VERNAL MILLING & LIGHT COMPANY, a Corporation, for permission to increase its light and power rates. } CASE No. 813

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that applicant's Tariff P.U.C.U. No. 1, now on file with the Commission, be, and it is hereby, cancelled, and, in lieu thereof, its said Tariffs Nos. 2 and 3, as filed before the Commission, be made and become effective as to its rates, charges, rules and regulations as set out therein, subject, however, to such further fixing and determination of its property values and the reasonableness of its rates, charges, rules and regulations as the Commission may feel disposed to make at any time hereafter, either upon its own initiative or upon complaint and proper showing of any interested party as to the unreasonableness of the rates, charges, rules and regulations now made and to become effective.

ORDERED FURTHER, That said Schedules P. U. C. U. Nos. 2 and 3 of the Vernal Milling & Light Company shall become effective on the first day of November, 1925.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of EUGENE HARMSTON and FLOYD E. HARMSTON, doing business as Harmston Bros., LESTER MULLINS, and H. S. SOWARDS and JESSE EVANS, doing business as Sowards & Evans, and ROBERT L. JOHNSTON, for permission to operate an automobile freight line between Price and Vernal, Utah, and intermediate points.	CASE No. 814

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of W. B. ROLFE and F. A. WILKINS, for permission to haul milk daily from Hunter, Pleasant Green, Bacchus and Brighton to Salt Lake City, Utah.	CASE No. 815

Submitted August 10, 1925. Decided August 14, 1925.

Appearance:

Fred R. Morgan, Attorney for Applicants.

REPORT OF THE COMMISSION

By the Commission:

The application of W. B. Rolfe and F. A. Wilkins, for permission to operate a daily milk truck service from Hunter, Pleasant Green, Bacchus and Brighton to Salt Lake City, Utah, was heard by the Commission, on August 10, 1925.

No protestants appeared at the hearing.

Testimony indicated that the applicants are engaged in the dairying business, in the territory mentioned, and that if the application prayed for is granted, they propose to transport milk to Salt Lake City belonging to themselves and other farmers residing in the vicinity of Hunter, Pleasant Green, Bacchus and Brighton; that said milk will be transported to Salt Lake City at a rate of 3c per gallon, and will there be sold for the benefit of the owners of the milk hauled.

Applicant W. B. Rolfe testified that at the present time the Clover Leaf and Gold Medal Dairies, of Salt Lake City, purchase milk from the farmers in the towns mentioned, and thence transport it to Salt Lake City, and, there being no other thansportation available, the farmers are compelled to accept such price as the Clover Leaf and Gold Medal Dairies may offer. If this petition is granted, the farmers will have the benefit of a milk transportation line from their farms to Salt Lake City, and will be able to dispose of their milk at Salt Lake City to such customers as they might obtain, regardless of the Clover Leaf and Gold Medal Dairies, and feel that a better price might be obtained.

The Commission believes that the petition should be granted, it being probably unnecessary to state, however, that any person purchasing milk direct from the farmers in Pleasant Green and the other towns mentioned, will have the right to transport said purchased milk without regard to any rights

granted the applicants herein, it being well understood that an owner of a product may transport same over the public highways without coming under the supervision of this Commission.

An order will be issued granting this application.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 247

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, 1925.

In the Matter of the Application of W. B. ROLFE and F. A. WILKINS, for permission to haul milk daily from Hunter, Pleasant Green, Bacchus and Brighton to Salt Lake City, Utah.	CASE No. 815

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof;

IT IS ORDERED, That the application be, and it is hereby, granted, that W. B. Rolfe and F. A. Wilkins be, and they are hereby, granted permission to operate an automoblie truck service, daily, for the transportation of milk, exclusively, from Hunter, Pleasant Green, Bacchus and Brighton to Salt Lake City, Utah.

ORDERED FURTHER, That applicants, W. B. Rolfe and F. A. Wilkins, 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 Statutes of Utah

and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

In the Matter of the Application of the DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, et al., for an increase in their revenues. } CASE No. 816

PENDING

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the City of Murray, Utah. } CASE No. 817

Submitted August 12, 1925. Decided August 21, 1925.

Appearances:

P. M. Parry and George R. Corey, for Applicant.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 13, 1925, 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 Murray, Utah.

Said franchise grants the "Utah Power & Light Company, its successors and assigns, (herein called 'Grantee') the right, privilege or franchise, until July 1, 1935, to operate, maintain and reconstruct, electric power lines together with all the necessary or desirable appurtenances, in the streets, alleys or public places of Murray City, Salt Lake County, Utah, for the purpose of transmitting electricity, and to supply electrical energy to grantee's customers at present

supplied within the city limits of Murry City, their successors in interests and assigns; such power lines to be used only for the above mentioned purposes, and to be operated and maintained only on such portion of the streets, alleys or public places of Murray City, where they are now operated or maintained by the said Grantee".

This application came on regularly for hearing before the Commission, at Salt Lake City, Utah, August 12, 1925. No protests were submitted, in writing or otherwise.

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 the rights and privileges as conferred by franchise granted by the City of Murray, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
Commissioners.

[SEAL]

Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

Certificate of Convenience and Necessity
No. 249.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of August, 1925.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the City of Murray, Utah. } CASE No. 817

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that the Utah Power & Light Company be and it is hereby, authorized to operate, maintain and recon-

struct in the streets, alleys or public places of Murray City, Salt Lake County, Utah, electric power lines and equipment for the purpose of transmitting electricity and supplying electrical energy to petitioner's customers at preasent supplied within the City Limits of Murray City.

ORDERED FURTHER, That in the operation, maintenance and reconstruction 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 operation, maintenance and reconstruction.

By the Commission.

(Signed) D. O. RICH,

[SEAL] Acting Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Stockton, Utah.	CASE No. 818

Submitted August 12, 1925. Decided August 21, 1925.

Appearances:

P. M. Parry and George R. Corey, for Applicant.
R. A. Campbell & Joseph Hughes for Stockton, Utah.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 13, 1925, 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 Town of Stockton, Utah.

Said franchise grants the "Utah Power & Light Company, its successors and assigns (herein called the 'Grantee'), the right, privilege, or franchise, until October 1, 1974, to construct, maintain and operate in the present and future streets, alleys, and public places in the Town of Stockton, 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 supplying electricity to said Town, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes."

This application came on regulary for hearing before the Commission, at Salt Lake City, Utah, August 12, 1925. No protests were submitted, in writing or otherwise.

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 the rights and privileges as conferred by franchise granted by the Town of Stockton, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
Commissioners.

[SEAL]

Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

Certificate of Convenience and Necessity
No. 250.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of August, 1925.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the privileges conferred by franchise granted by the Town of Stockton, Utah. } CASE No. 818

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that the Utah Power & Light Company be, and it is hereby, authorized to construct, maintain and operate in the Town of Stockton, Utah, electric light and power lines, together with all the necessary or desirable appurte-

nances (including underground conduits, poles, towers, wires, transmission lines, and telegraph and telephone lines for its own use), for the purpose of supplying electricity to said Town of Stockton, Utah, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

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) D. O. RICH,
Acting Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the City of Grantsville, Utah.	CASE No. 819

Submitted August 12, 1925. Decided August 21, 1925.

Appearances:

P. M. Parry and George R. Corey, for Applicant.
H. A. Smith, Jr., City Attorney, for Grantsville.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 13, 1925, 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 Grantsville, Utah.

Said franchise grants the "Utah Power & Light Company, its successors and assigns (herein called the 'Grantee'), the right, privilege, or franchise, until October 1, 1974, to construct, maintain, and operate in the present and future streets, alleys and public places, in Grantsville 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 supplying electricity to said City, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes."

This application came on regularly for hearing before the Commission, at Salt Lake City, Utah, August 12, 1925. No protests were submitted, in writing or otherwise.

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 the rights and privileges as conferred by franchise granted by the City of Grantsville, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

Certificate of Convenience and Necessity
No. 251

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of August, 1925.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the City of Grantsville, Utah. } CASE No. 819

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that the Utah Power & Light Company be, and it is hereby, authorized to construct, maintain and operate in the present and future streets, alleys and public places, in Grantsville City, Utah, electric light and power lines, to-

gether 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 supplying electricity to said city, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

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) D. O. RICH,
Acting Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the County of Tooele, Utah.	CASE No. 820

Submitted August 12, 1925. Decided August 21, 1925.

Appearances:

P. M. Parry and George R. Corey, for Applicant.
R. D. Halladay, County Commissioner, for Tooele County

REPORT OF THE COMMISSION

By the Commission:

Under date of July 13, 1925, 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 Tooele County, Utah.

Said franchise grants the "Utah Power & Light Company, its successors and assigns (herein called the 'Grantee'), the right, privilege or franchise until October 1, 1974, to construct, maintain and operate, along, upon and across the present and future roads and highways in Tooele County, Utah, over which said Board of County Commissioners has authority, electric light and power lines 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 and supplying electricity to said County and all persons, firms and corporations, private and municipal, within said County or beyond the limits thereof, desiring to use the same, for light, heat, power and other purposes."

This application came on regularly for hearing before the Commission, at Salt Lake City, Utah, August 12, 1925. No protests were submitted, in writing or otherwise.

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 the rights and privileges as conferred by franchise granted by the County of Tooele, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
Commissioners.

[SEAL]

Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

Certificate of Convenience and Necessity
No. 252

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of August, 1925.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the County of Tooele, Utah.	CASE No. 820

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that the Utah Power & Light Company be, and it is hereby, authorized to construct, maintain and operate, along, upon and across the present and future roads and

highways in Tooele County, Utah, over which the Board of County Commissioners has authority, electric light and power lines 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 and supplying electricity to said County and all persons, firms and corporations, private and municipal, within said County or beyond the limits thereof, desiring to use the same, for light, heat, power and other purposes.

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) D. O. RICH,

[SEAL] Acting Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Kamas, Utah.	CASE No. 821

Submitted August 12, 1925. Decided August 21, 1925.

Appearances:

P. M. Parry and George R. Corey, for Applicant.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 13, 1925, 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 Town of Kamas, Summit County, Utah.

Said franchise grants the "Utah Power & Light Company, its successors and assigns (herein called the 'Grantee'), the right, privilege, or franchise, until January 1, 1975, to construct, maintain, and operate in the present and future streets,

alleys and public places in the Town of Kamas, 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 supplying electricity to said Town, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes."

This application came on regularly for hearing before the Commission, at Salt Lake City, Utah, August 12, 1925. No protests were submitted, in writing or othewrise.

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 the rights and privileges as conferred by franchise granted by the Town of Kamas, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

Certificate of Convenience and Necessity No. 253

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its offices in Salt Lake City, Utah, on the 21st day of August, 1925.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Kamas, Utah.	CASE No. 821

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that the Utah Power & Light Company be, and it is hereby, authorized to construct, maintain and operate in the present and future streets, alleys and public places

in the Town of Kamas, Utah, 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 supplying electricity to said Town, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

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) D. O. RICH,
Acting Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE TRIBUNE PUBLISHING COMPANY, for permission to discontinue light and power service as a public utility. } CASE No. 822

Submitted September 1, 1925. Decided November 9, 1925.

Appearance:

F. J. Westcott, for Salt Lake Tribune Publishing Co.

REPORT OF THE COMMISSION

By the Commission:

In an application filed July 15, 1925, with the Public Utilities Commission of Utah, the Salt Lake Tribune Publishing Company sets forth:

That the Salt Lake Tribunt Publishing Company is a corporation, duly organized and existing under and by virtue of the laws of the State of West Virginia, and is duly qualified to transact business in the State of Utah;

That its principal place of business is 145 South Main Street, Salt Lake City, Utah;

That it is engaged in the business of editing, printing, publishing and circulating a newspaper, and in doing general printing and publishing;

That the Salt Lake Tribune Publishing Company, including the Tribune Building, which it occupies, is owned by the Kearns Corporation, which also owns the Kearns Building;

That applicant manufactures electric light and power for its own use, and furnishes light and power to its tenants in the Kearns Building and the Tribune Building;

That in order to do this, it has established its own plant and has been designated as a public utility;

That applicant's business has reached such proportion that it will soon require all of the electricity for its own use, and therefore it desires permission to discontinue furnishing electric light and power service as a public utility.

This case came on for hearing, September 1, 1925, after due and legal notice had been given to all electric light and power customers of the applicant. Notice was also sent to the Utah Power & Light Company. No protests were received.

F. J. Westcott testified that he is the secretary of the Salt Lake Tribune Publishing Company; that said company has for several years past, and is at the present time, furnishing electricity for light and power to a few tenants occupying buildings previously referred to; that the electricity is generated by the applicant in its plant; that at the present time the applicant requires a large proportion of the electricity which it generates, for the operation of its newspaper and printing plant; that applicant now desires to discontinue furnishing electricity for light and power purposes, to its present customers or any portion of the public, as a public utility; but that it desires to be free to use all of the electricity which it generates.

The Commission finds, after due consideration of all of the material facts, that permission should be granted to the Salt Lake Tribune Publishing Company to discontinue electric light and power service as a public utility.

An appropriate order will be issued.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
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 9th day of November, 1925.

In the Matter of the Application of the SALT LAKE TRIBUNE PUBLISHING COMPANY, for permission to discontinue light and power service as a public utility. } CASE No. 822

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, that the Salt Lake Tribune Publishing Company be, and it is hereby, authorized to discontinue electric light and power service as a public utility, effective December 1, 1925.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, a Corporation, for permission to operate an automobile passenger stage line between Salt Lake City and Ogden, Utah. } CASE No. 823

PENDING.

GUNNISON SUGAR COMPANY, et al., Complainants,
vs.
THE DENVER & RIO GRANDE WESTERN RAILROAD SYSTEM, et al., Defendants. } CASE No. 824

PENDING.

In the Matter of the Application of HOWARD J. SPENCER, for an amendment to his certificate of convenience and necessity, for the operation of an automobile stage line between Salt Lake City and Tooele, Utah. } CASE No. 825

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of ANDREW HOWAT and FRANCES H. ODELL, for permission to operate water system for culinary and irrigating purposes at North Salt Lake , Davis County, Utah. } CASE No. 826

Submitted September 18, 1925. Decided November 6, 1925

Appearances:

Frances H. Odell, for Applicants.
Harry S. Joseph, for St. Joseph Water & Irrigation Company, a Corporation, Protestant.

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 on the 18th day of September, 1925, upon the application of Andrew Howat and Frances H. Odell, for permission to operate a water system for culinary and irrigating purposes at North Salt Lake, Davis County, Utah, and the protest made and filed thereto by the St. Joseph Water & Irrigation Company, due notice of the hearing having been given in the manner and form required by law.

From the evidence adduced for and in behalf of the respective parties at said hearing, and after due investigation made, the Commission now finds and reports as follows:

1. That the applicants, Andrew Howat and Frances H. Odell, are both residents of North Salt Lake, Davis County, Utah, with post office address, Woods Cross, Utah.

2. That the applicants are now, and for more than ten years last past have been, furnishing water for culinary and irrigating purposes, to various people, not exceeding six, in North Salt Lake, a community near the corporate limits of Salt Lake City, Utah.

3. That the applicants are the owners of large orchard and other tracts of land in said locality, which said lands are adapted to and are desirable for urban residential purposes.

4. That the applicants have constructed and now own and operate a water system, for the purpose of supplying said lands with water for irrigation and the furnishing of the residents in said locality with water for domestic and culinary use.

5. That the water system so owned and operated by the applicants has a limited supply, and that it is not the intention or desire of the applicants to furnish a water supply for hire to the public in general, either for the purpose of irrigating lands or that of furnishing water for culinary and domestic use.

6. That the protestant, St Joseph Water & irrigation Company, is a corporation, duly orgainized and existing under and by virtue of the laws of the State of Utah, with its general or business office at Salt Lake City, Utah; that among other things, the said protestant was orgainized for the purpose, and is now and for many years last past has been engaged in the operation of a water system, for culinary and irrigation purposes, at North Salt Lake, Davis County, Utah, and is now and for many years last past has been furnishing the residents of said community with water for said purposes, for hire.

7. That the said protestant has and is now, at heavy expense, operating and maintaining, in connection with the said water system, canals, water mains and other necessary appliances, for the furnishing of water to the residents of said district, in general, water for irrigation, domestic and culinary use.

8. That the water supply of said system owned and operated by the protestant, is ample and the mains adequate for the furnishing of water for said purpose.

9. That the applicants are not prepared and do not desire to furnish the general public water for irrigation, domestic and culinary purposes, for hire, but more especially desire to confine the use of their water supply to the lands owned by them in said locality and for the furnishing of water to such persons who may from time to time purchase lands of them, for establishment of homes in said community.

From the foregoing findings of fact, the Commission now concludes and decides:

That the application of Andrew Howat and Francis H. Odell, for permission to operate a water system for culinary and irrigation purposes at North Salt Lake, Davis County, Utah, should be denied.

An appropriate order will follow.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
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 6th day of November, 1925.

In the Matter of the Application of ANDREW HOWAT and FRANCES H. ODELL, for permission to operate water system for culinary and irrigating purposes at North Salt Lake, Davis County, Utah.	CASE No. 826

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of Andrew Howat and Frances H. Odell, for permission to operate water system for culinary and irrigating purposes at North Salt Lake, Davis County, 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 B. M. YOKUM and WILLIAM FRANKEN, for permission to operate an autobile passenger stage line between Nephi and Payson, Utah.	CASE No. 827

Submitted October 13, 1925. Decided November 17, 1925.

Appearances:

P. N. Anderson, for Applicants.
Dana T. Smith, for Los Angeles & Salt Lake Railroad Company, Protestant.
Dey, Hoppaugh & Mark, for T. M. Gilmer, Protestant.

REPORT OF THE COMMISSION

By the Commission:

This application came on for hearing, at the office of the Commission, Salt Lake City, Utah, on the 28th day of September, 1925.

The application set forth that the distance between Payson, Utah, and Nephi, Utah, is about twenty-eight miles; that Nephi has a population of about 2600 people; that there are two small towns between Nephi and Payson, viz: Santaquin and Mona; that the applicants are financially able to maintain the service proposed to be rendered.

The application was protested by the Los Angeles & Salt Lake Railroad Company, on the grounds that said protestant operates a line of railroad between Payson and Nephi, and that the service rendered is fully adequate for the needs of the public.

The application was also protested by T. M. Gilmer, on the grounds that said protestant is now operating an automobile stage line between Salt Lake City and Fillmore, passing en route the towns of Payson and Nephi; that this Commission has heretofore held that a service of one day per week in each direction is all that is necessary at this time; that if the Commission determines that additional service is necessary, this protestant stands ready and willing to furnish said additional service.

With the exception of the applicant, there were only two witnesses, garage owners at Payson and at Nephi, who testified that there was any demand for the proposed service.

