Report of the
Public Utilities Commission
of Utah
to the Governor

From January 1, 1927, to and including December 31, 1927.

ARROW PRESS, SALT LAKE

COMMISSIONERS

ELMER E. CORFMAN, President
THOMAS E. McKAY
GEORGE F. 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 1927.

COURT CASES

Under date of March 25, 1927, the Supreme Court of Utah rendered its decision in the following case:

Gunnison Sugar Company, et al., Plaintiffs,
vs.
Public Utilities Commission of
Utah, et al., Defendants.

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 1924	1
Cases pending from 1925	5
Cases pending from 1926	33
New Cases filed	60
Total	99
Cases disposed of in 1927	74
Cases pending from 1925	1
Cases pending from 1926	3
Cases pending from 1927	21
Total	99

The Commission also issued 209 Ex parte Orders, 35 Special Dockets, 6 Grade Crossing Permits, and 26 Certificates of Convenience and Necessity. A list of the foregoing will be found elsewhere in this report.

Very respectfully submitted,

(Signed) E. E. CORFMAN,
(Signed) THOMAS E. McKAY,
(Signed) GEORGE F. McGONAGLE.

(Signed) F. L. OSTLER,
Secretary.

FINANCES OF THE COMMISSION

The following is a statement of the finances of the Commission from January 1, 1927, to and including December 31, 1927:

SALARIES

Appropriations, Allowances and Receipts:

Unexpended Appropriation, Jan. 1, 1927	$ 3,290.63
Unexpended Deficit Allowance, Jan. 1, 1927	2,940.54
Appropriation, April 1, 1927 to June 30, 1927	5,500.00
Appropriation, July 1, 1927 to June 30, 1928	22,000.00
Receipts, Jan. 1, 1927 to March 31, 1927	82.45
Receipts, April 1, 1927 to June 30, 1927	.38
Receipts, July 1, 1927 to Dec. 31, 1927	213.00
Total	$34,027.00

Disbursements and Amounts Lapsed into General Fund:

Salaries, Commissioners, Jan. 1, to Dec. 31, '27	$12,000.00
Salaries, Clerical, Jan. 1, to Dec. 31, '27	11,038.24
Bal. lapsed into Gen. Fund, per. ended 3-31-27	371.10
Bal. lapsed into Gen. Fund, per. ended 6-30-27	.65
Total	$23,409.99
Available Balance Unexpended, Dec. 31, 1927	$10,617.01
	$34,027.00

OFFICE EXPENSES

Unexpended Appropriation, Jan. 1, 1927	$ 371.47
Appropriation April 1, 1927 to June 30, 1927	225.00
Appropriation July 1, 1927 to June 30, 1928	900.00
Receipts, Jan. 1, 1927 to March 31, 1927	7.06
Receipts, April 1, 1927 to June 30, 1927	204.03
Receipts, July 1, 1927 to Dec. 31, 1927	562.06
Total	$ 2,269.62

Disbursements and Amounts Lapsed into General Fund:

Disbursements, Jan. 1, 1927 to Mar. 31, 1927	$ 377.99
Disbursements, Apr. 1, 1927 to June 30, 1927	429.03
Disbursements, July 1, 1927 to Dec. 31, 1927	422.46
Bal. lapsed into Gen. Fund, Per. ended 3-31-27	.54
Total	$ 1,230.02
Available Balance Unexpended, Dec. 31, 1927	$ 1,039.60
	$ 2,269.62

TRAVEL

Unexpended Appropriation, Jan. 1, 1927....	$ 288.11	
Appropriation, April 1, 1927 to June 30, 1927	125.00	
Appropriation, July 1, 1927 to June 30, 1928	750.00	
Receipts, July 1, 1927 to December 31, 1927.	178.50	
Total	$ 1,341.61	

Disbursements and Amounts Lapsed into General Fund:

Disbursements, Jan. 1, 1927 to Mar. 31, 1927		$ 57.85
Disbursements, Apr. 1, 1927 to June 30, 1927		30.00
Disbursements, July 1, 1927, to Dec. 31, 1927		454.80
Balance Lapsed, Period ended Mar. 31, 1927		230.26
Balance Lapsed, Period ended June 30, 1927		95.00
Total		$ 867.91
Available Bal. Unexpended, Dec. 31, 1927....		$ 473.70
		$ 1,341.61

EQUIPMENT

Appropriation July 1, 1927 to June 30, 1928.	$ 250.00	
Receipts, July 1, 1927 to Dec. 31, 1927.....	201.95	
Total	$ 451.95	

Disbursements:

Disbursements, July 1, 1927 to Dec. 31, 1927.		$ 318.87
		$ 318.87
Available Balance Unexpended, Dec. 31, 1927		$ 133.08
		$ 451.95

AUTOMOBILES OPERATING FOR HIRE

Appropriation, Mar. 15, 1927 to Mar. 14, 1928	$ 5,000.00	
Disbursements:		
Disbursements, Mar. 15, 1927 to Dec. 31, 1927		$ 3,923.66
Available Bal. Unexpended, Dec. 31, 1927...		$ 1,076.34
		$ 5,000.00

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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, WESTERN PACIFIC RAILROAD COMPANY, ET AL., for permission to increase rates for the transportation of plaster within the State of Utah.	CASE No. 737

Submitted September 9, 1926. Decided May 27, 1927.