Other wtinesses testified that the railroad, together with privately owned automobiles, furnished all the service needed.

William C. Orme, County Commissioner of Juab County, and A. O. Smoot, County Commissioner of Utah County, appeared and asked that the petition be denied.

We therefore find that public convenience and necessity do not require that this application be granted, and the application is therefore denied.

An appropriate order will be issued.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
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 November, 1925.

In the Matter of the Application of B. M. YOKUM and WILLIAM FRANKEN, for permission to operate an autobile passenger stage line between Nephi and Payson, Utah.	CASE No. 827

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application herein of B. M. Yokum and William Franken, for permission to operate an automobile passenger stage line between Nephi and Payson, Utah, be, and it is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary

[SEAL]

In the Matter of the Application of PRICE, a Municipal Corporation of Carbon County, Utah, to establish a grade crossing at 11th Street, in Price, over and across the tracks of the Denver & Rio Grande Western Railroad Company. } CASE No. 828

(Pending)

In the Matter of the Application of certain property owners, residents and taxpayers of the City of Price, Utah, for the opening of Tenth Street, in Price, Utah, by the establishment of a grade crossing at said Tenth Street, over and across the tracks of the Denver & Rio Grande Western Railroad Company. } CASE No. 829

(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 Brigham City, Utah, and the Utah-Idaho State Line, on the State Road to Malad City, Idaho, and intermediate points. } CASE No. 830

ORDER

By the Commission:

Upon motion of the 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 Brigham City, Utah, and the Utah-Idaho State Line, on the State Road to Malad City, Idaho, and intermediate points, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 1st day of September, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Ophir, Utah.	CASE No. 831

Submitted August 12, 1925. Decided August 21, 1925.

Appearences:

P. M. Parry and George R. Corey, for Applicant.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 30, 1925, 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 Town of Ophir, Utah.

Said franchise grants the "Utah Power & Light Company, its successors and assigns (herein called the 'Grantee'), the right, privilege or franchise, until October 1, 1974, to construct, maintain and operate in the present and future streets, alleys and public places in the Town of Ophir, 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 supplying electricity to said town, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes."

This application came on regularly for hearing before the Commission, at Salt Lake City, Utah, August 12, 1925. No protests were submitted, in writing or otherwise.

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 the rights and privileges as conferred by franchise granted by the Town of Ophir, Utah.

An appropriate order will be issued.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
Commissioners.

[SEAL]

Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

Certificate of Convenience and Necessity
No. 254

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of August, 1925.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Ophir, Utah. } CASE No. 831

This case being at issue upon application 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 and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby granted, that the Utah Power & Light Company be, and it is hereby, authorized to construct, maintain and operate in the present and future streets, alleys and public places in the Town of Ophir, Utah, 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 supplying electricity to said Town,

the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

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) D. O. RICH,
Acting Secretary.

(SEAL)

In the Matter of the Application of C. J. LOWERY, for permission to operate an automobile stage line between Brigham City, Utah, and the Utah-Idaho State Line, with final destination at Malad City, Idaho. } CASE No. 832

(Pending)

Re: Suspension of Items 150-A and 160-A, Page 20, Supplement 13, Pacific Freight Tariff Bureau Tariff No. 12-B, P.U.C.U. No. 38. } CASE No. 833

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

Investigation and Suspension Docket No. 27

VACATING ORDER

IT APPEARING, That on may 16th, 1923, there was filed with the Public Utilities Commission of Utah, by the Pacific Freight Tariff Bureau, by F. W. Gomph, its agent, Supplement 13, to Local, Joint and Proportional Freight Tariff No. 12-B, P.U.C.U. No. 38, to become effective June 18, 1925.

IT FURTHER APPEARING, That Items 150-A and 160-A, Page 20, thereof, provide certain increases in rates for the transportation of Beet Pulp, which appeared to be in violation of the Public Utilities Commission Act of Utah, and, therefore, the same were suspended and assigned for hearing September 1, 1925.

IT FURTHER APPEARING, That said hearing was held and investigation made, and the Commission is of the opinion that the suspension should be vacated.

IT IS THEREFORE ORDERED, That the suspension of rates on Beet Pulp, as provided in Items Nos. 150-A and 160-A, Page 20, Supplement 13, to Local, Joint and Proportional Freight Tariff No. 12-B, P.U.C.U. No. 38, be, and it is hereby, vacated.

ORDERED FURTHER, That a copy of this order be filed with said supplement, in the office of the Commission, and, that a copy hereof be forthwith served upon F. W. Gomph, agent, Pacific Freight Tariff Bureau.

By the Commission.

Dated at Salt Lake City, Utah, this 8th day of September, A. D. 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of ROBERT M. LUCAS and O. V. McGREW, for permission to operate an automobile freight truck line between Price, Duchesne, Myton, Roosevelt, Vernal and all intermediate points. } CASE No. 834

(Pending)

In the Matter of the Application of the HENRY I. MOORE and D. P. ABERCROMBIE, Receivers for the SALT LAKE & UTAH RAILROAD COMPANY, for permission to operate an automobile passenger stage line between Salt Lake City, Magna and Garfield Smelter, Utah, and intermediate points. } CASE No. 835

(Pending)

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for the elimination of grade crossings over the Union Pacific Railroad at Station 88+52.6 and 378+54.7 Engineer's Stations Federal Aid Project 60-B Emory Castle Rock equivalent to MP 940.45 East bound main line west of Castle Rock and MP 935.48 West bound main line East of Castle Rock. } CASE No. 836

(Pending)

In the Matter of the Application of J. H. O'DRISCOLL, for permission to operate an automobile passenger and baggage stage line between Nephi and Manti, Utah, and intermediate points. } CASE No. 837

(Pending)

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for the elimination of grade crossings over the Union Pacific Railroad between Echo and Emery Federal Aid Project No. 60-A, equivalent to railroad mile posts 942+ to 952+. } CASE No. 838

(Pending)

In the Matter of the Application of ALMA C. JENSEN to withdraw from and JAMES H. WADE to assume the operation of an automobile stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville and Clauson, Utah. } CASE No. 839

(Pending)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of B. F. KNELL, for permission to operate an automobile passenger stage line between Cedar City and Lund, Utah. } CASE No. 840

ORDER

By the Commission.

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

IT IS ORDERED, That the application of B. F. Knell, for permission to operate an automobile passenger stage line between Cedar City and Lund, Utah, be, and it is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 14th day of November, 1925.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to increase certain passenger fares to the basis of three cents per mile. } CASE No. 841

Submitted Oct. 29, 1925. Decided Nov. 10, 1925.

Appearences:

R. C. Gwilliam, for Applicant.

REPORT OF THE COMMISSION

By the Commission:

In an application filed September 16, 1925, with the Public Utilities Commission of Utah, the Utah Idaho Central

Railroad Company requests permission to reissue its Local Passenger Tariff No. 16-A, P.U.C.U. No. P-110, by revising all passenger fares to the basis of three cents per mile.

Notice was issued, assigning this case for hearing at Ogden, Utah, October 26, 1925, at 10:30 o'clock a.m. A copy of said notice was sent to the City Commissions and Town Boards of all cities and towns along the line of applicant's railroad. Proof of publication of said notice was filed at the hearing.

No protests were received.

The case came on for hearing as per notice.

Evidence shows that the Utah Idaho Central Railroad Company is a corporation, operating and existing under and by virtue of the laws of the State of Utah, for the purpose of transporting persons and property, for hire, between points in Utah and Idaho, both intrastate and interstate;

That applicant has endeavored to maintain passenger fares on the basis of three cents per mile;

That owing to various changes in mileage, and due to some erroneous fares being published, a portion of the rates appear to be out of line, i.e., not on the three-cent per mile basis;

That applicant is preparing to reissue its tariff on said basis, and, if permission is granted, there will be a number of reductions and increases;

That said increases and reductions will be small.

After due consideration of the evidence, the Commission finds that the application should be granted, and that the Utah Idaho Central Railroad Company should be permitted to adjust its passenger fares as provided in U. I. C. R. R. Local Passenger Tariff No. 16-A, P.U.C.U. No. P-110, in Utah, to the basis of three cents per mile.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY
G. F. McGONAGLE
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 November, 1925.

In the Matter of the Application of the UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to increase certain passenger fares to the basis of three cents per mile. } CASE No. 841

This case being at issue upon application 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 and conclusions, 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 Idaho Central Railroad Company be, and it is hereby, authorized to adjust its passenger fares as provided in U. I. C. R. R. Local Passenger Tariff No. 16-A, P.U.C.U. No. P-110, in Utah, to the bisis of three cents per mile.

ORDERED FURTHER, That such change in passenger fares shall be made effective upon one day's notice to the public and the Commission.

By the Commission.

(Signed) F. L. OSTLER,

[SEAL] Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to purchase and operate the main line and Coal Creek Branch Line of railroad of the National Coal Railway Company, and a Certificate of Convenience and Necessity authorizing the operation by said Utah Railway Company, of said two railway lines, and also permitting said Utah Railway Company to exercise franchise granted by Carbon County, Utah. } CASE No. 842

Submitted October 27, 1925. Decided November 3, 1925.

Appearences:

Messrs. Bradley & Pischel, of Salt Lake City, Utah, Attorneys for Applicant.

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, on the 27th day of October, 1925, upon the application of the Utah Railway Company for permission to purchase and operate the main and branch lines of railroad of the National Coal Railway Company, and for a certificate of convenience and necessity, authorizing the operation by said applicant of said two railway lines, and also permitting said Utah Railway Company to exercise franchise granted by Carbon County, Utah, due notice thereof having been given for the time and in the manner as required by law.

No protests were filed to the granting of said application as prayed for by applicant, and no appearances were made at said hearing in opposition thereto.

From the evidence adduced at said hearing, for and in behalf of the applicant, and after due investigation made, the Commission finds:

1. That the Utah Railway Company, the applicant herein, is a corporation, duly organized and existing under the laws of the State of Utah.

2. That the said applicant was incorporated January 24, 1912, under the General Laws of the State of Utah, under the name "Utah Coal Railway Company," which name was ,on May 4, 1912, by charter amendment, changed to "Utah Railway Company," its principal office and place of business being on the seventh floor of the Newhouse Building, Salt Lake City, Utah; that a copy of said applicant's articles of incorporation are on file with the Public Utilities Commission of Utah.

3. That the applicant was organized primarily for the purpose of building or acquiring and operating a standard gauge railroad from the coal fields in Carbon and Emery Counties, Utah, to a point of connection with the San Pedro, Los Angeles & Salt Lake Railroad (now the Los Angeles & Salt Lake Railroad, a unit of the Union Pacific System); that applicant has heretofore constructed and owns outright, and is solely operating a standard gauge main track railroad of first-class construction, over a distance of 25.78 miles, from Mohrland, Utah, to Utah Railway Junction, Utah; is operating over the Denver & Rio Grande Western Railroad Company's double tracks for a distance of 52.10 miles, between Utah Railway Junction and Thistle, Utah, under trackage agreement dated November 1, 1913; is operating over its own

single track railway between Thistle and Provo, Utah, a distance of 20.62 miles; is under said trackage agreement operating over the Denver & Rio Grande Western's single track railroad between the same points lastly mentioned, the Denver & Rio Grande Western Railroad Company operating over the applicant's single track of railroad between these two points, the two tracks lastly mentioned being used jointly as a double track operation; thus giving the Utah Railway Company, through direct ownership and trackage facilities, including solely operated branch lines, a continuous operation of about 102 miles between said Mohrland and Provo, Utah.

4. That the applicant in such operations is engaged in transporting for the public large tonnage of coal for delivery to connecting carriers at Provo, destined from the said coal fields of Emery and Carbon Counties, Utah, to points in the states of Utah, Idaho, Montana, Arizona, Washington and California, which are largely dependent upon said coal fields for their necessary fuel supply, and, in transporting other freight to stations on its said railway line.

5. That the National Coal Railway Company is a corporation, organized and existing under and by virtue of the laws of the State of Utah, and it has its general office and principal place of business in the Kearns Building, Salt Lake City, Utah; that said National Coal Railway Company was organized primarily for the purpose of building or acquiring and operating a standard gauge railroad, with branches, to serve the coal fields situated at and in the vicinity of Gordon Creek Canyon, in Carbon County, Utah, connecting with the line of railroad owned and operated by the applicant, the Utah Railway Company.

6. That under and pursuant to a certificate of convenience and necessity issued on March 12, 1925, by the Public Utilities Commission of Utah, in Case No. 750, said National Coal Railway is now engaged in, and has partly completed, the construction of a standard gauge main line of railway, generally described as extending up Gorley Creek Canyon and the North Fork of Gordon Creek Canyon, from a connection with the said main railway line of the applicant, Utah Railway Company, between Utah Railway Junction, in Carbon County, Utah, at or near main line station 753 plus 19.0 of this applicant's mileage, located in the southeast quarter of the northeast quarter of Section 5, Township 14 South, Range 9 East of the Salt Lake Base and Meridian, for a distance of about 8.9 miles, in a general westerly and northwesterly direction, to a point located in the northeast quarter of the northeast quarter of Section 19, Township 13 South, Range

8 East of the Salt Lake Base and Meridian, the said point lastly named being south 30°45′ west 680 feet from the northeast corner of said Section 19. Said National Coal Railway Company, under and pursuant to the same certificate of convenience and necessity lastly mentioned, proposes to construct during the spring and summer of 1926, its Coal Creek Branch, standard gauge railway line, beginning at the most available point on the boundary line of its right-of-way for its said main line, near Station 370 of its said main line mileage in the northeast quarter of the southeast quarter of Section 21, Township 13 South, Range 8 East of the Salt Lake Base and Meridian, and extending thence up Coal Creek Canyon for a distance of about one and one-quarter miles, in a northerly direction, and along the most feasible route, to approximately the point where the National Coal Co. will start the development of part of its coal mining property, all in Carbon Co., aforesaid; that the said main line of railway of the National Coal Railway Company will be completed on or before December 31, 1925.

7. That the said main line and branch line of railroad of the National Coal Railway Company, when completed, will serve the coal mines or properties at and in the vicinity of Gorley Creek Canyon, in said Carbon County, more especially those owned and controlled by the National Coal Company, Union Coal Company, Sweet Coal Company, Great Western Coal Mines Company, and the Consumers' Mutual Coal Company, all of which are corporations organized and existing under and by virtue of the laws of the State of Utah; that each of the said coal companies are financially interested in and they are the owners of practically all of the capital stock of the said National Coal Railway Company.

8. That the applicant and said National Coal Railway Company, and the aforementioned coal companies, have made and entered into a certain agreement in writing, dated September 16, 1925, whereby the said National Coal Railway Company agrees to sell and convey to the applicant, Utah Railway Company, its said main line and Coal Creek Branch line and the roadbeds, rights-of-way, structures, superstructures, terminals, stations, watering facilities, other appliances and facilities, trackage, tracks and portions of tracks within the boundary lines of its said right-of-way, and all and singular the franchises, rights, tenements, hereditaments and appurtenances belonging or appertaining thereunto, for the price and upon and subject to certain terms, conditions and agreements set forth and contained in said agreement, a copy of which is attached to, marked "Exhibit A," and made a

part of the applicant's application herein, and which said agreement is hereby expressly referred to and made a part of these findings. That in and by said written agreement, the said National Coal Railway Company obligates applicant to take possession of and operate said railroad property, under and in accordance with the terms and subject to the conditions and provisions of said agreement, upon and after the time of the completion of said main line and said Coal Creek branch line, respectively.

9. That the terms and conditions of the said agreement are fair and reasonable as between the said contracting parties.

10. That the properties of the said coal mining companies, parties to said agreement, contain large tonnages of merchantable coal, which can be transported over said main line and Coal Creek branch line to market; that there is a large and increasing demand for such coal by the public in Utah, Idaho, Montana, Oregon, Washington, Nevada and California, and that such coal cannot be gotten out and transported to market economically, without the operation of said main and branch lines of railway, for the serving of the coal properties of said mining companies.

11. That the said National Coal Railway Company has no locomotives, freight cars, cabooses or other equipment wherewith to operate its said main and Coal Creek branch of railway, and it is now so situated and circumstanced that it cannot easily or quickly procure the same for the operation of its said lines; that the applicant has and owns and operates locomotives, coal and other freight cars and cabooses in such number and condition that it will be able to furnish adequate service and economical operation of said main and branch lines of road, and can give prompt, adequate and efficient service to the public in the transportation of said coal from the mines of the said coal companies and others tributary to the said lines, and at the same time render efficient and adequate service to all patrons of and the public over its main line of railway, and is so financed that it can promptly acquire and devote to the service aforesaid any and all additional equipment that may hereafter be required for such service.

12. That it would be an unnecessary duplication of capital expenditure and an economic loss to the public to require said National Coal Railway Company to purchase and put into service the necessary locomotives, freight cars and other equipment necessary for the proper operation of its said main line of railroad and the Coal Creek Branch line; and the service to shippers and to the public aforesaid over said

main and branch line roads can be performed by applicant with its equipment and facilities and by virtue of its thoroughly equipped present organization, more efficiently and at less cost than by said National Coal Railway Company.

13. That no other railroad has been extended, constructed, projected or surveyed into either of said two canyons, and that said main and branch lines of the National Coal Railway Company will not compete with any other line of railroad or spur or branch railroad, but will reach, open and develop new country and enable the owners and lessees of said coal lands and coal land rights to open and develop same and to market the coal mined therefrom, and without the operation of said main and branch lines lastly aforesaid said coal lands and coal land rights cannot be opened or developed or coal produced therefrom economically.

14. That applicant's said railway line is and same and said main and branch lines of the National Coal Railway Company will be used chiefly for the transportation of coal to market in the several states above named.

15. That on February 10, 1925, Carbon County, acting by its Board of County Commissioners, granted to said National Coal Railway Company a right and license to cross with said main line railroad of the National Coal Railway Company, the County Highway, at all points where necessary, and the applicant is willing to exercise the rights so granted to the National Coal Railway Company.

16. That the said main line railroad of the National Coal Railway Company is now nearing completion, and a large part thereof is now ready for operation; that the aforementioned coal properties to be served by it are already in the productive stage and are anxiously awaiting the completion and operation of said main line of railroad of the National Coal Railway Company, in order that they may have transportation facilities to meet the seasonal demand being made upon them for coal.

17. That the applicant and said National Coal Railway Company are, by their respective charters and by the laws of Utah, fully authorized, the one to purchase and the other to sell and convey said main and Coal Creek branch lines of railway.

From the foregoing findings of fact, the Commission concludes and decides that the public convenience and necessity will be best subserved by the sale and conveyance of the main and branch lines of railroad of the National Coal Railway Company to the applicant, Utah Railway Company, for the price and upon the terms and conditions, and subject to

the agreements as set forth in that certain agreement made and entered into between said parties, dated September 16, 1925, hereby referred to as applicant's "Exhibit A," and made a part of the application herein, and that said agreement should be authorized and approved; that a certificate of public convenience and necessity should be issued by this Commission authorizing and permitting the applicant, Utah Railway Company, to operate said main and branch lines of railway, and to exercise the franchise rights granted by the County Commissioners of Carbon County, and all other rights and privileges appertaining to or connected with said two lines of railway, in accordance with the terms and conditions of said agreement aforesaid; that said certificate should be issued to become effective forthwith.

An appropriate order will be entered.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 255.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 3rd day of November, 1925.

In the Matter of the Application of the UTAH RAILWAY COMPANY, for permission to purchase and operate the main line and Coal Creek Branch Line of railroad of the National Coal Railway Company, and a Certificate of Convenience and Necessity authorizing the operation by said Utah Railway Company, of said two railway lines, and also permitting said Utah Railway Company to exercise franchise granted by Carbon County, Utah.	CASE No. 842

This case having been presented upon application 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 the same is hereby, granted, and the Utah Railway Company, a Corporation, be, and it is hereby, authorized and permitted to purchase, operate and maintain as a part of its railroad system, the main and branch line of railroad of the National Coal Railway, a Corporation, in Carbon County, State of Utah, as mentioned and described and in accordance with the terms and conditions of that certain agreement attached to applicant's application herein and marked "Exhibit A", made and entered into on the 16th day of September, 1925, by and between the National Coal Railway Company, a Corporation, organized and existing under and by virtue of the laws of Utah, party of the first part, and the Utah Railway Company, a Corporation, organized and existing under and by virtue of the laws of the State of Utah, party of the second part, and Great Western Coal Mines Company, National Coal Company, Consumers' Mutual Coal Company, Sweet Coal Company and Union Coal Company, all corporations organized and existing under and by virtue of the laws of the State of Utah, which said agreement is hereby expressly referred to is made a part hereof, and the same hereby authorized and approved.

IT IS FURTHER ORDERED, That the franchise rights granted to the said National Coal Railway Company by the Board of County Commissioners of Carbon County, Utah, February 10, 1925, to cross the said main line railroad of the National Coal Railway Company over the County Highway at all points where necessary, a copy of which franchise is attached to the application herein and marked "Exhibit B", may be exercised by the applicant, Utah Railway Company, together with all other rights and privileges appertaining to or connected with said lines of railway of the National Coal Railway Company, in accordance with the terms and conditions of said agreement aforesaid, and in conformity to the requirements, rules and regulations of the Public Utilities Commission of Utah with respect to clearness, overhead and side, and other matters pertaining to the construction and maintenance thereof.

By the Commission:

(Signed) F. L. OSTLER,

[SEAL] Secretary.

In the Matter of the Application of the STATE ROAD COMMISSION OF, UTAH, for permission to close an existing grade crossing over the Southern Pacific Railroad, in the vicinity of Engineer's Station 238 +, Federal Aid Project No. 63-A, equivalent to approximately Mile Post 802.5 Main Line Promontory Branch. } CASE No. 843

(Pending)

In the Matter of the Application of E. E. GUILD, for permission to operate an automobile passenger stage line between Modena and Goldstrike, Utah. } CASE No. 844

(Pending)

In the Matter of the Application of E. H. HANSEN, for the BIG (6) TRANSIT COMPANY, for permission to operate an automobile stage line, for the transportation of passengers, between Salt Lake City and the Utah-Arizona State Line, connecting with what is now known as the Arrow-head Trail running through Nevada. } CASE No. 845

(Pending)

CONTINENTAL AGENCY COMPANY, a Corporation, Complainant,
vs.
THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, a Corporation, Defendant. } CASE No. 846

(Pending)

In the Matter of the Application of the MAGNA GARFIELD TRUCK LINE, to assume all the right, title and interest of Butters & Speers in automobile freight and express line between Salt Lake City and Garfield, Utah, (Certificate of Convenience and Necessity No. 173. } CASE No. 847

(Pending)

In the Matter of the Application of THE BIG SPRING ELECTRIC COMPANY, for permission to revise and amend its present rules, rates and tariffs. } CASE No. 848

(Pending)

In the Matter of the Application of the B. & O. TRANSPORTATION COMPANY, a Co-partnership, consisting of A. A. OBERG and H. A. BRAKE, for permission to transfer Certificate of Convenience and Necessity to the B. & O. TRANSPORTATION COMPANY, a Corporation. } CASE No. 849

(Pending)

In the Matter of the Application of GUST CHOPP, for permission to operate an automobile passenger stage line between Logan City, Utah, and the Utah-Idaho State Line, over the State Highway of Utah. } CASE No. 850

(Pending)

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to eliminate grade crossing over the Western Pacific Railroad, at approximately Station 3250+65 Engineer's Station Federal Aid Project No. 51-C, in the vicinity of Low Pass. } CASE No. 851

(Pending)

In the Matter of the Application of THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to adjust telephone rates at its Cedar City and Parowan Exchanges. } CASE No. 852

(Pending)

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to amend the route of its Mill Creek Bus Line. } CASE No. 853

(Pending)

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the City of Vernal, Utah. } CASE No. 854

(Pending)

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by Uintah County, Utah. } CASE No. 855

(Pending)

SPECIAL DOCKETS—REPARATION

Number		Amount
150	Mrs. M. Landon vs. Utah Gas & Coke Coke Company	$ 5.81
151	U. S. Smelting, Refining & Mining Company vs. Denver & Rio Grande Western Railroad Company	4.68
152	Charles P. Hawkins vs. Utah Gas & Coke Company	5.75
153	Willis S. Hickcox vs. Utah Gas & Coke Company	15.32
154	Mason Gardner vs. Los Angeles & Salt Lake Railroad Company	.....
155	Carbon County Railway Company vs. Denver & Rio Grande Western Railroad Company	270.82
156	Knight Woolen Mills vs. Denver & Rio Grande Western Railroad Company and Western Pacific Railroad Company	83.25
157	Lion Coal Company vs. Oregon Short Line Railroad Company	905.57
158	Vogeler Seed & Produce Company vs. Los Angeles & Salt Lake Railroad Company	54.72
159	Utah Idaho Sugar Company vs. Utah Idaho Central Railroad Company	7.97
160	Continental Oil Company vs. Salt Lake & Utah Railroad Company	34.27
161	Utah State Road Commission vs. Los Angeles & Salt Lake Railroad Company	48.75
162	Utah Idaho Sugar Company vs. Los Angeles & Salt Lake Railroad Company	158.47
163	Minneapolis Steel & Machinery Company vs. Denver & Rio Grande Western Rail-Road Company	3.60
164	National Packing Corporation vs. Denver & Rio Grande Western Railroad Company	17.70
165	Utah Oil Refining Company vs. Denver & Rio Grande Western Railroad Company	242.08
166	Columbia Steel Corporation vs. Los Angeles & Salt Lake Railroad Company	889.12
167	Union Portland Cement Company vs. Union Pacific Railroad Company & Utah Idaho Central Railroad Company	9.71

Number		Amount
168	B. Tiemersma vs. Utah Gas & Coke Company	5.81
169	Union Portland Cement Company vs. Union Pacific Railroad Company & Utah Idaho Central Railroad Company	2.85
170	Mrs. George Bosch vs. Utah Gas & Coke Company	14.68
Duplicate		
170	Carl Veater vs. Oregon Short Line Railroad Company	84.00
171	Sawdey & Hunt vs. Union Pacific Railroad Company	122.50
172	Vitamin Company vs. Utah Idaho Central Railroad Company & Bamberger Electric Railroad Company	18.04
173	J .M. Veater and Howard Veater vs. Denver & Rio Grande Western Railroad Company	189.66
174	U. S. Smelting, Refining & Mining Company vs. Denver & Rio Grande Western Railroad Company	
175	Denney & Company vs. Salt Lake & Utah Railroad Company	.....
176	Standard Reduction Company vs. Denver & Rio Grande Western Railroad Company	125.30
177	Utah Idaho Sugar Company vs. Los Angeles & Salt Lake Railroad Company and Denver & Rio Grande Western Railroad Company	648.17
178	Colorado Consolidated Mines Company vs. Denver & Rio Grande Western Railroad Company	37.70
179	Standard Reduction Company vs. American Railway Express Company	351.88
180	H. Peterson vs. Southern Pacific Company	
181	A. M. Johnson vs. Southern Pacific Company	.....
182	Utah Copper Company vs. Utah Railway Company	91.39
183	International Smelting Company vs. Tooele Valley Railway Company and Los Angeles & Salt Lake Railroad Company	769.10
184	Columbia Steel Corporation vs. Los Angeles & Salt Lake Railroad Company	.....

185	Bailey & Sons Company vs. Bamberger Electric Railroad Company and Utah Idaho Central Railroad Company	3.31
	TOTAL	$5,221.98

SPECIAL PERMISSIONS ISSUED IN THE YEAR 1925

Name	Number
American Railway Express Company	3
Bamberger Electric Railroad Company	8
Barton Truck Line	1
Bingham & Garfield Railway Company	1
Denver & Rio Grande Western Railroad Company	73
Goshen Electric Company	1
Local Utah Freight Tariff Bureau	25
Los Angeles & Salt Lake Railroad Company	27
Morgan Electric Light & Power Company	1
National Perishable Freight Committee	1
Oregon Short Line Railroad Company	17
Pacific Freight Tariff Bureau	11
Price-Emery Auto Line	1
Salt Lake, Garfield & Western Railroad Company	1
Salt Lake-Ogden Transportation Company	1
Salt Lake & Utah Railroad Company	5
Southern Pacific Company	3
Tremonton, City of	1
Union Pacific Railroad Company	4
Utah Central Truck Line	1
Utah Idaho Central Railroad Company	21
Utah Light & Traction Company	6
Utah Power & Light Company	2
Utah Railway Company	1
Western Pacific Railroad Company	2
Western Passenger Association	1
TOTAL	219

GRADE CROSSING PERMITS ISSUED IN THE YEAR 1925

Number	Issued to	Location
97	Salt Lake and Utah Railroad Company	Spanish Fork
98	Layton Sugar Company	Layton
99	Oregon Short Line Railroad Company	Salt Lake City
100	Denver & Rio Grande Western Railroad Company	Salt Lake City
101	Western Pacific Railroad Company	Salt Lake City
102	Oregon Short Line Railroad Company	Salt Lake City
103	Denver and Rio Grande Western Railroad Company	Salt Lake City
104	Denver & Rio Grande Western Railroad Company	Salt Lake City

CERTIFICATES OF CONVENIENCE AND NECESSITY WERE ISSUED AS FOLLOWS:

Certificate Number	Case Number	Classification	Between *At	And	To Whom Issued
215	756	Hydro-elec. Pr. Pl't	*Cutler		Utah Power & Light Company
216	724	Truck line	Salt Lake City	Provo	Utah Central Truck Line
217	732	Pass'gr & fr't line	Salina	Coal Camps in Salina Canyon	Frank Herbert
218	752	Pass'gr & fr't line	Tooele	Bauer	Leonard G. Charles
219	743	Passenger line	Richfield	Emery	Jack and Robert R. Loftis
220	750	Line of railroad	Carbon County to connect with main line of the	Utah Railway Co.	National Coal Railway Company
221	749	Truck line	St. George	Cedar City	Milne, Barton and Hamblin
222	747	Passenger line	St. George	Enterprise	Louis R. Lund & B. L. Covington
223	746	Passenger line	St. George	Cedar City	Louis R. Lund & B. L. Covington
224	748	Milk truck line	Lehi	Salt Lake City	Bernell Bateman
225	768	Pass. & truck line	Cedar City and Marysvale	Southern Utah Parks	Utah Parks Company
226	753	Milk truck line	Crescent and Sandy	Salt Lake City	Myrle Allsop
227	758	Passenger line	Salt Lake City	Heber City	Alva L. Coleman
228	780	Tramway	Wasatch	Alta	J. P. Clays
229	771	Passenger line	Tremonton	Bear River Can'n	Owen Cheney and Orion Peterson
230	789	Passenger line	Logan	U.P. & L. Camp near Plymouth	Louis F. Winchell
231	792	Passenger line	Paragonah	Cedar City	J. Lowe Barton
232	755	Pass'gr & exp. line	Beaver City	Parowan	Jedediah Dean
233	797	Light & power line	*Huntsville		Utah Power & Light Company
234	806	Light & power line	*Lindon		Utah Power & Light Company
235	745	Passenger line	Milford	Beaver	W. R. Martin
236	777	Passenger line	Salt Lake City	Timpanogas Cave	Salt Lake Transportation Co.
237	803	Pass'gr & exp. line	Price and Helper	Gibson	J. H. Wade
238	769	Passenger line	Wasatch Drive	Canyons & highways in Salt Lake County	Salt Lake Transportation Co.

CERTIFICATE OF CONVENIENCE AND NECESSITY WERE ISSUED AS FOLLOWS:

(Continued)

Number Certificate	Number Case	Classification	Between *At	And	To Whom Issued
239	772	Passenger line	Wasatch Drive	Canyons & highways in Salt Lake County	Pierce-Arrow Sightseeing and Transportation Company
240	770	Passenger line	Salt Lake City	Saltair	Salt Lake Transportation Co.
241	776	Passenger line	Salt Lake City	Saltair	Pierce-Arrow Sightseeing and Transportation Company
242	801	Passenger line	Coalville	Ogden	Isaac O'Driscoll
243	809	Pass'gr & exp. line	Ogden	Logan	Utah Idaho Central Railroad Co.
244	731	Truck line	Provo	Eureka	E. D. Loveless & W. H. Bradford
245	807	Pass'gr & exp. line	Extend line from Sandy	Salt Lake City	Alto Auto Bus and Stage Company
246	798	Passenger line	Brigham City	Cutler Dam Site in Bear River Canyon	Delbert S. Holmes
247	815	Milk truck line	Hunter, Pleasant Green, Bacchus and Brighton	Salt Lake City	W. B. Rolfe and F. A. Wilkins
248	810	Passenger line	Spring Lake, Santaquin and Goshen	Tintic Mines	Willis Thomas
249	817	Light & power lines	*Murray		Utah Power & Light Company
250	818	Light & power lines	*Stockton		Utah Power & Light Company
251	819	Light & power lines	*Grantsville		Utah Power & Light Company
252	820	Light & power lines	*Tooele County		Utah Power & Light Company
253	821	Light & power lines	*Kamas		Utah Power & Light Company
254	831	Light & power lines	*Ophir		Utah Power & Light Company
255	842	Branch line of R.R.	*Carbon County		Utah Railway Company

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES AND TAXES ASSESSED AUTOMOBILE PASSENGER LINES OPERATING IN THE STATE OF UTAH

March 21st to November 30th, 1925

CERTIFICATE HOLDERS	ROUTE	Total Passengers Carried	Passenger Miles Hard-Sur.	Tax	Passenger Miles Other	Tax	Total Taxes
Alta Auto Bus & Stage	Sandy-Alta	1,017	1,790	$ 4.49	6,238	$ 6.24	$ 10.73
Arrow Auto Line	Price-Sunnyside-Hiawatha	3,985			115,084	115.08	115.08
Bingham Stage Line	Salt Lake-Bingham	39,683	895,974	2,240.02	116,103	116.11	2,356.13
Bracken, G. L.	St. John-Ophir	524			5,240	5.24	5.24
Burmester, Frank T.	Grantsville-Burmester	2,055			8,220	8.21	8.21
Charles, Leonard G.	Tooele-Bauer	4,930			24,650	24.65	24.65
Coleman, Alva L.	Heber City-Salt Lake City	2,233	53,349	133.38	59,317	59.33	192.71
Dailey, Milton L.	Paragonah-Cedar City	692			17,300	17.31	17.31
Davis, Hyrum	Milford, Nevada State Line	25			3,410	3.41	3.41
Denton, J. C.	Garfield-Magna	1,065	2,089	5.23			5.23
Dodge Stage Line	Duchesne-Price-Heber City	5,256			165,426	165.44	165.44
Eureak-Payson Stage	Eureka-Payson	3,112	34,094	85.26	53,620	53.62	138.88
Gilmer, T. M.	Fillmore-Salt Lake City	258	18,912	47.29	12,020	12.03	59.32
Hadley & Peterson	Tremonton-Dewey	1,133	583	1.46	4,050	4.06	5.52
Hout, Howard	Salt Lake-Coalville	313	2,107	5.27	10,153	10.14	15.41
Hout, Howard	Salt Lake-Park City	16,467	112,167	280.39	396,672	396.68	677.07
Judd, Samuel & Frank	St. George-Arizona Line	271			5,894	5.90	5.90
Laboroi, C. & L.	Helper-Mutual	4,688			29,989	30.00	30.00
Lund, L. R. & Covington, B. L.	St. George-Enterprise	573			20,233	20.23	20.23
Lund, William	Modena-Enterprise	255			6,540	6.54	6.54
Lund, L. R. & Covington, B. L.	Cedar City-St. George	922			35,943	35.95	35.95
Mill Creek Bus Line	33rd So., Salt Lake-East Mill Ck.	14,251	37,172	92.93			92.93
Moab Barage Co.	Moab-Thompson	1,132			51,795	51.81	51.81

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES AND TAXES ASSESSED AUTOMOBILE PASSENGER LINES OPERATING IN THE STATE OF UTAH

(Continued)

CERTIFICATE HOLDERS	ROUTE	Total Passengers Carried	Passenger Miles Hard-Sur.	Tax	Passenger Miles Other	Tax	Total Taxes
Nielson, James	Salt Lake-Brighton	685	6,850	17.13	12,155	12.15	29.28
O'Driscoll, J. H.	Kamas-Peoa	49			1,319	1.32	1.32
Orton, Lawrence	Panguitch-Henrieville	10			100	.10	.10
Parry, C. G.	Cedar City-So. Utah Parks	1,804			94,649	94.65	94.65
Pierce-Arrow S-S. Co.	Salt Lake-Was. Drive-Saltair, etc.	646	39,143	97.84	7,180	7.18	105.02
Price-Emery Auto L.	Price-Emery	744			22,429	22.43	22.43
Salt Lake Transp. Co.	Salt Lake-Was. Drive-Saltair	2,169	93,777	234.15	22,468	22.47	256.62
Sanderson, G. L.	Eureka-Dividend	6,479			25,916	25.91	25.91
Spencer, H. J.	Salt Lake City-Pinecrest	327	981	2.45	3,270	3.27	5.72
Spencer, H. J.	Salt Lake-Tooele	10,023	229,319	573.30	105,512	105.53	678.83
Utah Parks Company	Cedar City-Zion Nat'l Parks	5,271			338,085	338.08	338.08
Wade, J. H.	Price-Castle Gate	9,024	53,479	133.80	8,793	8.80	142.60
Winschell, Louis F.	Logan-Plymouth	12,919			238,042	238.05	238.05
Utah-Idaho Cen. R. R.	Ogden-Logan	10,796	263,051	657.62	116,297	116.30	773.92
Thomas, W. O.	Spring Lake-Dividend	2,300	2,238	5.59	42,152	42.15	47.74
TOTAL		168,091	1,847,066	$4,617.60	2,186,263	$2,186.37	$6,803.97