Appearances:

George H. Smith and Dana T. Smith, Attorneys,	for the Los Angeles & Salt Lake R. R. Co., Oregon Short Line R. R. Co., Salt Lake & Utah Railroad Co., Bamberger Electric Railroad Co., Bingham & Garfield Railway Co., Union Pacific Railroad Co.
B. W. Robbins,	for Denver & Rio Grande W. R. R. Co.
H. W. Prickett,	for Nephi Plaster & Manufacturing Company, Protestant.
Joshua Greenwood,	for Jumbo Plaster & Cement Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of August 20, 1924, application was filed with the Public Utilities Commission of Utah by the Los

Angeles & Salt Lake Railroad Company, Oregon Short Line Railroad Company, Denver & Rio Grande Western Railroad Company, T. H. Beacom, Receiver, Utah-Idaho Central Railroad Company, Salt Lake & Utah Railroad Company, Union Pacific Railroad Company, and the Western Pacific Railroad Company.

The application sets forth that all applicants are common carriers of persons and property between points within the State of Utah, also between points in the states of the United States of America.

Applicants seek permission to file, publish, and apply tariffs naming rates on plaster from Gypsum and Levan, Utah, in accordance with "Distance Rates" prescribed in Interstate Commerce Commission Docket No. 13337, minimum weight, 60,000 pounds, 87 I. C. C. 159.

The decision of the Interstate Commerce Commission reads in part, as follows:

> "The establishment of the interstate rates herein prescribed will remove to some extent the alleged undue prejudice and preference as between the interstate rates on the one hand and the intrastate rates in Utah and Wyoming on the other hand. It may be that the Utah and Wyoming Commissions will complete the removal of such alleged undue prejudice and preference by prescribing the same scale of rates for intrastate application in those states. No findings or order will be made with respect to the relationship between the interstate and intrastate rates at this time, but if the alleged undue prejudice and preference is not removed within a reasonable time, complainant may request further consideration of that part of the case."

Applicants allege that the intrastate rates on plaster from Gypsum and Levan are lower than interstate rates for similar and comparable distances; and that said rates are unduly discriminatory and prejudicial against interstate commerce.

The Bingham & Garfield Railway Company petitioned and was permitted to join in the application.

This case came on for hearing before the Commission, at Salt Lake City, February 25, 1925, at ten o'clock a. m., after due and legal notice had been given.

Proof of publication of notice of hearing was filed at the time of hearing.

On March 3, 1925, a supplemental petition was filed by the Denver & Rio Grande Western Railroad Company. Petitioner requests permission to publish from Gypsum, via the Denver & Rio Grande Western Railroad, the same rates as would apply via the shorter route, viz., Los Angeles & Salt Lake Railroad. Permission is also requested to publish the same rates from Sigurd, Utah, as from Gypsum, Utah. Sigurd is located on the Marysvale Branch of the Denver & Rio Grande Western Railroad, and Gypsum is located on the Sanpete Valley Branch of the Denver & Rio Grande Western Railroad. Sigurd is eleven miles farther from Salt Lake City than is Gypsum, via the Denver & Rio Grande Western Railroad.

Exhibits were filed to show the present and proposed rates from Utah producing points, Laramie, Wyoming, and Gerlach, Nevada.

The evidence shows, that Gypsum and Sigurd are located exclusively on the Denver & Rio Grande Western Railroad; that Levan is located exclusively on the Los Angeles & Salt Lake Railroad; and that Nephi is served by both the Denver & Rio Grande Western Railroad and the Los Angeles & Salt Lake Railroad.

That Gerlach, Nevada, is located on the Western Pacific Railroad; that the plant at Gerlach is larger than all Utah plants and the Laramie plant combined; that the rates from Gerlach were published practically one year before the plant was constructed; that said rates from Gerlach were not changed by Interstate Commerce Commission Order in Docket 13337; that Gerlach enjoys an undue preference over other plaster mills engaged in shipping interstate; that Gerlach has Pacific Coast points for distribution and could distribute its surplus in Utah and Idaho, and thereby deprive local manufacturers of the limited local market.

That other plants are located at Arden, Mound House, and Moapa, Nevada; Gypsum and Lime, Oregon; and Hanover, Montana.

Considerable opposition was shown to the proposed minimum weight of 60,000 pounds. Protestants allege that a minimum of 60,000 pounds is against good public policy to assist in building up small towns; that it is not

practicable for small towns to purchase plaster in carload lots weighing 50,000 or 60,000 pounds; that considerable difficulty is experienced in making sales in small towns under 60,000 minimum, as established by the Interstate Commerce Commission; that the rock gypsum plaster deteriorates in storage.