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES AND TAXES ASSESSED AUTOMOBILE PASSENGER LINES OPERATING IN THE STATE OF UTAH

March 21st to November 30th, 1925

NON-CERTIFICATE HOLDERS	ROUTE	Total Passengers Carried	Passenger Miles Hard-Sur.	Tax	Passenger Miles Other	Tax	Total Taxes
Berto, Joe O.	Helper and surrounding towns	71	403	$ 1.01	943	$ .95	$ 1.96
De Laney, D. J.	Bingham and surrounding towns	137	3,425	8.57	411	.42	8.99
Duke, E. J.	Heber City and surrounding towns	222			4,384	4.38	4.38
Johnson, C. R.	Logan and surrounding towns	200	6,559	16.39	2,161	2.17	18.56
Facos, Bill	Helper and surrounding towns	150	608	1.53	642	.64	2.17
Gamos, Rossos	Price and surrounding towns	21	33	.08	255	.26	.34
Holmes, Delbert S.	Brigham City and sur'ding towns	150	1,800	4.50	1,950	1.95	6.45
Hansen, J. R.	Price and surrounding towns	59	468	1.17	1,251	1.25	2.42
Harvey, Alan	Salt Lake and surrounding towns	10	465	1.16	1,283	1.28	2.44
Kossimatis, Mike	Price and surrounding towns	37	161	.41	131	.13	.54
Morgan, Mike	Helper and surrounding towns	14	98	.25	16	.02	.27
Spendlove, Clifford	Hurricane and surrounding towns	10			330	.33	.33
Yokum, Bud M.	Park City and surrounding towns	937	3,258	8.16	33,039	33.04	41.20
York, Mrs. P. H.	Helper and surrounding towns	60	240	.60	60	.06	.66
TOTAL		2,078	17,518	$ 43.83	46,856	$ 46.88	$ 90.71

STATEMENT OF FREIGHT CARRIED, TON MILES AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES OPERATING IN THE STATE OF UTAH

March 21st to November 30th, 1925

CERTIFICATE HOLDERS	ROUTE	Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Taxes
Allen, W. D.	Salt Lake City-Bingham	1,198	28,643	$ 190.98	2,398	$ 5.94	$ 196.92
Allsop, Myrle	Crescent-Salt Lake City	900	10,807	72.05	2,681	6.73	78.78
Arrow Auto Line	Price-Salt Lake City	37			1,198	2.98	2.98
B. & O. Transp'n Co.	Salt Lake City-Sandy	658	6,576	43.84			43.84
Barton, A. H.	Salt Lake City-Tooele	1,041	25,083	166.91	15,643	39.05	205.96
Bateman, Bernall	Lehi-Salt Lake City	374	11,465	76.43			76.43
Bingham Stage Line	Salt Lake City-Bingham	13	297	1.97	38	.09	2.06
Bracken, G. L.	St. John-Ophir	32			119	.29	.29
Burmester, Frank T.	Grantsville-Burmester	30			142	.35	.35
Butters & Speers Co.	Salt Lake City-Garfield	770	12,282	81.90			81.90
Davis, Hyrum	Milford, Nevada State Line	4			432	1.09	1.09
Despain, J. M.	Salt Lake City-Wasatch	12	99	.66	95	.25	.91
Duncan, Charles E.	Meadow-Fillmore	88			707	1.77	1.77
Eureka-Payson Stage	Eureka-Payson	22	134	.90	303	.75	1.65
Gilmer, T. M.	Fillmore-Salt Lake City	4	316	2.15	325	.59	2.74
Hemmingsen, A. P.	Salt Lake City-Lark	76	1,070	8.92	453	1.13	10.05
Hurricane Truck line	Hurricane-Cedar City	744			32,449	81.10	81.10
Judd Bros.	St. George-Arizona State Line	271			1,036	2.59	2.59
Lund, William	Modena-Enterprise	50			1,355	2.67	2.67
McKee Vorda	Holden-Greenwood	15	73	.49			.49
Milne, Barton & Hamblin	St. George-Cedar City	1,022	1,254	8.36	50,040	127.10	135.46
Moab Garage Co.	Moab-Thompson	1,690			76,592	191.47	191.47
Murdock, R. C.	Beaver-Milford	1,119			31,985	79.71	79.71
Nielson, James	Salt Lake City-Brighton	15	150	.99	270	.70	1.69
Price-Emery Auto L.	Price-Emery	19			571	1.44	1.44
Salt Lake-Ogden Transp. Co.	Salt Lake City-Ogden	5,975	206,609	1,377.40			1,377.40
Streeper, Wells R.	Ogden-Garland	1,221	34,784	231.89	10,591	26.22	258.11
Utah Cent. Truck Line	Salt Lake City-Provo	1,923	54,494	363.27			363.27
Utah Cent. Trans. Co.	Provo-Eureka	1,041	18,529	123.50	11,255	28.13	151.63
Wade, J. H.	Price-Castle Gate	6	37	.28	10	.03	.31
TOTAL		20,370	412,702	$2,752.89	240,598	$ 602.17	$3,355.06

STATEMENT OF FREIGHT CARRIED, TON MILES AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES OPERATING IN THE STATE OF UTAH

March 21st to November 30th, 1925

NON-CERTIFICATE HOLDERS		Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Taxes
Beck, Leland	Alpine and surrounding towns	184	5,532	$ 36.92	1,110	$ 2.78	$ 39.70
Baker, Geo. A.	Castle Dale and surrounding towns	4			137	.34	.34
Bruno, Dominic A.	Bingham and surrounding towns	35	818	5.46	88	.23	5.69
Clark, Stanley	Lehi and surrounding towns	133	3,889	25.93			25.93
Graff, Oliver		4			92	.27	.27
Dalton, Harvey	Hurricane and surrounding towns	4			190	.48	.48
Duke, E. J.	Heber City and surrounding towns	13			248	.62	.62
Soward & Evans	Vernal and surrounding towns	128	1,408	9.39	14,583	36.46	45.85
Gas Exp. & Trans. Co.	Salt Lake City and sur'dg towns	327	4,672	31.14	180	.46	31.60
Hair, Leland	Duchesne and surrounding towns	25	98	.66	1,624	4.06	4.72
Pickord, J. D.	Salt Lake City and sur'dg towns	36	1,722	11.48			11.48
Guber, Henry W.	Price and surrounding towns	3			106	.27	.27
Grant, James Parry	Duchesne and surrounding towns	20	154	1.02	737	1.84	2.86
Jepson, Jesse N.	Hurricane and surrounding towns	14			732	1.83	1.83
Lavanger, Chris	Marysvale and surrounding towns	21			2,168	5.42	5.42
Motor Transp'n Co.	Grand Junction, Colo., "	72			2,954	7.39	7.39
Wood J, A.	Hurricane and surrounding towns	130			6,020	15.05	15.05
Neilson, Nicolhey	Midvale and surrounding towns	2	33	.22	23	.06	.28
Spendlove, Clifford	Hurricane and surrounding towns	3			149	.38	.38
Stout, John H.	Hurricane and surrounding towns	36			1,548	3.87	3.87
Wilburn, Rugg	Elmo and surrounding towns	182			1,136	2.81	2.81
Stratton, Arthur	Hurricane and surrounding towns	1			47	.12	.12
Steele, P. B.	Panguitch and surrounding towns	48			2,554	6.38	6.38
Sargent, Norman W.	Panguitch and surrounding towns	8			416	1.04	1.04
Star Dray Co.	Price and surrounding towns	6	33	.22	75	.19	.41
TOTAL		1,439	18,359	$ 122.44	36,917	$ 92.35	$ 214.79

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE LINES OPERATING IN THE STATE OF UTAH

March 21st to November 30th, 1925

RECAPITULATION

	Total Passengers Carried	Passenger Miles Hard-Sur.	Tax	Passenger Miles Other	Tax	Total Taxes
CERTIFICATE HOLDERS	168,091	1,847,066	$4,617.60	2,186,263	$2,186.37	$6,803.97
NON-CERTIFICATE HOLDERS	2,078	17,518	43.83	46,856	46.88	90.71
TOTAL PASSENGER LINES	170,169	1,864,584	$4,661.43	2,233,119	$2,233.25	$6,894.68

	Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Taxes
CERTIFICATE HOLDERS	20,370	412,702	$2,752.89	240,598	$ 602.17	$3,355.06
NON-CERTIFICATE HOLDERS	1,439	18,359	122.44	36,917	92.35	214.79
TOTAL FREIGHT LINES	21,809	431,061	$2,875.33	277,515	$ 694.52	$3,569.85

TOTAL TAXES ASSESSED

TOTAL PASSENGER LINES	$ 6,894.68
TOTAL FREIGHT LINES	3,569.85
GRAND TOTAL TAXES ASSESSED	$10,464.53

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 April, A. D. 1925.

GENERAL ORDER No. 16

The matter of a uniform daily summary sheet, and a uniform form of monthly report for all automobile carriers for hire, in accordance with Senate Bill No. 162, Compiled Laws of Utah, 1925, and in addition, for public utilities under the jurisdiction of the Commission, in accordance with Sections 4795 and 4816, Compiled Laws of Utah, 1917, being under consideration, and the Commission having investigated such forms prepared under its direction,

IT IS ORDERED, That the uniform daily summary sheet, entitled Form No. A-2, attached hereto and made a part of this order, and the uniform form of monthly report, entitled Form No. A-1, attached hereto and made a part of this order, be and the same are hereby adopted as uniform forms governing daily summaries to be kept by each automobile carrier for hire, and monthly reports of operations to the Public Utilities Commission of Utah, for the purpose of carrying out the provisions of the above referred to Senate Bill No. 162, together with such other information as the Commission requires, in the case of utilities under its jurisdiction.

The Commission also having investigated additional forms prepared under its direction, for the purpose of facilitating the provisions contained in Section 2 of above referred to Senate Bill No. 162,

IT IS FURTHER ORDERED, That the uniform freight shipping bill, entitled Form No. A-3, attached hereto and made a part of this order, and the uniform passenger trip report, entitled Form No. A-4, attached hereto and made a part of this order, be and the same are hereby adopted as uniform forms for the use of all freight and passenger carriers for hire as defined by Senate Bill No. 162, Laws of Utah, 1925.

ORDERED FURTHER, That each consignment of freight or express, whether carried upon a freight or passenger automobile stage line, or carrier for hire, coming within the provisions of Senate Bill No. 162, Laws of Utah, 1925, must be covered by above referred to Form No. A-3, and issued in quadruplicate, one copy to be furnished the con-

signor, one copy to be furnished the consignee, one copy to be filed in the office of the carrier in numerical order and the other copy to be filed in the office of the carrier according to all shipments moving in similar places of origin and similar places of destination, by car and date order.

ORDERED FURTHER, That each trip made by a passenger carrier for hire, be covered by Form No. A-4, to be filed by car and date order in the office of the carrier.

IT IS ORDERED FURTHER, That the requirements contained in this order be and the same are effective as of March 21, 1925, the effective date of Senate Bill No. 162, Laws of Utah, 1925.

ORDERED FURTHER, That a copy of this Order be forthwith served upon all automobile carriers for hire, as defined by said Senate Bill No. 162, Laws of Utah, 1925, within the State of Utah.

(Signed) THOMAS E. McKAY,
E. E. CORFMAN,
G. F. McGONAGLE,
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 9th day of May, A. D. 1925.

GENERAL ORDER NO. 17.

The matter of forms to be prescribed by the Commission, to cover liability insurance, merchandise insurance and bond for fees, taxes or charges due the State, in accordance with Senate Bill No. 87, Chapter 114, Session Laws of Utah, 1925, being under consideration, and Commission having investigated such forms prepared under its direction:

IT IS ORDERED, That the Liability Insurance Policy Form No. A-5, attached hereto and made a part of this order, and Motor Truck Merchandise Policy Form No. A-6, attached hereto and made a part of this order, and Bond for the pay-

ment of Fees, Taxes or Charges due the State or any Government Unit of the State, Form No. A-7, attached hereto and made a part of this order, be, and the same are hereby, adopted, for the purpose of carrying out the provisions of Senate Bill No. 87, Chapter 114, Session Laws of Utah, 1925.

ORDERED FURTHER, That the requirements contained in this order be, and the same are, effective as of May 11, 1925, the effective date of Senate Bill No. 87, Chapter 114, Session Laws of Utah 1925.

(Signed) E. E. CORFMAN
THOMAS E. McKAY
G. F. McGONAGLE

Attest:
[SEAL] Commissioners.
(Signed) FRANK L. OSTLER, Secretary.

Form A-6

MOTOR TRUCK (MERCHANDISE) POLICY AS PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION OF UTAH IN ACCORDANCE WITH CHAPTER 114, SESSION LAWS OF UTAH, 1925

In the consideration of the Stipulations and Premium hereinafter mentioned,

.....

DOES INSURE

The assured named and described herein on shipments of lawful goods and mmerchandise described herein while loaded for shipment on and/or in transit in or on Motor Trucks described herein, for the term herein specified and to an amount not exceeding the amount of insurance herein specified, against loss or damage to such goods and/or merchandise caused while this policy is in force, by the perils specifically insured against.

CONDITIONS

Misrepresentation and Fraud. This entire policy shall be void if the Assured, or his agent, has concealed or misrepresented in writing, or otherwise, any material facts or circumstances concerning this insurance, or the subject thereof; or if the Assured or his agent shall make any attempt to defraud this Company either before or after the loss.

Machinery. In case of loss or injury to any part of a machine consisting when complete for sale or use of several parts, the Insurer shall only be liable for the insured value of the part lost or damaged.

Labels. In case of damage to labels only, the loss shall be adjusted on the basis of an amount sufficient to pay the cost of new labels and relabelling goods.

Notice of Loss. The loss, if any, under this Policy, shall be immediately reported in writing with full particulars to the Company or to the Agent of the Company issuing this policy. Failure to file a sworn proof of loss within three months of date of loss invalidates claim.

No loss to be paid hereunder if the Assured has collected the same from others.

Adjustment of Loss. In case of a claim for loss of merchandise insured under this Policy, the Company reserves the right to adjust such loss with the owner or owners of the merchandise and the payment to such owners, of the amount due from the Company, for goods lost or damaged, shall be in full satisfaction of any claim of assured for said property. If legal proceedings be taken to enforce a claim against the assured as respects any such merchandise, the Company reserves the right without expense to the assured to conduct and control the defense in the name and on behalf of the assured. This Company will not be liable for loss which has been compromised with others, without first obtaining their consent.

Appraisal. In the event of disagreement as to the amount of loss the same shall, as above provided, be ascertained by two competent and disinterested appraisers, the assured and this Company each selecting one, and the two so chosen shall first select a competent and disinterested umpire; the appraisers together shall then estimate and appraise the loss, stating separately the sound value and damage, and failing to agree, shall submit their differences to the umpire; and the award in writing of any two shall determine the amount of such loss; the parties thereto shall pay the appraisers respectively selected by them, and shall bear equally the expense of the appraisal and umpire.

Sue and Labor. In the event of loss, damage, detriment or hurt to said property, caused by the perils insured against, it shall be the duty of the insured to use all lawful and proper efforts for the safeguard and recovery of the property with-

out prejudice to this insurance; and it is mutually agreed that the acts of either party, or their agents, in securing, preserving or recovering the property insured shall not be considered or held to be either a waiver or acceptance of an abandonment. This Company shall not be liable for loss caused by neglect of the insured to use all reasonable means to save and preserve the property at and after any disaster insured against.

Other Insurance. If, at the time of loss, there is other insurance by policy, common contract or otherwise, in favor of the assured herein named, or of the owner or other parties interested in the goods, under which a recovery could be had, if this policy were not in existence, then this company shall only be liable to pay such part of the said loss as the total amount for which this company shall be liable on the contents of any one truck shall bear to the total of such insurance.

Subrogation. The Company shall, on payment of any loss hereunder be subrogated to the extent of such payment to all right of recovery by the assured against any person or corporation, private or municipal, and as a further assurance the assured shall assign all such rights of action to the Company or its nominee.

Payment of Loss. All adjusted claims under this Policy shall be due and payable thirty (30) days after presentation and acceptance of proofs of interest and loss at theoffice of this Company.

Cancellation. This policy may be cancelled by either party giving the other five (5) days' written notice. Such cancellation shall not, however, prejudice any risk then pending.

Suit Against Company. No suit or action on this Policy for the recovery of any claim shall be sustainable in any court of law or equity unless the Assured shall have fully complied with all the foregoing requirements, nor unless commenced within twelve months next after the happening of the loss and no suit or action under the Policy shall be suitable unless commenced within the shortest limitation permitted under the laws of the State of Utah.

Agent of the Company. No person shall be deemed an agent of this Company unless specifically authorized in writing by this Company.

Reinstatement. Every claim paid hereunder shall not reduce the amount of insurance on the truck in respect to which the disaster accurred by the sum so paid.

Assignment. This policy shall be void if assigned or transferred without the written consent of the Company, and the approval of the Public Utilities Commission of Utah.

This policy is made and accepted subject to the provisions, exclusions and conditions set forth herein or endorsed hereon, together with such other provisions, agreements or conditions as may be endorsed hereon or added hereto, subject to the approval of the Public Utilities Commission of Utah; and no officer, agent or other representative of this Company shall have the power to waive or be deemed to have waived any provision or condition of this Policy unless such waiver, if any, shall be written upon or attached hereto, nor shall any privilege or permission affecting the insurance under this policy exist or be claimed by the Assured unless so written or attached.

In Witness Whereof, the Company above named has executed and attested these presents; but this Policy shall not be valid unless countersigned by a duly authorized agent of the Company.

....

....

Countersigned at.....this.....day of....., 192....

.....Agent.

MOTOR TRUCK (MERCHANDISE) POLICY

Attached to and made part of Policy No.....

Name of Assured.....

Address of Assured .....

The term of this policy begins at noon on the..... day of....., 19....., and ends at noon on the .....day of....., 19....., Standard Time.

Amount of Insurance.....Dollars ($.....)

Rate.....