Objections were also made to the minimum of 60,000 pounds, upon the ground that it gives Laramie, Wyoming, an undue preference. This is on account of the fact that it is possible to store Laramie mud plaster without the same deterioration as rock gypsum plaster.

Representatives of plaster companies contend that if a 60,000 pound minimum is established, a 40,000 pound minimum should also be established, and that a differential of two and one-half cents should be maintained. Applicants hold that a five cent differential should be established.

Exhibits were introduced to show the present and proposed rates, minimum weights, and distances.

The Commission finds that on January 16, 1924, the Interstate Commerce Commission issued its Report and Order in I. C. C. Docket 13337, 87 I. C. C. 159, requiring defendants, Union Pacific, Oregon Short Line, and Denver & Rio Grande Western Railroad Companies, in said case to establish, on or before April 26, 1924, rates on plaster, (1) from Gypsum, Utah (via Nephi, Utah), to points on the Union Pacific and Oregon Short Line Railroads in Idaho, Oregon, and Montana; (2) from Lime and Gypsum, Oregon, to points on said railroads in Idaho, Montana, and Utah; and (3) from Laramie, Wyoming, to points on said railroads in Idaho, Oregon, Montana, and Utah, which shall not exceed those in prescribed distance scale, observing Portland, Oregon, rates as maximum to points intermediate thereto.

The Commission also finds, that the rates from other producing points in Utah, Nevada, and Montana, were not placed upon the mileage scale prescribed in the above-mentioned order; that to grant this application would permit the Gerlach, Nevada, company to enjoy a preference over Utah producing plants which may seriously reduce their output, and result in discrimination against them; that, for example, the proposed rate from Gypsum, Utah, to Salt Lake City, Utah, for a haul of approximately 90 miles, is nineteen cents, minimum weight 60,000 pounds,

or the same as the rate from Gerlach, Nevada, a distance of 490 miles, when the minimum is 100,000 pounds. Other illustrations could be shown.

Efforts have been made by the Commission to have the prejudicial and discriminatory rates from Gerlach, Nevada, removed. Until said rates are removed, the Commission deems it advisable to withhold its approval of this application. It will therefore be 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 27th day of May, 1927.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, OREGON SHORT LINE RAILROAD COMPANY, DENVER & RIA GRANDE WESTERN RAILROAD COMPANY, UTAH-IDAHO CENTRAL RAILROAD COMPANY, SALT LAKE & UTAH RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY, WESTERN PACIFIC RAILROAD COMPANY, ET AL., for permission to increase rates for the transportation of plaster within the State of Utah.	CASE No. 737

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 con-

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

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

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of February 20, 1925, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 219 (Case No. 743), authorizing Jack Loftis and Robert R. Loftis to operate an automobile stage line, for the transportation of passengers, between Richfield and Emery, Utah, and intermediate points.

The Commission now finds that, owing to the failure of Jack Loftis and Robert R. Loftis to comply with all of its rules, regulations and requests, Certificate of Convenience and Necessity No. 219 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 219 be, and it is hereby, cancelled, and the right of Jack Loftis and Robert R. Loftis to operate an automobile stage line, for the transportation of passengers, between Richfield and Emery, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 6th day of September, 1927.

(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 BERNELL BATEMAN, for permission to operate a milk truck line between Lehi, Utah, and Salt Lake City, Utah.	CASE No. 748

ORDER

Upon motion of Bernell Bateman, and with the consent of the Commission:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 224, issued by the Commission, March 16, 1925, in Case No. 748, be, and it is hereby, cancelled and annulled, and Bernell Bateman be, and he is hereby, authorized to discontinue operation of milk truck line between Lehi and Salt Lake City, Utah.

Dated at Salt Lake City, Utah, this 21st day of May, 1927.

(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 JOSEPH J. MILNE, E. O. HAMBLIN, and A. R. BARTON, L. R. LUND, for three separate certificates of convenience and necessity to operate automobile freight lines between Cedar City and St. George, Utah, and intermediate points.	CASE No. 749

Submitted February 14, 1927. Decided April 22, 1927.

SUPPLEMENTARY REPORT OF THE COMMISSION

By the Commission:

On March 13, 1925, the Commission issued its Report and Order in Case No. 749, also Certificate of Convenience and Necessity No. 221, authorizing Joseph J. Milne, E. O. Hamblin, and A. R. Barton to operate an automobile freight line between Cedar City and St. George, Utah, and intermediate points.

Now comes application for three separate certificates of convenience and necessity, one for Joseph J. Milne, one to E. O. Hamblin, and one to A. R. Barton and L. R. Lund, authorizing three separate automobile freight lines between Cedar City and St. George, Utah.

On January 3, 1927, a stipulation, agreed to and signed by each of the applicants, was filed. Said stipulation sets forth that a schedule of rates, rules, and regulations has been agreed to, and a division of the business, by assigning to each the days on which he may operate, has been made.

The evidence in this case shows that each applicant has permitted certain deviations from the tariff schedule on file with the Commission. Such practice should and must be discontinued.

The Commission finds, after careful consideration of all pertinent facts, that the application should be granted

and that three certificates of convenience and necessity should be issued as outlined in the application.