The premium for this policy is.....Dollars ($.....).

This policy covers on shipments of lawful goods and/or merchandise, for which the Assured may be legally liable, consisting of.....

.....

while loaded for shipment on and/or in transit in or on the following described motor truck and/or trucks owned and operated by the assured:

DESCRIPTION OF MOTOR TRUCKS

Trade Name	Year Built	Factory of Motor Number	Type of Body and Tonnage	Owner's Identification No.	Amount of Insurance per Truck	Rate

and while so loaded for shipment and/or in transit, in the custody and control of the assured within the State of Utah from ..... the point of origin to .....the point of destination.

All goods and merchandise insured hereunder are by agreement to be valued in case of loss or damage at amount of invoice, if any; otherwise, at cash market value on date and at place of shipment, but this Insurance Company shall in no event be liable under this policy, as respects the contents of each truck, for a greater proportion of any loss or damage than the sum hereby insured on the contents of the truck upon which the loss shall happen, bears to.....% of the value of the contents of that truck at the time of loss, but in no case to exceed the amount of insurance on the contents of that truck.

THIS POLICY INSURES:

against loss or damage to such goods caused by:

(a) Fire, including self-ignition and internal explosion, and lightning;

(b) Perils of the seas, lakes, rivers and/or inland waters while on ferries only;

(c) Collision, i.e., accidental collision of the motor truck with any other automobile, vehicle, or object;

(d) Overturning of the motor truck;

(e) Collapse of bridges.

THIS POLICY DOES NOT INSURE:

(a) Accounts, bills, currency, deeds, evidences of debt, money, notes, securities or other similar valuables;

(b) Loss or damage caused by the neglect of the assured to use all reasonable means to save and preserve the property at and after any disaster insured against;

(c) Loss or damage to goods by rough handling or due to poor packing, nor for loss of liquids by leakage and/or loss by breakage unless directly caused by a peril insured against;

(d) Loss or damage to paintings, statuary, and other works of art and articles of virtu unless absolute total loss in specie;

(e) Loss or damage to goods by delay, wet, dampness, or by being spotted, discolored, mouldy, rusted, frosted, rotted, soured, steamed, or changed in flavor except the same is the direct result of a peril insured against;

(f) Against loss or damage caused by strikers, locked out workmen or persons taking part in labor disturbances, or arising from riot, civil commotion, capture, seizure, or detention, or from any attempt thereat, or the consequences thereof, or the direct or remote consequences of any hostilities, arising from acts of any government, people or persons whatsoever (ordinary piracy excepted) whether on account of any illicit or prohibited trade, or any trade in articles contraband of war, or the violation of any port regulation, or otherwise. Also free from loss or damage resulting from measures or operations incident to war, whether before or after the declaration thereof;

(g) Liability of the assured except to the owners of goods insured hereunder;

(h) Damage to the truck, tarpaulins or fittings or goods carried gratuitously or as an accommodation.

Privilege is hereby granted the assured to substitute at any time during the currency of this policy, other truck or trucks of similar capacity, number and strength than described herein, provided such substituted truck or trucks are owned and operated by the assured. The assured hereby warrants to report to the company in writing all such substitutions as soon as practicable and to pay additional premium if additional number of truck or trucks are used than described herein, if required.

This policy shall be cancelled at any time at the request of the assured, in which case the company shall, upon demand

and surrender of this policy, refund the excess of paid premium above the pro-rata premium for the expired term. This policy may be cancelled at any time by the Company by giving to the Assured a five (5) days' written notice of cancellation with or without tender of the excess of paid premium above the pro-rata premium for the expired term, which excess if not tendered shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand. Notice of cancellation mailed to the address of the assured stated in this policy shall be a sufficient notice.

.....

.....

.....

Agent.

Form A-7

BOND FOR THE PAYMENT OF FEES, TAXES OR CHARGES DUE THE STATE OR ANY GOVERNMENT UNIT OF THE STATE AS REQUIRED BY CHAPTER 114, SESSION LAWS OF UTAH, 1925

Know All Men By These Presents, That.....
.....of.....,
as Principal, and.....,
as Surety, are held and firmly bound unto STATE OF UTAH for the use and benefit of whom it may concern, as Obligee, in the penal sum of.....Dollars ($.....)
for which payment well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns and each of them, firmly by these presents.

Signed and sealed this..... day of....., 19....

Whereas, under the provisions of Chapter 114, Session Laws of Utah, 1925, the Public Utilities Commission is required and directed to obetain a satisfactory bond conditioned for the payment of all fees, taxes or charges which may be due the State, or any government unit of the State under any certificate granted by the Commission and for the faithful carrying out of the conditions of any certificate granted by the Commission.

Now, Therefore, the condition of this obligation is such that if the said principal shall make payment when due of all fees, taxes or charges which may be due the State or any

government unit of the State under any certificate granted by the Commission and shall carry out the conditions of any certificate granted by the Commission, then this obligation shall be void and of no effect, otherwise to remain in full force and virtue.

Provided, However, That the Surety if it elects to do so may cancel this obligation by serving notice of cancellation upon the Public Utilities Commission of Utah, Salt Lake City, Utah, by registered mail, such cancellation to take effect thirty days after the receipt of such notice by the Utilities Commission, it being understood and agreed that the Surety shall remain liable for any and all acts committed by the principal up to and including the effective date of cancellation of this bond.

.....
Principal.

.....
Surety.

By.....

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 May, A. D. 1925.

GENERAL ORDER No. 18

The matter of a uniform daily summary sheet, and a uniform form of monthly report for all automobile carriers for hire, operating more than eight vehicles, in accordance with Senate Bill No. 162, Chapter 117, Session Laws of Utah, 1925, being under consideration, and the Commission having investigated certain forms,

IT IS ORDERED, That the uniform daily summary sheet, entitled Form No. AA-2, attached hereto and made a part of this Order, and the uniform form of monthly report, entitled Form No. AA-1, attached hereto and made a part of this order, be and the same are hereby adopted as uniform forms governing daily summaries to be kept by automobile carriers for hire, and monthly reports of operations to the Public Utilities Commission of Utah, for automobile carriers for hire, operating more than eight vehicles, for the purpose

of carrying out the provisions of Senate Bill No. 162, Chapter 117, Session Laws of Utah, 1925.

ORDERED FURTHER, That the use of Form No. AA-1 and Form No. AA-2, for automobile carriers subject to the provisions of Chapter 117, Laws of Utah, 1925, in place of Form No. A-1 and Form No. A-2, be made optional with each automobile carrier concerned.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secratary.

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 June, A. D. 1925.

GENERAL ORDER No. 19

The matter of forms to be prescribed by the Commission, covering surety bonds for the use of surety companies licensed to write surety bonds in the State of Utah, and form covering personal surety bond, in accordance with Senate Bill No. 87, Chapter 114, Session Laws of Utah, 1925, being under consideration, and the Commission having investigated such forms prepared under its direction;

IT IS ORDERED, That Form No. A-8, covering injury to persons and damage to property, for the use of surety companies, Form No. A-9, covering damage to merchandise, for the use of surety companies, and Personal Surety bond Form No. A-10, covering injury to persons and damage to property, attached hereto and made a part of this order, be and the same are hereby adopted for the purpose of carrying out the provisions of Senate Bill No. 87, Chapter 114, Session Laws of Utah, 1925.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) FRANK L. OSTLER, Secretary.

Form A-8

FORM OF SURETY BOND PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION OF UTAH FOR AUTOMOBILE CORPORATIONS AS REQUIRED BY CHAPTER 114, LAWS OF UTAH, 1925

Know All Men by These Presents, That..... ..... of ....., Utah, as Principal, and....., a....., duly qualified and authorized to transact a surety business in the State of Utah, as Surety, are held and firmly bound unto the State of Utah for the use and benefit of whom it may concern, in lawful money of the United States of America, upon each and every vehicle operated by the principal herein for compensation in the amounts as set out in the schedule below for the payment of which well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, as the case may be, jointly and severally by these presents.

Signed, sealed and dated this.....day of..... 19....

This bond is written and furnished in pursuance of and is to be considered in accordance with Chapter 114, Laws of Utah, 1925, and is to be filed with the Public Utilities Commission of Utah, for the benefit of persons who sustain personal injury, and/or damage to property, other than the property of assured, and any person so injured or damaged may bring suit on this bond in his own name, without an assignment thereof.

SCHEDULE

On each motor vehicle used for the transportation of property, $5,000.00 for any recovery for personal injury by one person, and $10,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons, having a passenger capacity of 12 passengers or less, $5,000.00 for any recory for personal injury by one person, and $10,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons, having a passenger capacity of 13 to 20 passengers, inclusive, $5,000.00 for any recovery for personal injury by one person, and $15,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons, having a passenger capacity of more than 20 passengers, $5,000.00 for any recovery for personal injury by one person, and $20,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured.

NOW, THEREFORE, the condition of this obligation is such that if the said principal shall pay for any recoveries for personal injury, and/or damage to property other than that of the assured, then this obligation shall be void, otherwise to remain in full force and virtue.

PROVIDED, HOWEVER, That the surety if it elects to do so may cancel this obligation by serving notice of cancellation upon the Public Utilities Commission of Utah, Salt Lake City, Utah, by registered mail, such cancellation to take effect thirty days after the receipt of such notice by the Public Utilities Commission of Utah, it being understood and agreed that the surety shall remain liable for any and all acts committed by the principal up to and including the effective date of cancellation of this bond.

.....

Principal.

.....

Surety.

STATUTORY AFFIDAVIT

State of Utah, County of....., ss:

Personally appeared before me, a Notary Public in and for.....County, State of Utah,..... who being first duly sworn on oath deposes and says that he is.....of the..... a....., organized under the laws of the State of....., and that he is duly authorized to execute and deliver the foregoing obligation; that the said..... is authorized to execute the same and has complied with all the laws of the State of Utah, in reference to becoming surety

upon bonds, undertakings and obligations. Affiant further says that .....
whose address is .....
has been appointed as attorney upon whom process for the State of Utah may be served according to law.

.....

Subscribed and sworn to before me this.....
day of....., 19.....

.....
Notary Public.

Form A-9

MOTOR TRUCK MERCHANDISE BOND

Form of Surety Bond Prescribed by the Public Utilities Commission of Utah, for Automobile Corporations, as Required by Chapter 114, Laws of Utah, 1925, for Damage to Property.

Know All Men by These Presents, That.....
....., of .....
as Principal, and....., authorized to do business in the State of Utah, as surety, are held and firmly bound unto the State of Utah for the use and benefit of whom it may concern, as obligee, in the penal sum of ONE THOUSAND ($1,000.00) DOLLARS, for which payment well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns and each of them, firmly by these presents.

Signed and sealed this.....day of....., 19.....

Whereas, Under the provisions of Chapter 114, Session Laws of Utah, 1925, the Public Utilities Commission of Utah is required and directed to obtain a satisfactory bond in the sum of ONE THOUSAND ($1,000.00) DOLLARS, conditioned that the principal will fully indemnify any persons other than the assured against any damage to property of any persons other than the assured.

NOW, THEREFORE, the condition of this obligation is such that if the principal shall fully indemnify any person other than the assured against any damage to property of any persons other than the assured, then this obligation shall be void and of no effect, otherwise to remain in full force and virtue.

PROVIDED, However, that the Surety if it elects to do so may cancel this obligation by serving notice of cancellation upon the Public Utilities Commission of Utah, Salt Lake City, Utah, by registered mail, such cancellation to take effect 30 days after the receipt of such notice by the Public Utilities Commission of Utah, it being understood and agreed that the Surety shall remain liable for any acts committed by the Principal up to and including the effective date of cancellation of this bond.

.....

Principal.

.....

Surety.

STATUTORY AFFIDAVIT

State of Utah, County of.....ss:

Personally appeared before me, a Notary Public in and for .....County, State of Utah..... who being first duly sworn on oath deposes and says that he is..... of the ..... a....., organized under the laws of the State of....., and that he is duly authorized to execute and deliver the foregoing obligation; that the said..... .....is authorized to execute the same and has complied with all the laws of the State of Utah, in reference to becoming sole surety upon bonds, undertakings and obligations. Affiant further says that..... whose address is....., has been appointed as attorney upon whom process for the State of Utah may be served according to law.

.....

Subscribed and sworn to before me this..... day of....., 19....

.....

Notary Public.

Residing at.....Utah.

My Commission Expires.....19....

Form No. A-10.

FORM OF PERSONAL SURETY BOND PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION OF UTAH FOR AUTOMOBILE CORPORATIONS AS REQUIRED BY CHAPTER 114, LAWS OF UTAH, 1925

Know All Men by These Presents, That..... ..... of .....Utah, as Principal and..... of ....., Utah, and..... of ....., Utah, and..... of ....., Utah, and..... of ....., Utah, as sureties are held and firmly bound unto the State of Utah, for the use and benefit of whom it may concern, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein for compensation in the amounts as set out in the schedule below for the payment of which well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, as the case may be, jointly and severally by these presents.

Signed, sealed and dated this.....day of....., 19.....

This bond is written and furnished pursuance of and is to be construed in accordance with Chapter 114, Laws of Utah, 1925, and is to be filed with the Public Utilities Commission of Utah, for the benefit of persons who sustain personal injury, and/or damage to property, other than the property of the assured, and any person so injured or damaged may bring suit on this bond, in his own name without an assignment thereof.

SCHEDULE

On each motor vehicle used for the transportation of property not to exceed $5,000.00 for any recovery for personal injury by one person; $10,000.00 for all persons receiving personal injury by reason of one act of negligence; and not to exceed $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons having a passenger capacity of 12 passengers or less, not to exceed $5,000.00 for any recovery for personal injury by one person; $10,000.00 for all persons receiving personal injury by reason of one act of negligence; and not

to exceed $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons, having a passenger capacity of 13 to 20 passengers, inclusive, not to exceed $5,000.00 for any recovery for personal injury by one person; $15,000.00 for all persons receiving personal injury by reason of one act of negligence; and not to exceed $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons, having a passenger capacity of more than 20 passengers, not to exceed $5,000.00 for any recovery for personal injury by one person; $20,000.00 for all persons receiving personal injury by reason of one act of negligence; and not to exceed $1,000.00 for damage to property of any person other than the assured.

NOW THEREFORE, the condition of this obligation is such that if the said principal shall pay for any recoveries for personal injury, and/or damage to property other than that of the assured, then this obligation shall be void, otherwise to remain in full force and virtue.

PROVIDED HOWEVER, that the sureties if they elect to do so, may cancel this obligation by serving notice of cancellation upon the Public Utilities Commission of Utah, Salt Lake City, Utah, by registered mail, such cancellation to take effect thirty days after the receipt of such notice by the Public Utilities Commission of Utah, it being understood and agreed that the sureties shall remain liable for any and all acts committed by the principal up to and including the effective date of cancellation of this bond.

.....

Principal.

.....

.....

.....

.....

Sureties.

AFFIDAVIT

State of Utah, County of.....ss:

..... and .....

and..... and.....

whose names are subscribed as sureties to the above bond, be-

ing severally duly sworn, each for himself, says that he is a resident and free holder of the State of Utah, and is each worth, over and above all his just debts and liabilities, exclusive of property exempt from execution, the following sums of money, to-wit:

....., ...Dollars ($.....)
....., ...Dollars ($.....)
....., ...Dollars ($.....)
....., ...Dollars ($.....)

.....
.....
.....
.....

Subscribed and sworn to before me this..... day of ....., 19.....

.....
Notary Public.
Residing at....., Utah.

My Commission Expires.....

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 June, A. D. 1925.

GENERAL ORDER No. 20

The matter of limits for which either insurance policies or surety bonds are to be written, in accordance with Chapter 114, Session Laws of Utah, 1925, covering automobile freight and/or passenger transportation companies holding Certificates of Convenience and Necessity, granted by the Public Utilities Commission of Utah, being under consideration, and the Commission having given due consideration to the following schedule prepared under its direction, and in the exercise of the general powers conferred by Chapter 114, Session Laws of Utah, 1925:

IT IS HEREBY ORDERED, That the limits set forth in the following schedule shall govern for insurance policies

or surty bonds filed with the Public Utilities Commission of Utah, in accordance with Chapter 114, Laws of Utah, 1925.

SCHEDULE

On each motor vehicle used for the transportation of property, $5,000.00 for any recovery for personal injury by one person, and $10,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured and $1,000.00 Mdse.

On each motor vehicle used for the transportation of persons, having a passenger capacity of 12 passengers or less, $5,000.00 for any recovery for personal injury by one person, and $10,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons, having a passenger capacity of 13 to 20 passengers, inclusive, $5,000.00 for any recovery for personal injury by one person and $15,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured.

On each motor vehicle used for the transportation of persons, having a passenger capacity of more than 20 passengers, $5,000.00 for any recovery for personal injury by one person, and $20,000.00 for all persons receiving personal injury by reason of one act of negligence, and $1,000.00 for damage to property of any person other than the assured.

On each automobile freight or passenger line operating under certificate of convenience and necessity, $500.00 bond for the payment of all fees, taxes or charges due the State.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
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 20th day of August, A. D. 1925.

GENERAL ORDER No. 21

In the matter of forms to be prescribed by the Commission to cover liability insurance, merchandise insurance and bond for fees, taxes or charges due the State, in accordance with Senate Bill No. 87, Chapter 114, Session Laws of Utah, 1925, being under consideration, and the Commission having investigated and adopted Forms A-5, A-6 and A-7, prepared under its direction, and it appearing advisable to the Commission to revise its Liability Insurance Policy Form A-5;

IT IS HEREBY ORDERED, That Revised Form A-5, covering Liability Insurance, attached hereto and made a part of this Order, be and the same is hereby adopted as a standard form for the use of insurance companies writing Liability Insurance for automobile corporations, as provided for in Chapter 114, Session Laws of Utah, 1925, in lieu of Liability Insurance Policy Form A-5, heretofore adopted by the Commission in its General Order No. 17, issued May 9, 1925.

ORDERED FURTHER, That a copy of this Order be forthwith served upon all companies writing Liability Insurance for automobile corporations within the State of Utah.

IT IS FURTHER ORDERED, That all liability insurance companies which have heretofore filed liability insurance policies with the Commission for approval, and which policies do not conform with the Commission's Revised Form A-5, hereby adopted, substitute said policies on file with the Commission, on or before October 1, 1925, by policies conforming with the provisions of this Order.

(Signed) E. E. CORFMAN,
THOMAS E. McKAY,
G. F. McGONAGLE,
Commissioners.

[SEAL]

Attest:

(Signed) F. L. OSTLER, Secretary.

Revised Form A-5.