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

Certificates of Convenience and Necessity
Nos. 293, 294 and 295.

Cancel 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 22nd day of April, 1927.

In the Matter of the Application of JOSEPH J. MILNE, E. O. HAMBLIN, and A. R. BARTON, L. R. LUND, for three separate certificates of convenience and necessity to operate automobile freight lines between Cedar City and St. George, Utah, and intermediate points.	CASE No. 749

This case being at issue upon application on file, and having been submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings 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. 221, issued by the Commission, March 13, 1925, in Case No. 749, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That Joseph J. Milne be, and he is hereby, authorized to operate an automobile freight line between Cedar City and St. George, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 293.

ORDERED FURTHER, That E. O. Hamblin be, and he is hereby, authorized to operate an automobile freight line between Cedar City and St. George, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 294.

ORDERED FURTHER, That A. R. Barton and L. R. Lund be, and they are hereby, authorized to operate an automobile freight line between Cedar City and St. George, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 295.

ORDERED FURTHER, That applicants, Joseph J. Milne, E. O. Hamblin, A. R. Barton and L. R. Lund, 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 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

STATE OF UTAH, *Complainant,* vs. DENVER & RIO GRANDE RAILROAD COMPANY, and A. R. BALDWIN, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, and J. H. YOUNG, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD SYSTEM, and T. H. BEACOM, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, LOS ANGELES & SALT LAKE RAILROAD COMPANY, *Defendants.*	CASE No. 783

Submitted December 5, 1925. Decided Feb. 2, 1927.

Appearances:

H. W. Prickett and Milton H. Love,	for Complainant.
J. T. Hammond, Jr.,	for Los Angeles & Salt Lake R. R. Co.
J. A. Gallaher,	for Denver & Rio Grande Western R. R. Co.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its offices in the State Capitol, Salt Lake City, Utah, on the 2nd day of September, 1925, upon the complaint of the complainant, State of Utah, and the separate answers filed thereto by the defendants, Denver & Rio Grande Western Railroad Company and the Los Angeles & Salt Lake Railroad Company.

In substance, it is alleged in the complaint that the State Road Commission is, and has been during all the times mentioned in the complaint, a Commission appointed by the Governor, with the consent of the Senate of the State of Utah, duly authorized and empowered, among other things, to build, repair, and maintain the public roads or highways of the State, and to that end and purpose may make contracts for and in behalf of the State and do all things incident thereto.

That the defendants are now and were during and at all the times mentioned in the complaint, common carriers, engaged in the business of transporting property and persons by railroads operated between points within the State of Utah, and as such carriers have been and now are subject to the provisions of the Public Utilities Act (Title 91, Compiled Laws of Utah, 1917.)

That during the months of July, August, September, and October of the year 1922, at the instance of the State Road Commission, there were shipped for complainant from Mount, Utah, to Castle Gate, Helper, and Kenilworth Junction, over the railroad lines of the defendants, three hundred thirty-eight (338) carloads of sand and gravel, to be used for state road and highway construction and maintenance, upon which the complainant bore and paid the freight charges thereon, amounting to approximately Thirty-one Thousand Three Hundred Dollars and Six Cents ($31,300.06); that said shipments of sand and gravel moved at a rate of $1.56½ per ton weight, while contemporaneously the defendants, rates on the same commodities as published in the tariffs of the defendants, respectively, were but $1.41 per ton weight, whereby the defendants exacted of and required the complainant to pay on said shipments 15½ cents per ton more than that to be and which was being charged other shippers for the same service under similar conditions.

The complainant prayed that it be awarded reparation by the Commission on the shipments of sand and gravel made to it over the defendants' lines of railroad, to the extent of the charges exacted in excess of $1.41 per ton weight, amounting in the aggregate the sum of $3,099.40; that the defendants be required to cease and desist from further violations of the Public Utilities Act, and for such other and further order or orders as the Commission might deem just and proper in the premises.

After due notice given by the Commission to the defendants to satisfy the matters complained of by the complainant, the defendants filed herein separate answers thereto. In effect, the separate answers of the defendants denied that the shipments of sand and gravel as alleged in the complaint were made, and further denied that a rate of $1.56½ per ton weight, as published in the tariff sheets that would be applicable thereto, was then or is now unjust, unreasonable, disadvantageous, or in any way violative of the provisions of the Public Utilities Act.

Further, defendants, by their answers, and also by motions made to dismiss the complaint, challenged the right of the complainant to sue for and the power or jurisdiction of the Commission to grant the relief sought for by the complainant herein. The applications to dismiss the complaint, for want of jurisdiction, were taken under advisement by the Commission, to be considered and passed upon in connection with the facts to be developed at the hearing.

The defendants also, by motion duly made, challenged the right of the complainant to prosecute its claim against them, upon the ground that the attorneys appearing in its behalf were not duly authorized and had no legal right so to do.

FINDINGS OF FACT.

From the evidence adduced at the hearing for and in behalf of the respective parties, it appears:

1. That the State Road Commission during the times mentioned in the complaint of the complainant, was, ever since has been, and is now a Commission, having the right, among other things, to construct and maintain the public highways of the State, and to that end and purpose was and is authorized to make and enter into contracts and agreements for and in behalf of the State of Utah.

2. That the defendants, Denver & Rio Grande Western Railroad Company and the Los Angeles & Salt Lake Railroad Company, respectively, are "railroad corporations" within the meaning and subject to the provisions of the Public Utilities Commission Act of Utah, and were during the times mentioned in the complaint herein, and are now engaged in transporting persons and property as such corporations, over their respective railroads between points within the State of Utah.

3. That Mount is in Salt Lake County, Utah, on one of the main lines of the defendant, Los Angeles & Salt Lake Railroad Company, at which point the complainant, State of Utah, owns a sand and gravel pit, leased on a royalty basis to private parties, from whom the complainant, during the times the shipments herein complained of moved, purchased its sand and gravel to be used for road construction and maintenance in Carbon County, Utah.

4. That during the months of July, August, September, and October of the year 1922, at the instance of the State Road Commission, there were shipped to complainant, at Castle Gate, Helper, and Kenilworth Junction, Utah, from Mount, Utah, over the lines of the defendants, 338 carloads of sand and gravel, routed via Los Angeles & Salt Lake Railroad from Mount, Utah, to Provo, Utah, thence Denver & Rio Grande Western Railroad from Provo to destination points above named, more particularly as shown on complainant's Exhibit "A" herein, to which reference is made and the same is hereby made a part of these findings.

5. That the complainant paid and bore the freight charges for the transportation of said shipments, which in the aggregate amounted to the sum of $31,300.06, and as more particularly shown by the complainant's said Exhibit "A."

6. That said shipments moved in accordance with defendants' regularly published tariffs, at the rate of $1.56½ per ton weight, while all other shippers similarly situated and under like conditions, were then and still are accorded on the same commodities under defendants' regularly published tariffs a rate of $1.41 per ton weight, as more particularly shown with respect to shipments made to complainant by complainant's Exhibit "B" herein, which is hereby expressly referred to and made a part of these findings.

7. That during the months of April to October, inclusive, of the year 1922, complainant, at the instance of the State Road Commission, shipped large quantities of sand and gravel from Mount, Utah, to Castle Gate, Helper, and Kenilworth Junction, Utah, via the lines of the defendants herein; that following an order of the Interstate Commerce Commission in Reduced Rates of 1922 (63 I. C. C., 676), the carload rates on sand and gravel from Mount

(via the Los Angeles & Salt Lake Railroad and the Utah Railway), as an intermediate point between Salt Lake City and Carbon County points, Salt Lake City, and Sand Spur, Utah, points similarly situated with respect to defendants' lines, to points in Carbon County, Utah, were, on July 1, 1922, reduced ten per cent; that is to say, from $1.56½ to $1.41 per ton weight, except the rates covering the movement of complainant's shipments over the lines of defendants from Mount, Utah, to Castle Gate, Helper, and Kenilworth Junction, Utah, and as specifically shown in complainant's Exhibit "B" herein referred to and made a part of these findings.

8. That the shipments herein complained of by complainant, consisting of 338 cars of sand and gravel transported from Mount, via defendants' lines of railroad to Carbon County, Utah, points, on which were exacted a joint rate of $1.56½ per ton, while contemporaneously other shippers from other points under similar conditions were being accorded a rate of $1.41 per ton weight, would amount to a charge of $83.34 per car, 86.01 cents per car mile, and 14.54 mills per ton mile, on the 338 cars, making a total excess charge of $3,099.40, as more specifically shown by complainant's Exhibit "C" herein, which is hereby expressly referred to and made a part of these findings.

9. That the shipments of sand and gravel involved in these proceedings, were mostly used upon public highways in which the United States largely participated in the cost of construction as a "Federal Aid Project"; that the complainant did not participate in the total cost of the construction of said highways to exceed twenty-five per cent thereof, including the freight charges upon the sand and gravel of which the complainant seeks reparation.

From the foregoing findings of fact, the Commission concludes and decides that the complainant has been subjected to the payment of freight rates and charges by the defendants which were in violation of the provisions of the Public Utilities Act of the State of Utah; that the complainant has been injured and has sustained damages thereby in the sum of Three Thousand Ninety-nine Dollars and Forty Cents ($3,099.40).

It follows, therefore, that the several motions to dismiss the complaint herein for want of jurisdiction, and to strike certain allegations of the complaint, should be

denied; that the complainant should be awarded reparation herein at the hands of the defendants in the sum of $3,099.40, with legal interest thereon, from the time the excess freight charges aggregating said sum were paid by complainant on the shipments complained of, and as more specifically set forth in complainant's Exhibit "A" referred to and made a part of the Commission's finding No. 4 herein.

In the consideration of this case and the matters involved, the outstanding facts are that the complainant has been required to pay freight charges in excess of the rates accorded to other shippers over the lines of the defendants, similarly situated and under like operating conditions. It seems quite clear from the record here that discrimination has existed, both as to the complainant and as to the locality from which its shipments moved.