LIABILITY INSURANCE POLICY FORM AS PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION OF UTAH IN ACCORDANCE WITH CHAPTER 114, PAGE 229, SESSION LAWS OF UTAH, 1925

Know All Men by These Presents, That.....
....., herein called the Insurer, in consideration of the premium herein provided and of the statements hereinafter contained and forming a part hereof, the Insurer DOES HEREBY AGREE with the Assured named in said statements as follows:

1. TO INDEMNIFY the Assured against loss imposed by law upon the Assured for damages, on account of bodily injuries, including death at any time resulting therefrom, accidentally suffered or alleged to have been suffered, while this policy is in force, by any person or persons as a result of the ownership, maintenance or use of any automobile described in Statement 8, subject to the limits indicated in Statement 11.

2. TO INDEMNIFY the Assured against loss imposed by law upon the Assured for damages on account of damage to or destruction of property of every description, (except property of the Assured or property of others used by or in charge of the Assured or any of the Assured's employees or carried in or upon the automobiles covered hereby other than property belonging to a passenger), including the resultant loss of use resulting from the ownership, maintenance or use of any automobiles described in Statement 8, subject to the limits indicated in Statement 11.

3. TO INVESTIGATE all reported accidents covered hereby; to defend in the name and on behalf of the Assured any suits, even if groundless, brought against the Assured to recover damages covered by this policy, unless the Insurer shall elect to effect settlement thereof; to pay, irrespective of the limits of liability hereinafter mentioned, all expenses incurred by the Insurer for investigation, settlement, or defense, including all costs taxed against the Assured in such suits, and all interest accruing after entry of judgment, and to the date of payment or tender of payment by the Insurer of their share of such judgment, also expenses necessarily paid in money by the Assured at the time of accident in removing the injured person to a suitable place, and such expense so paid for such immediate surgical aid as may then be imperative.

The foregoing Agreements are subject to the following conditions:

(a) EXCLUSIONS—This policy does not cover any liability of the Assured while any automobile described herein is being used for any purpose other than that specified in Statement 7. This policy does not cover bodily injuries or death suffered by any employee of the Assured while engaged in the maintenance or operation of any of the Assured's automobiles. This policy does not cover any liability under Agreement 2, (indemnity for property damage loss) unless a premium charge therefor is specifically shown in Statement 8. This policy does not cover any liability of the Assured while any automobile described herein is being operated by any person under the age limit fixed by law or under the age of sixteen years in any event. This policy does not cover any liability of the Assured under any workmen's Compensation law. This policy does not cover any liability of the Assured except when operating in accordance with Certificate of Convenience and Necessity granted by the Public Utilities Commission of Utah, and in accordance with the Laws of the State of Utah, and the rules and regulations of the Public Utilities Commission of Utah, governing the operation of automobile stage lines.

(b) ACTIONS—No action shall be maintained against the Insurer under this policy unless brought after the amount of loss shall have been fixed either by a final determination of the litigation after trial of the issue or by agreement between the parties with the written consent of the Insurer. The bankruptcy or insolvency of the Assured shall not release the Insurer from the payment of damages for injury sustained or loss occasioned while this policy is in force but in case execution against the Assured is returned unsatisfied in an action brought by the party sustaining such loss or injury or his personal representative in case death results from the accident, because of such insolvency or bankruptcy, then an action may be maintained by such party, or his personal representative, against the Insurer under the terms of this policy for the amount of the judgment in said action not exceeding the policy limit applicable thereto. In no event shall any action be maintained by the Assured against the Insurer under this policy unless brought within two years after final determination of the litigation after trial of the issue or by agreement between the parties with the written consent of the Insurer.

(c) OTHER INSURANCE—If the Assured carry a policy of another insurer against a loss covered by this policy, such Assured shall not be entitled to recover from the Insurer a larger proportion of the entire loss than the amount otherwise payable under this policy bears to the total amount of valid and collectible insurance applicable to the said loss.

(d) SUBROGATION—In case of payment of loss under this policy the Insurer shall be subrogated to all rights of the Assured and of the claimant against any person, firm, corporation, municipality or state as respects such loss to the amount of such payment and the Assured and said claimant shall execute all papers required and shall cooperate with the Insurer to secure to the Insurer such rights.

(e) CANCELLATION—This policy may be cancelled at any time by either of the parties upon written notice to the other party, and by serving notice of cancellation upon the Public Utilities Commission of Utah, Salt Lake City, Utah, by registered mail, such cancellation to take effect 30 days after the receipt of such notice by the Public Utilities Commission of Utah, it being understood that the Insurer shall remain liable for any and all acts committed by the principal up to and including the effective date of cancellation of this policy. If cancelled by the Assured, the Insurer shall receive or retain the short rate premium calculated according to the table or short rates. If cancelled by the Insurer, the Insurer shall be entitled to the earned premium pro rata. Notice of cancellation in writing mailed to or delivered at the address of the Assured as given herein, shall be a sufficient notice, and the check of Insurer's representative or of the representative's duly authorized agent, similarly mailed or delivered shall be a sufficient tender of any unearned premium.

(f) ALTERATIONS—This policy shall constitute the entire contract between the Insurer and the Assured, and no assignment of this policy, or of any claim thereunder, nor any change, waiver or extension of its terms shall be valid unless endorsed hereon and signed by a duly authorized Registrar of the Insurer, nor shall notice to any agent, or knowledge possessed by any agent or other person be held to effect a waiver or change of any part of this policy. But in the event of the death, insolvency or bankruptcy of the Assured within the policy period, said policy for the unexpired portion of such period shall cover the legal representative of the Assured; provided, that notice in writing is given to the Insurer within thirty days after the date of such death, insolvency or bankruptcy.

(g) NOTICE, CLAIMS AND SUITS—The Assured shall give the Insurer or its authorized agent immediately written notice of any accident causing loss covered hereby and shall also give like notice of claims for damages on account of such accident. If any suit is brought against the Assured to recover such damages the Assured shall immediately forward to the Insurer every summons or other process served upon him. The Insurer shall have the exclusive right to contest or settle any of said suits or claims. The Assured shall not interfere in any way respecting any negotiations for the settlement of any claim or suit, nor in the conduct of any legal proceedings, but shall, at all times, at the request of the Insurer, render to it all possible cooperation and assistance. The Assured shall not voluntarily admit or assume any liability for an accident, nor incur any expense other than for immediate surgical relief, nor settle any claim, except at the Assured's own cost.

(h) INSPECTION—The Insurer shall be permitted, at all reasonable times during the policy period, to inspect any of the automobiles covered by this policy.

(i) The Assured by the acceptance of this policy declares all statements to be true. This policy is issued upon such statements and in consideration of the provisions of the policy respecting its premium and the payment of the premium.

(j) The personal pronoun herein used to refer to the Assured shall apply regardless of number or gender.

(k) The term Insurer as herein used has reference to one insuring company or more than one insuring company delegating powers to an authorized representative.

(l) LOCATION AND OPERATION—The location of garage or garages where automobiles will be principally kept are as follows:.....

The automobiles described will be used in.....
.....cities or towns in the State of Utah.

IN WITNESS WHEREOF, The Insurer has caused this policy to be signed by its duly authorized and empowered representative upon the date of issue expressed in the declarations hereto attached, and the Insurer has directed that this policy be countersigned by a duly authorized Registrar for the Insurer.

....
....

STATEMENTS

1. Name of Assured ....
2. Address of Assured ....State of Utah.
3. The Assured's business is (1)..............................(Occupation)
   (2)..............................(Individual, co-partnership, corporation or estate).
4. The automobiles are owned by the above named assured, except as follows: ....
5. No automobile trailer or vehicle serving as a trailer unless described below is owned or used by the Assured, except as follows: ....
6. No automobile insurance has been declined or cancelled by any company during the past three years, except as follows: ....
7. The automobiles are and will be used for the following purposes only: To operate an automobile.......................... line in accordance with Certificate of Convenience and Necessity No.................., granted by the Public Utilities Commission of Utah, in accordance with the laws of the State of Utah, and the Rules and Regulations of said Commission.
8. The automobiles covered by this policy and the premium charges for same are as follows:

Trade Name of Automobile	Factory No. of Engine or Motor	Model No. or Letter	Load Cap. of Truck; Seat Cap. of Bus	Kind of Power	Year of Model	Style of Body	Premium Charge on account of Agreement 1 (Liability)	Premium Charge on account of Agreement 2 (Prop. Damage)
....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....

Total of Premiums for account of Agreements 1 and 2............
Grand Total Premium ....$...................

9. Privilege is hereby granted the assured to substitute at any time during the currency of this policy, other automo-

bile or automobiles of similar capacity, strength and number, than described herein, provided such substituted automobile or automobiles are owned and operated by the assured. The assured hereby warrants to report to the company in writing all such substitutions as soon as practicable and to pay additional premium where an additional number of automobile or automobiles are used than described herein, if required.

The Insurer shall attach hereto the method by which additional premium for substituted automobiles are to be calculated.

10. The Policy period shall be from noon....., 192.... to noon....., 192...., Standard time at the Assured's address, as to each of said dates. As respects any claim hereunder standard time at place where injury is sustained shall apply.

11. The liability of the Insurer under Agreement 1 for each automobile described above, as respects only one or more than one Assured for loss from an accident resulting in bodily injuries to or in the death of one person (only) is limited to .....Dollars ($.....), and subject to the same limit for each person injured or killed, the total liability of the Insurer for loss from any one accident resulting in bodily injuries to or in the death of more than one person is limited to.....Dollars ($.....).

The liability of the Insurer under Agreement 2, excluding loss of use, is limited to the actual value of the property damaged or destroyed at the time of its damage or destruction ,which shall not be greater than the actual cost of repairs or replacement thereof, and in no event shall the liability for either or both damages and loss of use on account of damage to or destruction of property as the result of one accident exceed the sum of.....Dollars ($.....).

....., 192.....

FOR VALUE RECEIVED, the interest of this Assured in this policy is hereby assigned to..... subject to the consent of the Insurer.

.....

Signature of Assured.

THE INSURER hereby consents that the interest of this Assured in this policy be assigned to..... of .....(Postoffice address of Assignee.)

.....

Representative of the Insurer.

BINGHAM AND GARFIELD RAILWAY COMPANY

OPERATIONS WITHIN THE STATE OF UTAH, ENTIRE LINE

Year Ended December 31, 1924

RAILWAY OPERATING REVENUES	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$ 484,205.09	$ 84,079.23	$ 400,125.86
Incidental Operating Revenues	12,006.37		12,006.37
Joint Facility Operating Revenues			
Total Operating Revenues	$ 496,211.46	$ 84,079.23	$ 412,132.23
RAILWAY OPERATING EXPENSES			
Maintenance of Way and Structures	$ 125,327.06		
Maintenance of Equipment	80,546.14		
Traffic	17,617.30		
Transportation Rail Line Expenses	132,526.01		
Miscellaneous Operating Expenses	2,334.86		
General Expenses	57,013.53		
Transportation for Investment, Cr.			
Total Railway Operating Expenses	415,364.90		
Operating Ratio: Operating Expenses to Operating Rev.	83.71 Per Cent		
Net Operating Revenues	$ 80,846.56		
Average Mileage of Road Operated	34.05 Miles		
Averages per Mile of Road:			
Operating Revenues	$ 14,573.02		
Operating Expenses	12,198.68		
Net Operating Revenues	2,374.35		
Utah Taxes, 1924	$ 67,601.23		

THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

OPERATIONS WITHIN THE STATE OF UTAH

Year Ended December 31, 1924

RAILWAY OPERATING REVENUES:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$10,743,438.27		
Incidental Operating Revenues	288,991.13		
Joint Facility Operating Revenues	37,173.23	Not Compiled	
Total Railway Operating Revenues	$11,069,602.63		
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$1,779,902.54		
Maintenance of Equipment	3,063,702.04		
Traffic	189,595.11		
Transportation Rail Line Expenses	3,575,347.93		
Miscellaneous Operating Expenses	223,767.74		
General Expenses	339,571.37		
Transportation for Investment, Cr.	128,493.42 R.		
Total Railway Operating Expenses	$9,043,393.31		
Operating Ratio: Operating Expenses to Operating Rev.	81.70 Per Cent		
Net Operating Revenues	$2,026,209.32		
Average Mileage of Road Operated	694.35 Miles		
Averages per Mile of Road:			
Operating Revenues	$ 15,942.40		
Operating Expenses	13,024.26		
Net Operating Revenues	2,918.14		
Utah Taxes, 1924	$ 628,109.66		

LOS ANGELES & SALT LAKE RAILROAD COMPANY

OPERATIONS WITHIN THE STATE OF UTAH

Year Ended December 31, 1924

RAILWAY OPERATING REVENUES:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$9,457,167.66	$7,569,048.95	$1,888,118.71
Incidental Operating Revenues	330,114.19	134,147.85	195,966.34
Joint Facility Operating Revenues	47,911.08		47,911.08
Total Railway Operating Revenues	$9,835,192.93	$7,703,196.80	$2,131,996.13
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$1,848,821.48		
Maintenance of Equipment	1,874,510.39		
Traffic	285,041.16		
Transportation Rail Line Expenses	3,095,553.78		
Miscellaneous Operating Expenses	310,912.66		
General Expenses	290,530.50		
Transportation for Investment, Cr.	629.46 R.		
Total Railway Operating Expenses	$7,704,740.51		
Operating Ratio: Operating Expenses to Operating Rev.	78.34 Per Cent		
Net Operating Revenues	$2,130,452.42		
Average Mileage of Road Operated	568.04 Miles		
Averages per Mile of Road:			
Operating Revenues	$ 17,314.26		
Operating Expenses	13,563.73		
Net Operating Revenues	3,750.53		
Utah Taxes, 1924	$ 437,639.16		

OREGON SHORT LINE RAILROAD COMPANY

OPERATIONS WITHIN THE STATE OF UTAH

Year Ended December 31, 1924

RAILWAY OPERATING REVENUES:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$8,717,169.32	$8,019,988.57	$ 697,180.75
Incidental Operating Revenues	276,870.16	16,391.90	260,478.26
Joint Facility Operating Revenues	1,525.40		1,525.40
Total Railway Operating Revenues	$8,995,564.88	$8,036,380.47	$ 959,184.41
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 886,191.72		
Maintenance of Equipment	801,176.75		
Traffic	71,117.43		
Transportation Rail Line Expenses	2,470,642.54		
Miscellaneous Operating Expenses	217,032.67		
General Expenses	247,812.56		
Transportation for Investment, Cr.	5,227.37		
Total Railway Operating Expenses	$4,688,746.30		
Operating Ratio: Operating Expenses to Operating Rev.	52.12 Per Cent		
Net Operating Revenues	$4,306,818.58		
Average Mileage of Road Operated	241.69 Miles		
Averages per Mile of Road:			
Operating Revenues	$ 37,219.43		
Operating Expenses	19,399.83		
Net Operating Revenues	17,819.60		
Utah Taxes, 1924	$ 324,212.22		

SOUTHERN PACIFIC COMPANY
OPERATIONS WITHIN THE STATE OF UTAH
Year Ended December 31, 1924

RAILWAY OPERATING REVENUES:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$5,480,522.62		
Incidental Operating Revenues	71,941.51		
Joint Facility Operating Revenues	8,775.62	Not Available	
Total Railway Operating Revenues	$5,561,239.75		
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 606,549.30		
Maintenance of Equipment	725,428.59		
Traffic	81,324.76		
Transportation Rail Line Expenses	1,531,620.20		
Transportation Water Line Expenses	5,187.69		
Miscellaneous Operating Expenses	84,369.32		
General Expenses	142,381.36		
Transportation for Investment, Cr.	23,106.26 R.		
Total Railway Operating Expenses	$3,153,754.96		
Operating Ratio: Operating Expenses to Operating Rev.	56.71 Per Cent		
Net Operating Revenues	$2,407,484.79		
Average Mileage of Road Operated	259.84 Miles		
Averages per Mile of Road:			
Operating Revenues	$ 21,402.56		
Operating Expenses	12,137.30		
Net Operating Revenues	9,265.26		
Utah Taxes, 1924:			
Southern Pacific Company	200.00		
Central Pacific Railway Co.	234,432.75		
Union Pacific Railroad Co.	893.78		

UNION PACIFIC RAILROAD COMPANY

OPERATIONS WITHIN THE STATE OF UTAH

Year Ended December 31, 1924

RAILWAY OPERATING REVENUES:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$4,232,264.46	$3,973,554.09	$ 258,710.37
Incidental Operating Revenues	80,363.93	80,363.93	
Joint Facility Operating Revenues	6,678.43	6,678.43	
Total Railway Operating Revenues	$4,319,306.82	$4,060,596.45	$ 258,710.37
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 482,633.24		
Maintenance of Equipment	757,150.74		
Traffic	64,309.40		
Transportation Rail Line Expenses	1,066,364.47		
Miscellaneous Operating Expenses	73,989.27		
General Expenses	117,971.72		
Transportation for Investment, Cr.	351.42		
Total Railway Operating Expenses	$2,562,067.42		
Operating Ratio: Operating Expenses to Operating Rev.	59.32	Per Cent	
Net Operating Revenues	$1,757,239.40		
Average Mileage of Road Operated	110.18	Miles	
Averages per Mile of Road:			
Operating Revenues	39,202.28		
Operating Expenses	23,253.47		
Net Operating Revenues	15,948.81		
Utah Taxes, 1924	$ 196,126.57		

UTAH RAILWAY COMPANY

OPERATIONS WITHIN THE STATE OF UTAH—ENTIRE LINE

Year Ended December 31, 1924

RAILWAY OPERATING REVENUES:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$1,590,109.26	$ 697,331.63	$ 892,777.63
Incidental Operating Revenues	477.17		477.17
Joint Facility Operating Revenues			
Total Operating Revenues	$1,590,586.43	$ 697,331.63	$ 893,254.80
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 206,140.20		
Maintenance of Equipment	465,964.22		
Traffic	4,501.46		
Transportation Rail Line Expenses	365,542.23		
Miscellaneous Operating Expenses			
General Expenses	75,001.82		
Transportation for Investment—Cr.	4.15 R.		
Total Railway Operating Expenses	$1,117,145.78		
Operating Ratio: Operating Expenses to Operating Rev.	70.23 Per Cent		
Net Operating Revenues	$ 473,440.65		
Average Mileages of Road Operated	102.18 Miles		
Averages per Mile of Road:			
Operating Revenues	$ 15,566.51		
Operating Expenses	10,933.12		
Net Operating Revenues	4,633.40		
Utah Taxes, 1924	$ 72,760.05		

THE WESTERN PACIFIC RAILROAD COMPANY

OPERATIONS WITHIN THE STATE OF UTAH

Year Ended December 31, 1924

RAILWAY OPERATING REVENUES:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues	$2,049,803.07	$1,828,367.19	$ 221,435.88
Incidental Operating Revenues	69,723.26	8,790.12	60,933.14
Joint Facility Operating Revenues	4,683.18		4,683.18
Total Railway Operating Revenues	$2,124,209.51	$1,837,157.31	$ 287,052.20
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 369,309.14		
Maintenance of Equipment	323,731.00		
Traffic	55,127.14		
Transportation Rail Line Expenses	625,915.12		
Miscellaneous Operating Expenses	65,313.60		
General Expenses	58,634.36		
Transportation for Investment, Cr.	8,548.61 R.		
Total Railway Operating Expenses	$1,489,481.75		
Operating Ratio: Operating Expenses to Operating Rev.	70.12 Per Cent		
Net Operating Revenues	$ 634,727.76		
Average Mileage of Road Operated	143.72 Miles		
Averages per Mile of Road:			
Operating Revenues	$ 14,780.19		
Operating Expenses	10,363.78		
Net Operating Revenues	4,416.41		
Utah Taxes, 1924	$ 100,028.68		

SMALL STEAM RAILROADS, OPERATING IN THE STATE OF UTAH

OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1924

RAILWAY OPERATING REVENUES:	Carbon Co. Ry. Co.	St. John & Ophir R.R.Co.	Deep Creek Railroad Co.	Eureka Hill Railway Co.
Rail Line Transportation Revenue	$ 54,080.38	$ 14,595.68	$ 70,469.14	$ 32,498.25
Incidental Operating Revenue	63.00	694.47	672.70	
Joint Facility Operating Revenue				
Total Railway Operating Revenues	$ 54,143.38	$ 15,290.15	$ 71,141.84	$ 32,498.25
RAILWAY OPERATING EXPENSES:				
Maintenance of Way and Structures	$ 8,342.87	$ 15,026.10	$ 11,459.90	$ 16,901.54
Maintenace of Equipment	282.93	7,580.59	11,708.37	667.70
Traffic Expenses	1,917.79	14.70	255.33	
Transportation, Rail Line Expenses	4,956.13	17,007.19	14,127.23	15,899.84
Miscellaneous Operating Expenses				
General Expenses	11,365.63	1,170.02	2,475.76	5,808.26
Total Railway Operating Expenses	$ 26,865.35	$ 40,798.60	$ 40,026.59	$ 39,277.34
Net Revenue from Railway Operations	$ 27,278.03	$ 25,508.45*	$ 31,115.25	$ 6,779.09*
Railway Tax Accruals	2,170.56	1,661.85	5,220.00	
Railway Operating Income	$ 25,107.47	$ 27,170.30*	$ 25,895.25	$ 6,779.09*
Average Mileage of Road Operated	4.80	8.56	46.00	7.00

*Denotes Deficit.