Our statute, Subdivision 2 of Section 4787, Compiled Laws of Utah, 1917, provides:

> "No common carrier shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so speciifed, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons."

Further, with respect to discriminatory charges, Section 4789, Compiled Laws of Utah, 1917, provides:

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

tween localities or as between classes of service. The Commission shall have the power to determine any question of fact arising under this section.

With respect to reparation, the statutes, Section 4838, Compiled Laws of Utah, 1917, provides:

> "When complaint has been made to the Commission concerning any rate, fare, toll, rental, or charge for any product or commodity furnished or service performed by any public utility, and the Commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity, or service in excess of the schedules, rates, and tariffs on file with the Commission, or has discriminated under said schedules against the complainant, the Commission may order that the public utility make due reparation to the complainant therefor, with interest from date of collection; provided, no discrimination will result from such reparation."

Under the provisions of our statute above quoted, as we read and interpret them, this Commission has the duty imposed upon it of not only investigating the discriminatory practices and preferences shown by the carrier for the purpose of eliminating them, but also the duties of determining the extent of the injury or damage sustained by a complaining patron therefor, and of awarding him reparation accordingly.

As to what will constitute discrimination in a given case, depends, of course, largely upon the attending facts and circumstances.

In Case No. 593, Peoples Sugar Company vs. Denver & Rio Grande Railroad Company, et al., decided March 22, 1923, this Commission said:

> "It appears to the Commission that discrimination will result where any common carrier, by reason of its rate structure, offers a more favorable rate, all things considered, for the movement of like commodities under similar circumstances to one shipper than to another shipper of the same commodity."

In re Lincoln Water Co. (Me.), P. U. R. 1919-B, 752, 765, P. U. R. 1926-E, 6, it was said by the Maine Commission:

> "Rates may be unjustly discriminatory either because through some inequality they gave one customer an unfair advantage over a competitor, or because they impose upon one class of customers, or the members thereof, more than their just proportion of the entire cost of service. The utility must be given a fair aggregate return, and that agregate return must be equitably distributed over all of its customers."

The rule prohibiting discrimination in public utility service, as most generally applied by the commissions, forbids the utility arbitrarily selecting its patrons or distinguishing between persons or localities as to the service rendered or the charges made; but, to the contrary, they must serve all impartially on equal terms, when similarly situated, without discrimination or partiality.

Pond on Public Utilities (3rd ed.), Section 274.

It has been contended in the instant case that the rates charged the complainant were special rates arranged for by this Commission with the defendant carriers, in the interest of the State Road Commission, previous to the time that the reduced rates accorded to other shippers became effective, and, therefore, the defendants should, for that reason, be held blameless. We cannot agree with this contention.

The general rule that shippers similarly situated and under like conditions must be accorded uniform rates, permits of no exception. When the joint rates charged under consideration were made effective, it became the duty of the defendant to accord to the complainant the same benefits to be derived from them as was accorded to every other shipper of sand and gravel, under like conditions and circumstances. This the defendant did not do.

It has also been argued that the complaint herein should be dismissed because of non-joinder of parties; that the case could not be legally prosecuted before the Commission in the State's behalf, because of the fact that the State was represented before the Commission by an attorney other than the State's Attorney General; also that the freight charges complained of were in part borne

by the United States and Carbon County. These contentions cannot be sustained.

Section 4827 of the Public Utilities Commission Act, Compiled Laws of Utah, 1917, among other things, provides:

> "All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or non-joinder of parties; and in any review by the courts of orders or decisions of the Commission, the same rule shall apply with regard to the joinder of causes and parties as herein provided. The Commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant."

Primarily, in cases like the one now under consideration, we think this Commission should be more concerned in whether or not the rates complained of are just and equitable between patrons or shippers, than whether the complaining party is properly represented by attorney before it. In other words, the Commission should not stop to inquire into such matters at the suggestion of the offending carrier, more especially when, as here, the complainant State was aware of the fact that it was being represented by others than the Attorney General and was relying on its case being so prosecuted.

Then again, it should not be a matter of material concern to the Commission as who may be the ultimate participants in reparations, if awarded, so long as the complaining party in the first instance has borne and paid the excessive or discriminatory charges. Such matters, in the very nature of things, are beyond our control.

An appropriate order will follow 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

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of February, 1927.

STATE OF UTAH, *Complainant,* vs. DENVER & RIO GRANDE RAILROAD COMPANY, and A. R. BALDWIN, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, and J. H. YOUNG, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD SYSTEM, and T. H. BEACOM, Receiver, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, LOS ANGELES & SALT LAKE RAILROAD COMPANY, *Defendants.*	CASE No. 783

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

IT IS ORDERED, That the several motions of the defendants, to dismiss the complaint herein for want of jurisdiction, and to strike certain allegations of the complaint, be, and the same are hereby, denied.

ORDERED FURTHER, That defendants, Denver & Rio Grande Railroad Company, and A. R. Baldwin, Receiver, Denver & Rio Grande Western Railroad Company, and J. H. Young, Receiver, Denver & Rio Grande Western Railroad System, and T. H. Beacom, Receiver, Denver & Rio Grande Western Railroad Company, Los Angeles & Salt Lake Railroad Company, make reparation to the complainant, State of Utah, in the sum of Three Thousand Ninety-nine Dollars and Forty Cents ($3,099.40), with legal interest (8%) thereon, from the time the excess freight charges aggregating said sum were paid by complainant on the shipments complained of, to date of payment of refund.

ORDERED FURTHER, That such reparation shall be made on or before February 23, 1927.

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

PROVO CITY, a Municipal Corporation, *Complainant,* vs. UTAH VALLEY GAS & COKE COMPANY, a Corporation, *Defendants.*	CASE No. 802

ORDER

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

IT IS ORDERED, That the complaint herein of Provo City, a Municipal Corporation, vs. the Utah Valley Gas & Coke Company, a Corporation, be, and the same is hereby dismissed.

Dated at Salt Lake City, Utah, this 19th day of August, 1927.

(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 Investigation and Suspension Docket No. 26, suspending increased rates on milk and cream between all stations on the Denver & Rio Grande Western Railroad Co., and the Rio Grande Southern Railroad Co., as carried in D. & R. G. W. Local and Joint Tariff No. 382, P. U. C. U. No. 86.	CASE No. 804

INVESTIGATION AND SUSPENSION DOCKET NO. 26 CANCELLATION ORDER

IT APPEARING, That on or about April 25, 1925, the Denver & Rio Grande Western Railroad Company, by F. A. Wadleigh, its Passenger Traffic Manager, filed Local and Joint Tariff No. 382, P. U. C. U. No. 86, which names rates on milk and cream, between all stations on the D. & R. G. W. R. R. and the Rio Grande Southern Railroad, as shown therein, said tariff to become effective May 31, 1925.

IT FURTHER APPEARING, That said tariff carries rates which are increases, and it being the opinion of the Commission that the effective date of said tariff should be postponed, pending further investigation.

IT FURTHER APPEARING, That on May 16, 1925, the rates in Tariff No. 382, P. U. C. U. No. 86, which are increases, were suspended on intrastate traffic in Utah, until August 10, 1925, unless otherwise ordered by the Commission; that on August 8, 1925, said rates were further suspended until February 10, 1926, unless otherwise ordered by the Commission.

IT FURTHER APPEARING, That this case was set for hearing in the office of the Commission, 303 State Capitol, Salt Lake City, Utah, on Saturday, February 13, 1926, at 10:00 a. m.; that on February 5, 1926, hearing of the above entitled matter, which was assigned for February 13, 1926, was postponed indefinitely.

IT FURTHER APPEARING, That on May 16, 1927, the Denver & Rio Grande Western Railroad Company, by F. A. Wadleigh, its Passenger Traffic Manager, filed

an application to withdraw its Tariff No. 382, P. U. C. U. No. 86.

IT IS THEREFORE ORDERED, That the Denver & Rio Grande Western Railroad Company issue a Supplement, canceling its Local and Joint Tariff No. 382, P. U. C. U. No. 86, on one day's notice to the Commission and the public.

By the Commission.

Dated at Salt Lake City, Utah, this 25th day of May, A. D. 1927.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

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

ORDER

Upon motion of the Commission, for good and sufficient reason:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 247, issued to W. B. Rolfe and F. A. Wilkins, in Case No. 815, be, and it is hereby, cancelled and annulled; that the right of said W. B. Rolfe and F. A. Wilkins to operate a milk truck line from Hunter, Pleasant Green, Bacchus and Brighton to Salt Lake City, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 18th day of February, 1927.

(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 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 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

SUPPLEMENTAL REPORT OF THE COMMISSION

By the Commission:

In an application filed with the Commission, November 29, 1926, Bamberger Electric Railroad Company requests permission to have Certificate of Convenience and Necessity No. 270 transferred to Bamberger Transportation Company, a Corporation, organized under the laws of the State of Utah.

Application sets forth, that all of the stock of said Bamberger Transportation Company is owned by applicant; and that it will greatly facilitate the operation of said line between Salt Lake City and Ogden, Utah, and certain intermediate points, and simplify business in connection therewith, if said certificate of convenience and necessity is transferred to Bamberger Transportation Company.

After giving due consideration to all of the facts, the Commission finds, that a new certificate of convenience and necessity should be issued to the Bamberger Transportation Company, a Corporation, and that Certificate

of Convenience and Necessity No. 270, issued in favor of Bamberger Electric Company, should be cancelled.

Dated at Salt Lake City, Utah, this 25th day of February, 1927.

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. 288.

Cancels Certificate of Convenience and Necessity No. 270.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 25th day of February, 1927.