SMALL STEAM RAILROADS, OPERATING IN THE STATE OF UTAH

OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1924

RAILWAY OPERATING REVENUES:	Goshen Valley Railroad Co.	Tooele Valley Railway Co.
Rail Line Transportation Revenue	$ 69,458.41	$ 175,217.64
Incidental Operating Revenue	26.00	4,307.68
Joint Facility Operating Revenue		
Total Railway Operating Revenues	$ 69,484.41	$ 179,525.32
RAILWAY OPERATING EXPENSES:		
Maintenance of Way and Structures	$ 10,072.00	$ 24,311.64
Maintenance of Equipment	1,283.20	28,743.39
Traffic Expenses	130.85	
Transportation Rail Line Expenses	7,344.13	91,781.78
Miscellaneous Operating Expenses		
General Expenses	6,915.43	6,766.49
Total Railway Operating Expenses	$ 25,745.61	$ 154,359.67*
Net Revenue from Railway Operations	$ 43,738.80	$ 25,165.65
Railway Tax Accruals	2,278.20	3,922.89
Railway Operating Income	$ 41,460.60	$ 21,242.76
Average Mileage of Road Operated	9.34	7.27

*Apparently includes other expenses not enumerated.

ELECTRIC RAILROAD UTILITIES

OPERATIONS WITHIN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1924

RAILWAY OPERATING REVENUES:	Bamberger Electric Railroad Co.	Salt Lake & Utah Railroad Co.	Utah-Idaho Central Railroad Co.	Salt Lake-Garfield & West. R.R. Co.
Revenue from Transportation	$ 553,771.87	$ 694,394.20	$ 733,543.35	$ 201,855.65
Revenue from Other Railway Operations	5,283.17	12,248.83	35,295.98	1,564.81
Total Operating Revenues	$ 559,055.04	$ 706,643.03	$ 768,839.33	$ 203,420.46
RAILWAY OPERATING EXPENSES:				
Way and Structures	$ 113,679.12	$ 75,962.90	$ 108,065.41	$ 15,063.66
Equipment	63,606.07	66,297.23	62,895.50	29,500.27
Power	63,169.10	72,929.87	79,833.82	19,535.88
Conducting Transportation	73,009.93	118,218.46	166,020.45	26,186.28
Traffic	16,849.28	27,337.45	8,385.02	15,903.59
General and Miscellaneous	141,063.28	145,347.89	105,017.20	19,049.04
Transportation for Investment, Cr.			187.20 R	
Total Operating Expenses	$ 471,376.78	$ 506,093.80	$ 530,030.20	$ 125,238.72
Operating Ratio: Oper. Expenses to Oper. Revenues **	84.31	71.61	68.93	61.56
Net Revenue, Railway Operations	$ 87,678.26	$ 200,549.23	$ 238,809.13	$ 78,181.74
Miles of Road	36.25	76.10	117.11	16.73
Taxes assignable to railway operations (Total)	$ 47,771.50	$ 67.097.04	$ 73,412.04*	$ 11,693.17

**Expressed in Per Cent.

*Other than U. S. Government Taxes in Utah, $68,694.53; Idaho, $4,152.51; U. S. Government Taxes, Utah, $415.00; Idaho, $150.00.

STREET RAILWAY UTILITIES

OPERATIONS WITHIN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1924

RAILWAY OPERATING REVENUES:	Utah Light & Traction Co.	Utah Rapid Transit Co.
Revenue from Transportation	$1,841,304.83	$ 266,801.94
Revenue from Other Railway Operations	11,457.99	1,423.53
Total Operating Revenues	$1,852,762.82	$ 268,225.47
RAILWAY OPERATING EXPENSES:		
Way and Structures	$ 136,250.90	$ 27,424.19
Equipment	207,326.47	36,989.33
Power	265,436.32	34,940.36
Conducting Transportation	553,549.67	97,085.99
Traffic	11,475.81	144.49
General and Miscellaneous *	305,975.10	47,084.14
Transportation for Investment, Cr.	859.87	
Total Operating Expense	$1,479,154.40	$ 243,668.50
Operating Ratio: Operating Expenses to Operating Rev...	79.80%	90.84%
Net Revenue from Railway Operations	$ 502,708.42	$ 24,556.97
Miles of Road Operated	143.81	39.11
Taxes, 1924 (Total)	$ 129.100.00	$ 10,955.91

*Includes item of $129,100.00 taxes.

ELECTRIC LIGHT AND POWER UTILITIES OPERATING IN UTAH

OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1924

OPERATING REVENUES:	Utah Power & Light Company	Telluride Power Co.	Pahvant P'r & Light Co.	Elec. Power & Milling Co.	Bountiful P'r & Light Co.
Sales of Current	$8,422,064.65	$ 164,515.41	$ 21,932.70	$ 3,773.70	$ 22,870.69
Other Revenues	340,910.41*	10,753.24	10,121.42		1,780.85
Total Operating Revenues	$8,762,975.06	$ 175,268.65	$ 32,054.12	$ 3,773.70	$ 24,651.54
OPERATING EXPENSES:					
Steam Power Generation	$ 265,633.16	$ 2,569.46	$	$	$
Hydro-Electric Generation	486,048.27	22,317.03		2,322.37	
Electric Energy from other sources	103,783.55		15,539.70‡		7,850.20
Transmission Expenses	313,702.66	11,098.54	2,115.65		
Distribution Expenses	397,984.43	15,443.58	3,157.82		
Utilization Expenses	109,920.57	1,591.47	1,433.74		
Commercial Expenses	289,092.91	11,121.36	3,134.40		
New Business Expenses	73,268.44	3,474.81	901.36		
General and Miscellaneous Expenses	1,619,733.95	31,799.41	2,001.28		5,097.19
Total Operating Expenses	$3,659,167.94**	$ 99,415.65	$ 28,283.95	$ 2,322.37	$ 12,947.39
Uncollectible Bills	$ 43,384.98	615.27			95.00
Taxes	$1,024.558.08	20,532.44		486.27	1,021.26

*Includes revenues from Gas, Water and Steam Heat operations.
‡Includes rental on system, $6,999.96.
**Includes taxes on total operations.

ELECTRIC LIGHT AND POWER UTILITIES OPERATING IN UTAH

OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1924

OPERATING REVENUES:	Morgan Elec. L't &P'r Co.	Swan Creek Electric Co.	Vernal Mill'g & Light Co.	Uintah P'r & Light Co.
Sales of Current	$ 15,083.63	$ 4,916.85	$ 21,236.15	$ 27,082.94
Other Revenues			1,239.54*	2,791.85
Total Operating Revenues	$ 15,083.63	$ 4,916.85	$ 22,475.69	$ 29,874.79
OPERATING EXPENSES				
Steam Power Generation				
Hydro-electric Generation	$	$ 2,585.00	$ 3,340.25	$
Electric Energy from Other Sources	4,190.94	201.40		Not
Transmission Expenses	2,634.86	289.60	625.00	Available
Distribution Expenses		173.53	1,770.22	
Utilization Expenses				
Commercial Expenses				
New Business Expenses	129.50			
General & Miscellaneous Expenses	4,270.67		2,862.51	
Total Operating Expenses	$ 11,225.97	$ 3,249.53	$ 8,597.98	‡$ 18,834.70
Uncollectible Bills			291.85	
Taxes	286.58	61.81	2,685.93**	2,408.72

*Includes revenue from flour mill, $810.94.
‡Does not include interest and taxes, as set up by respondent.
**Includes insurance, not segregated by respondent.

GAS UTILITIES OPERATING IN UTAH

OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1924

OPERATING REVENUES:	Utah Gas & Coke Co. Salt Lake	Utah Power & Light Ogden	Utah Valley Gas & Coke Co.
Sales of Gas	$ 635,622.63	$ 98,656.91	
Other Revenue	14,070.33	5,696.97	
Total Operating Revenues	$ 649,692.96	$ 104,353.88	
OPERATING EXPENSES:			
Gas Production Expenses	$ 142,556.94	$ 64,057.14	Not
Transmission & Distribution Expenses	35,456.79	12,750.32	Available
Commercial Expenses	36,431.34	6,889.62	
New Business Expenses	14,381.57	1,328.52	,
General & Miscellaneous Expenses	101,745.41	17,158.86	
Total Operating Expenses	$ 330,572.05	$ 102,184.46	
Uncollectible Bills	1,567.81	*	
Taxes	59,818.66		*

*Shown in Electrical Report as a part thereof.

THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY

OPERATIONS WITHIN THE STATE OF UTAH

Year Ended December 31, 1924

OPERATING REVENUES:			
Exchange Service Revenues		$1,874,706.15	
Toll Service Revenues		703,148.09	
Miscellaneous Operating Revenue		93,174.27	R.
Telephone Operating Revenues		$2,484,679.97	
Non-Operating Revenues		6,767.66	
Gross Income			$2,491,447.63
OPERATING EXPENSES:			
Maintenance Expenses	$	304,443.45	
Traffic Expenses		617,263.09	
Commercial Expenses		183,287.98	
Insurance, Accidents & Damages		3,609.52	
Telephone Franchise Requirements		12.00	
Depreciation of Plant and Equipment		422,398.81	
Compensation Net *		7,679.68	
Telephone Operating Expenses		$1,538,694.53	
OTHER DEDUCTIONS:			
General Expenses, Employees Benefit Fund and Net Messenger	$	81,385.02	
Uncollectible Operating Revenues		7,982.91	
Taxes, Franchises, Occupation, Income, and General		248,661.47	
Rent and Other Deductions		16,045.91	
Amortization of Intangible Capital and Right of Way		2,339.88	
Total Other Deductions	$	356,415.19	
Total Operating Expenses and Deductions			$1,895,109.72
Telephone Operating Income			$ 596,337.91

*Compensation Net, includes net charge or credit for use of property charged to the state in which it is located but used in common for two or more states.

April 21st, 1925.

Honorable Harvey H. Cluff,
Attorney General,
Building.

Dear Sir:

We enclose herewith an exact copy of Senate Bill No. 162, which is:

"AN ACT PROVIDING FOR THE TAXING OF AUTOMOBILE CORPORATIONS AND OTHER PERSONS AND CORPORATIONS USING THE PUBLIC STREETS AND HIGHWAYS OF THE STATE FOR HIRE, DENOMINATING ALL OF THEM 'OPERATORS,' PROVIDING FOR CERTAIN REPORTS TO BE MADE AND PROVIDING PUNISHMENT FOR THE FAILURE TO TRUTHFULLY REPORT."

This bill passed both Houses of the Legislature and was signed by the Governor on March 21st, 1925. Said bill carries the emergency clause, and, therefore, becomes effective on the date of approval.

After reviewing this law, we find it necessary to ask your opinion with reference to certain phases of it. We submit, for your consideration, the following questions:

1. Is a stage line, which operates between a city and a town, subject to the provisions of this Act?

2. What is the meaning of "town," as shown in Section 1?

3. In the case of a stage or truck line having a city or town as one terminal with an unincorporated settlement as the other, would the owner be subject to this tax?

4. Would an automobile transportation line, between two unincorporated settlements, be subject to the tax?

5. Should all mileage, within the city limits or town limits, be excluded?

6. In the instance where the bulk of an operator's business is carried on within a city or town, with an occasional trip to another city or town, is all of the business over highways subject to the tax or only such as is from or to another city or town?

7. In the event a person, holding a contract to transport merchandise from one concern to its customers located

in another city or town, would he be subject to tax, under this law, if he does not offer his services to the genreal public?

8. Would a person, who transports only United States mail, be subject to the tax?

9. In case of a person, who transports passengers, baggage, express and United States mail, would the owner of the line be subject to tonnage tax on the United States mail?

10. In case of a passenger stage line, which carriers, free, i.e., without additional cost to the passenger, a certain amount of baggage, would the owner of line be subject to tonnage tax on baggage carried?

11. Should excess baggage, i.e., baggage in excess of the amount which will be transported free, as covered by above question, be taken into consideration in computing the tax?

12. Should all of the business of a stage line be included in computing the tax, when automobiles are used only a portion of the year, due to bad road conditions, and horses, carriages or sleighs used the remainder of the year?

Inasmuch as the law became effective on March 21st, we would very much appreciate an early reply to this letter.

Respectfully submitted,

PUBLIC UTILITIES COMMISSION OF UTAH,

By (Signed) F. L. OSTLER,
Secretary.

1925

S. B. No. 162, Substitute for S. B. No. 82

By Committee on Revenue and Taxation

AN ACT PROVIDING FOR THE TAXING OF AUTOMOBILE CORPORATIONS AND OTHER PERSONS AND CORPORATIONS USING THE PUBLIC STREETS AND HIGHWAYS OF THE STATE FOR HIRE, DENOMINATING ALL OF THEM OPERATORS, PROVIDING FOR CERTAIN REPORTS TO BE MADE AND PROVIDING PUNISHMENT FOR THE FAILURE TO TRUTHFULLY SO REPORT.

Be it enacted by the Legislature of the State of Utah:

Section 1. Every automobile corporation, as defined in subdivision 13, Section 4782, Compiled Laws of Utah, 1917, and in addition thereto, every corporation, partnership or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, and hereinafter referred to as "oprators," engaged in the business of transporting passengers or freight, merchandise or other property for compensation or hire by means of motor vehicles as defined in Chapter 45, Session Laws of Utah, 1923, whether holding a certificate of convenience and necessity issued by the Public Utilities Commission of Utah or not, on any public streets, roads or highways between any two or more cities or towns within the State, shall pay taxes for the maintenance and upkeep of said public highways as follows:

(a) For freight service of any kind, two-thirds (2-3) of one cent per ton mile on all hard-surfaced streets, roads or highways; on all other roads one-fourth (¼) cent per ton mile. For the purpose of determining the rates applicable under this section, a motor vehicle unit shall be construed to be, first, a motor vehicle operated separately, and, secondly, a motor vehicle operated in combination with one or more trailers. To determine the ton miles of freight travel: The actual weight in pounds of the cargo carried by each motor vehicle unit (trailers to be included) shall be multiplied by the number of miles carried, the sum of which shall be divided by 2,000.

(b) For passenger service of any kind, two and one-half (2½) mills per passenger mile, on all hard surfaced streets, roads or highways; on all other roads one (1) mill per passenger mile. To determine the passenger miles, mul-

tiply the actual number of passengers carried by each motor vehicle by the number of miles carried.

Section 2. Every operator referred to in this act shall keep a daily record upon a form prescribed by the Public Utilities Commission of all schedules maintained, motor vehicles and trailer units used and motor vehicle units laid up for repairs, during the current month, and on or before the 10th day of the month following shall certify under oath to said Commission, upon such form as may be prescribed by said Commission, a summary of the daily record which shall show the grand total ton miles of travel and the grand total of passenger miles of travel by the operator during the preceding month. The daily record of each month's business shall thereupon be filed and preserved for a period of at least five years and thereafter until permission of their destruction shall have been obtained from said Commission. Such daily record of each month's business shall be examined at least once each year by the Public Utilities Commission, or its authorized representatives and compared with the sworn summaries on file with said Commissino.

Any operator who fails to make the reports herein required within the time prescribed shall be guilty of misdemeanor, and any person who shall wilfully make a false return to the Public Utilities Commission affecting any of the information herein required to be supplied, shall be guilty of a misdemeanor.

Section 3. On or before the 20th day of each month, the said Public Utilities Commission shall certify to the State Treasurer the total amount of said tax due from each operator for operation over the public highways for the preceding month. This tax shall be computed by multiplying the total number of ton miles and the total number of passenger miles operated as shown by the sworn monthly summary to the said Commission by the rate or rates of taxation as in this act specified. Thereupon the State Treasurer shall notify the operator of the amount of taxes due, which shall be payable not later than the last day of the month, and upon payment thereof to the State Treasurer as herein provided, the State Treasurer shall credit such sum to the State Road Fund to be used by the State Road Commission for construction, repair and maintenance of state roads. All taxes in this manner assessed shall become a first lien upon the property of the operator used in said business until paid.

Section 4. The Public Utilities Commission is also authorized to employ such inspectors as shall be necessary to

insure compliance by the operators with the provisions of this act.

Section 5. This act shall in no wise be construed to permit any person to operate under this act as a common carrier without first obtaining from the Public Utilities Commission a certificate of convenience and necessity.

Section 6. This act shall not apply to or be so construed as to apply to any person, firm, association or corporation who solely transports by motor vehicle his or its own property, or employees, or both, or who solely transports by motor vehicle persons to or from any public school or to the delivery system of merchants or vehicles used therein.

Section 7. The term hard-surfaced streets, roads, or highways, as used in this act, shall be construed to mean all roads, streets, or highways surfaced with concrete, asphalt, tarvia, or other hard surfacing material or substance.

Section 8. This act shall take effect upon approval.

From Harvey H. Cluff, Attorney-General,
Building.

May 4th, 1925.

Public Utilities Commission,
Building.

Gentlemen:

In answer to your communication of April 21st, relative to our interpretation of Senate Bill No. 162, will say that it is our opinion that the questions asked in your letter should be answered as follows:

Question No. 1 should be answered in the affirmative. We don't think the law contemplated any distinction between a stage line operating between a city and a town or a town and an unincorporated village.

Our answer to question No. 2, is that the word "town" as used in Section 1 of the Act is synonymous with "terminal."

Question No. 3 should be answered in the affirmative. This is clear when you think of a town, city and unincorporated settlement as meaning terminals. The size of the terminals, in our opinion, is of no significance whatever. These words as used merely to designate the points between which the stage lines operate. Some point of beginning must

be fixed and some place of ending must be determined upon. These words are merely to designate these places and have no reference at all to the technical meaning of the words as used in other statutes. This also answers question No. 4.

Question No. 5, in our opinion, should be answered in the affirmative. We think the law is applicable only to highways outside of city and town limits. This interpretation should present no difficulty in the administration of the law for the reason that the point where the city ends and the state highways begins is a fixed point, and the Commission will, therefore, soon be able to determine exactly the number of miles that the stage line is operating from the terminus of one city limit to that of another city limit.

Our answer to question No. 6 is that in the case of an operator's business being carried on within a city or town with only an occasional trip to another city or town, that the Commission would be powerless to tax the business carried on wholly within the limits of the city or town. In other words, it would have the power to tax only such business as is carried on from one city or town to another city or town.

As to question No. 7, will say that we have had some concern as to what the proper answer to this question is, but after rather careful deliberation, we have reached the conclusion that question No. 7 should be answered in the affirmative. Section 1 of the Act provides that:

> "Every automobile corporation * * * and in addition thereto every corporation, partnership, or person, their lessees, etc., engaged in the business of transporting passengers or freight, merchandise or other property **for compensation or hire by means of motor vehicle** shall pay taxes for the maintenance and upkeep of said public highway."

The test, therefore, would seem to be the transporting of the freight or passengers **for compensation or hire,** and not the fact that it is carried on for the public. So far, we have been unable to discover any sufficient reason why a person or corporation transporting freight or passengers for an individual or corporation for hire should not be subject to the tax the **same** as a person or corporation transporting passengers or freight for the public in general. The effect on the road is the same in both instances. In other words, we think the only person or corporation excluded from the tax are those who transport passengers or freight for and on behalf of themselves, and do not make a business of transporting freight

and passengers for hire. It is the engaging in the business for hire that makes the tax applicable and not for whom the business is carried on.

We think question No. 8 should be answered as follows: If a person or corporation transporting U. S. mail has a private contract with the U. S. Government, then, we think, the individual or corporation holding such contract is subject to the tax. Where the Government is transporting the mail itself, it is our opinion the tax should not apply.

We are of the opinion that question No. 9 should be answered in the affirmative.

Question No. 10 should be answered in the negative. Stage lines and other transportation companies find it impossible to operate without carrying a small amount of baggage free with each passenger. This amount, whatever it is, should not, in our opinion, be subject to the tax. The distinction, in this respect, could be made altogether too fine for any practical purpose. A passenger, for example, might not be able to have an overcoat transported without additional tax, or any other small amount of necessities or conveniences which are indispensable to travelers. The stage companies can fix an amount which they are willing to transport with the passenger. Anything over and above that amount should, in our opinion, be subject to the tax. This also answers question No. 11.

Question No. 12, in our opinion, should be answered in the negative. The purpose of the tax is to offset, in a measure, the damage done by these transportation companies to the highways. About the only time of the year that automobiles are not used by these companies is in the winter when the road is made impassable on account of snow, and it is necessary for the companies, under such circumstances, to resort to sleighs. Under these circumstances there certainly cannot be any damage done to the road by the transportation companies. Furthermore, under such circumstances, the transportation companies are put to an additional cost on account of having to unload and reload the freight, and also by having to furnish additional means of transportation. We think, therefore, that the distance covered by this means of transportation should be excluded in the computation of the tax. There is also the fact that only motor vehicles are mentioned in the Act.

Trusting that this sufficiently answers your inquiry, we are

Yours very truly,

(Signed) HARVEY H. CLUFF,
Attorney General.

May 7, 1925.

Honorable Harvey H. Cluff,
Attorney-General,
Building.

Dear Sir:

As a question has arisen pertaining to the proper interpretation to be placed on certain wording contained in Senate Bill No. 87, passed by the last Legislature, signed by the Governor, and effective May 11th, 1925, this Commission would appreciate receiving the interpretation, which the Attorney-General places on the following:

The first sentence of Section 4818-X, of Senate Bill No. 87, reads as follows:

> "The Commission shall, **in granting** of certificate to any automobile corporation for compensation, require said automobile corporations to first procure liability insurance from a carrier licensed to write liability insurance in the State of Utah * * * "

A question arises as to whether or not it is the intent of the law to require automobile corporations, which have already been granted certificates of convenience and necessity, to procure liability and property insurance from a carrier licensed to write liability insurance in the State of Utah.

As this law is effective May 11th, 1925, this Commission will appreciate an early opinion of this matter.

Yours very truly,

PUBLIC UTILITIES COMMISSION OF UTAH,

By (Signed) F. L. OSTLER,

May 12, 1925.

Public Utilities Commission,
Building.

Gentlemen:

Answering your communication of the 7th instant, will say that it is our opinion that Senate Bill No. 87 requires automobile corporations, which have been granted a certificate of convenience and necessity to procure liability and property insurance as provided in the Act.

It was not the intent of the law to excuse those corporations, which have already obtained a certificate of convenience and necessity, from procuring liability and property insurance. All the companies must be placed on an equal footing so far as this part of Senate Bill No. 87 is concerned. The time of procuring the certificate has nothing whatever to do with the procuring of the insurance other than to indicate that a certificate cannot be granted now or in the future without the company obtaining the liability and property insurance as provided by this Act, but this in no way, excuses those from obtaining the insurance who have already been granted a certificate of convenience and necessity.

Yours very truly,

(Signed) HARVEY H. CLUFF,
Attorney-General.

May 28, 1925.

Public Utilities Commission,
Building.

Gentlemen:

On April 21st, you sent us a communication asking our opinion relative to the proper interpretation of certain provisions contained in Senate Bill No. 162, which is an Act providing for the taxing of automobile corporations, persons and corporations using the public streets and highways of the state for hire, etc.

In your communication, you ask (Question No. 5): "Should all mileage within the city limits or town limits be excluded?" We answered this question in the affirmative. Since directing this opinion to you, we have learned that it is practically impossible to administer the law if this view is literally followed, and, since we are vitally concerned with

the equitable administration of the law, as well as with the technical legal interpretation, we think that our view on this question should be modified, as follows:

Section 1 of the Act says that "every automobile corporation * * * partnership, person, their lessees, trustees, receivers * * * engaged in the business of transporting passengers or freight * * * **between any two or more cities or towns within this state** * * * for compensation or hire by means of motor vehicle * * * shall pay taxes for the maintenance and upkeep of said public highways as follows * * *."

The difficulty lies in giving the proper interpretation to the words "between any two or more cities or towns within this State." Technically we think these words mean the mileage covered from the city limits of one city to the city limits of another city. We think there is very serious doubt as to whether or not any other interpretation will ultimately be given to these words, but, after carefully investigating the history of the bill and interviewing many of the framers thereof, we have learned that it was, undoubtedly, the intention of the Legislature to impose the tax on the number of miles actually covered, including the mileage within the limits of cities and towns. Knowing this to be the intention of the framers of the bill, we are willing to do what we can to give effect to that intention. In other words, we think our former opinion, on this question, followed the letter of the law, perhaps too strictly, and did not give sufficient weight to the manner in which the law would work out under this view. We see now that if the letter of the law is followed, that is to say that if we construe the words "between cities and towns" to mean the mileage lying actually between the cities and not any of the mileage lying within the cities, it will be practically impossible to administer the law efficiently, or for the State to obtain any revenue from the tax. We take this view more readily knowing that the persons and corporations subject to the law, have adequate means at their disposal of having the law construed by the Supreme Court.

We are, therefore, withdrawing that part of our opinion which is in conflict with the views herein expressed, and adopting this opinion in lieu thereof.

Yours very truly,

(Signed) HARVEY H. CLUFF,
Attorney-General.

IN THE SUPREME COURT OF THE STATE OF UTAH

State of Utah, ex rel., Public Utilities Commission of Utah, Appellant,

vs.

C. W. Nelson, Respondent,
James Neilson, Intervenor and Appellant.

(Filed June 20, 1925)

STRAUP, J.

James Neilson, the intervenor, was granted a certificate of convenience and necessity by the Public Utilities Commission of Utah, authorizing him to operate an automobile stage line carrying passengers and freight between Salt Lake City and Brighton, Utah. Brighton is a summer resort in the mountains at the head of Big Cottonwood Canyon about thirty miles easterly of Salt Lake City. About one-half of the designated route of the intervenor was along and over the canyon road, the only accessible means by automobile or other conveyance to Brighton or intermediate points in the canyon. The intervenor maintained two terminal stations, one at Salt Lake City, the other at Brighton, and five or six stations between those points. He operated a stage line on schedule and at fixed charges approved by the Commission. He claimed to have been equipped to take care of all the transportation and traffic between Salt Lake City and Brighton and intermediate points and that there was no necessity for any other public utility operating an auto stage line between such points. His route was along and over the public highway. The highway in the canyon is traversable by automobile only in the summer months or open season. Between Brighton, the head of the canyon, and the mouth of the canyon are a number of other summer resorts. About five miles west of Brighton, down the canyon, is what is called the "Community Camp." It is conducted and maintained by the Utah Out-Door Association, a corporation organized under the laws of Utah for only eleemosynary purposes with its object to provide at minimum expense an outing camp for persons not otherwise able to obtain camping facilities and conveniences. The association had a special permit from the government to operate the camp on the National Forest Reserve. The supervisor of the reserve was one of the directors of the association and was in immediate charge of the camp. Persons desiring to attend the camp were required to make arrangements to do so through the office of the National Forest Reserve. To meet in part the expense of maintaining the

camp, including tents, stoves, beds, tables, etc., the association made a charge of $11.00 for four persons for one week and $14.00 for two weeks, which charge included transportation to and from the camp. In 1923 the association accommodated at the camp about nine hundred persons. It applied to the commission for a permit to operate a stage line to carry its guests to and from the camp. The commission denied the application. Then, to accommodate its guests and persons attending the camp, the association entered into a contract with the defendant, C. W. Neilson by the terms of which he, during the months of July and August, for a consideration of $20.00 a day, undertook and agreed to operate an automobile omnibus, equipped with pneumatic tires, cushion seats and suitable covering and having a capacity to carry at one time at least fifteen adult passengers, between Salt Lake City and the camp making two trips a day. He further agreed to maintain at Salt Lake City a suitable depot for passengers and baggage. Each passenger, free of charge, was entitled to baggage not to exceed fifty pounds. A charge of one cent a pound for all freight unaccompanied by passenger tickets. All such charges and collections were turned over to the association. In pursuance of such contract the defendant operated such "bus" or stage line over and along the highway in the canyon the only accessible pass to and from the camp. With a few exceptions the defendant transported no persons except those who were guests and entitled to privileges of the camp, and all persons transported by him were required to produce of procure tickets from the association entitling them to such transportation. The defendant had no certificate or permit from the Commission, nor did he apply for any.

The commission, as plaintiff, brought this action to restrain the defendant from conducting the stage line so operated by him. The intervenor joined therein. The court found the facts as hereinbefore indicated and held that the defendant operating the stage line under contract with the association in carrying guests entitled to privileges of the camp was not a common carrier nor engaged in operating a public utility, and hence it was lawful for him to carry on such operations without a permit or certificate from the commission; but restrained him from carrying passengers for compensation, who were not guests or intending to become guests of the camp, without a permit or certificate from the commission.

The commission and intervenor appeal. It is contended by them that under subdvs. 6, 13, 14, and 28 of Sec. 4782 and of Secs. 4798 and 4818, Comp. Laws of Utah, 1917, the defendant was a common carrier and as such operating a public

utility within the meaning of the public utilities act, and that to lawfully carry on such operations he was required to have a certificate from the commission; and inasmuch as it was conclusively shown he had no such certificate, it is urged, the court erred in refusing to restrain the operations carried on by the defendant, even as to the transportation of guests entitled to privileges of the camp. To support such contention the appellants cite the following cases: Public Utilities Commission v. Garviloch, 54 Utah 406; Terminal Taxicab Co. v. District of Columbia, 241 U. S. 252; Utah Copper Co. v. Public Utilities Comm., 59 Utah 191, 203 Pac. 627; Haddad v. State (Ariz.) 201 Pac. 847; Utah Hotel Co. v. Public Utilities Comm. 59 Utah 389, 204 Pac. 511; Vandalia R. R. Co. v. Stevens, 114 N. E. 1001; State v. Union Stock Yards Co., 115 N. W. 627. In such connection cases also are cited to the effect that a common carrier cannot, by special contract, change his status as such, among them, the case of Campbell v. A. B. C. Storage Van Co., 174 S. W. 140. Other cases are also cited on the question who is and who is not a common or private carrier. The principles of law announced in the cited cases are readily admitted. However, we think they are not applicable to the case in hand. They do not on similar facts and circumstances show that one situated or conditioned as was the defendant is a common carrier. They all recognize that a common or public carrier is one who, by virtue of his business or calling or holding out, undertakes for compensation to transport persons or property, or both, from one place to another for all such as may choose to employ him. Running through the cases is a recognition of the dominant element of public service, serving and carrying all persons indifferently who apply for passage or for shipment of goods or freight. To constitute a common carrier such element is also requisite under the utilities act. It defines a common carrier, as the term is used therein, to include among others every automobile corporation engaged in the transportation of persons or property for **public service** over regular routes between points within the state and an automobile corporation to include every corporation or person engaged in or transacting business of transporting passengers or freight, merchandise, or other property, for compensation by means of automobiles or automobile stages on public streets, roads or highways along established routes within the state. Public service as distinguished from mere private service is thus a necessary factor to constitute a common carrier. Such element, in portions of the act, is not as clearly expressed as might be. Nevertheless, it necessarily is implied. It is only

for the presence of such factor or element that the commission has power or authority to regulate or control such business. Eliminating it, its power and jurisdiction are gone. No one may successfully contend that it is competent for the legislature to regulate and control in such respect a mere private business or to declare a private business to be public service or a public utility. In other words, the state may not, by mere legislative fiat or edict, by regulating orders of a commission, convert mere private contracts or a mere private business into a public utility or make its owner a common carrier. Produce Transp. Co. v. Railroad Comm., 251 U. S. 228; Associated Pipe Line Co. v. Railroad Comm., 169 Pac. 62; Allen v. Railroad Comm., 175 Pac. 466; State v. Public Service Comm., 201 Pac. 765. So, if the business or concern is not public service, where the public has not a legal right to the use of it, where the business or operation is not open to an indefinite public, it is not subject to the jurisdiction or regulation of the commission. Humbird Lumber Co., v. Public Utilities Comm., 228 Pac. 271; Story v. Richardson, 198 Pac. 1057. Where the act constituting a common carrier or public service does not clearly express such element of public use or service, words "for public use or service" or their equivalent nevertheless are to be understood and implied. State v. Public Service Comm., 205 S. W. 36. That, too, is apparent when looking at the whole act and considering its scope and purpose. So considering the act we are of opinion that the defendant was not a common carrier nor engaged in the business of a public utility.

Before entering into his contract with the association to transport its guests, etc., the defendant was not engaged in any such, or, so far as made to appear, in any other similar business. The case thus does not fall within the claimed situation where one in fact being a common carrier may not by special contract change his status as such. It was in virtue of the contract made by him with the association, and not otherwise, that he engaged in the business or employment. Hence the question reduces itself to the proposition of whether it was competent for the association, without a permit or certificate from the commission, to transport its own guests and their baggage and its supplies to and from the camp. If so, it was competent for it to do through agency what it itself could lawfully do. The court found, and the evidence shows, that with but one or two exceptions the defendant transported no one who was not a guest or intended to become a guest of the camp and no baggage or property except of the guests or of the association. That was all with respect to transpor-

tation that the defendant's contract called for, and that was all that he did. That, the court held he had a right to do without a permit or certificate from the commission. For such service the defendant was paid, not by the guests transported by him, but by the association, $20.00 a day, regardless of whether the guests transported by him were few or many. The transportation was not the main or principal object or business. It was but an incident or secondary to another, the community camp and its maintenance. If under such circumstance neither the association nor the defendant under his contract with it, without a permit or certificate from the commission, could lawfully so transport guests and supplies of the association to and from the camp, then could not a mining company operating a mine up or near the canyon transport its employes and freight and supplies to and from its mine, nor legally make a contract with another to do so, without a permit or certificate from the commission. The statute, as we think, does not forbid one any more than the other.

It, however, is said that the defendant transported the guests, etc., along the established route of the intervenor. What of it? The certificate granted the intervenor did not give him the right to an exclusive use of the highway or to exclude all others from the canyon who do not patronize him. When a certificate of convenience and necessity to use a public highway is granted by the commission it is to be hoped the general public has left some rights in and to the use of the highway, especially in a canyon where the highway is the only passage. Such certificates are to protect and safeguard public interests, and not to oppress or restrain them nor to monopolize the use of the highway.

It is clear the defendant did not hold himself out to carry nor was he engaged in carrying any and all persons who desired to travel up and down the canyon or go from place to place, or property of all persons indifferently. No one except guests of the camp or connected with it and holding a ticket from the association had a right to demand of the defendant transportation either of person or property. We therefore think the court was right in holding that the defendant was not a common carrier nor operating a public utility. The judgment of the court below is therefore affirmed, with costs to respondent.

We concur:

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INDEX