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

This case being at issue upon application of the Bamberger Electric Railroad Company for permission to have Certificate of Convenience and Necessity No. 270 transferred to Bamberger Transportation Company, a Corporation, 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 Certificate of Convenience and Necessity No. 270, issued in Case No. 823, August 14, 1926, to the Bamberger Electric Railroad Company, a Corporation, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That the Bamberger Transportation Company, a Corporation, be, and it is hereby, granted permission to operate an automobile stage line (under Certificate of Convenience and Necessity No. 288), for the transportation of passengers, express and baggage, between Salt Lake City and Ogden, Utah, and intermediate points, except as herein otherwise ordered.

ORDERED FURTHER, That the Bamberger Transportation Company be, and it is hereby, confined at this time to the carrying of such express and baggage as may be readily carried on its automobile buses without impairment of its proposed passenger service.

ORDERED FURTHER, That the Bamberger Transportation Company shall not transport local passengers between Salt Lake City and Centerville, Utah, over its automobile stage line, except as to southbound passengers originating north of Centerville, and northbound passengers destined to points north of Centerville.

ORDERED FURTHER, That the Bamberger Transportation Company, in the operation of said automobile stage line, will, as to rates, frequency, and kind of service, from time to time require some modifications and adjustments in the interest of the general public, and the right to do so is hereby reserved by the Commission.

ORDERED FURTHER, That the Bamberger 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 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

ORDER

Upon motion of the Commission:

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

Dated at Salt Lake City, Utah, this 18th day of January, 1927.

(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 HENRY I. MOORE and D. P. ABERCROMBIE, Receivers of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to construct a spur track across Main Street, at grade, in American Fork City, Utah.	CASE No. 886

Submitted April 18, 1927. Decided April 18, 1927

Appearances:

F. C. Loofbourow, Henry I. Moore,	for Salt Lake & Utah Railroad Co., Henry I. Moore and D. P. Abercrombie, Receivers.
Ray T. Elsmore,	for American Fork City.
Horace C. Beck and Clarence Beck,	for owners of property in American Fork City.
Robert B. Porter,	for Los Angeles & Salt Lake R. R. Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of April 8, 1926, application was filed with the Commission by the Receivers of the Salt Lake & Utah Railroad Company, for permission to construct a spur track across Main Street, at grade, in American Fork City, Utah.

Application sets forth certain things relative to the Salt Lake & Utah Railroad Company; that said Company desires to construct said spur track for the purpose of serving The Chipman Mercantile Company, Utah Poultry

Producers Co-operative Association, and to receive and ship lumber, coal, hardware, furniture, etc.

Hearing was assigned for May 14, 1926, at ten o'clock a. m. Proof of publication was filed May 14, 1926.

American Fork City filed a demurrer on May 4, 1926.

The case came on for hearing as assigned, at which time certain letters and an agreement between the Chipman Mercantile Company and the Receivers of the Salt Lake & Utah Railroad Company, were filed.

The evidence shows that the granting of the application was vigorously protested by American Fork City and certain residents and property owners of said City.

On May 19, 1926, a petition was filed, containing the signatures of some seventy-one persons, opposed to granting said application.

On May 19, 1926, American Fork City filed statement on demurrer.

On May 24, 1926, applicant filed a statement in opposition to demurrer of American Fork City.

On June 2, 1926, American Fork City filed reply to applicant's statement on demurrer.

Applicant was unable to obtain permission from American Fork City to cross Main Street at this location.

Therefore, at the request of applicant, no action by the Commission was taken at this time.

April 5, 1927, the matter again came to the attention of the Commission, when a written protest was filed by the Los Angeles & Salt Lake Railroad Company.

April 2, 1927, an ordinance was passed by American Fork City, authorizing the applicant to lay, construct, and operate a single track over and across Main Street and First West. A copy of said ordinance was filed with the Commission, April 16, 1927.

April 5th and 6th, 1927, additional hearings were held, for the purpose of taking new evidence and testimony. The Los Angeles & Salt Lake Railroad Company entered its protest at said hearings.

An amended application was filed with the Commission, April 18, 1927, setting forth that applicant desires

to construct the proposed trackage to serve the proposed new poultry packing plant of the Utah Poultry Producers Co-operative Association.

Protests of American Fork City, Los Angeles & Salt Lake Railroad Company, and certain property owners, who later vigorously supported the application, were all withdrawn.

The evidence shows that the Utah Poultry Producers Co-operative Association have several poultry warehouses located on the line of the applicant; that said Association considered this site favorably because of its conveniences, location on the center of the poultry industry, and because of the opportunities it affords them in transit privileges, such as partially loading and unloading.

In view of all evidentiary facts, the Commission finds that the proposed spur track will be a great convenience and it is absolutely necessary in order to furnish the service which the Utah Poultry Producers Co-operative Association demands and is entitled to receive; and that the amended application should be granted.

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 18th day of April, 1927.

In the Matter of the Application of HENRY I. MOORE and D. P. ABERCROMBIE, Receivers of the SALT LAKE & UTAH RAILROAD COMPANY, for permission to construct a spur track across Main Street, at grade, in American Fork City, Utah.	CASE No. 886

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 Henry I. Moore and D. P. Abercrombie, Receivers of the Salt Lake & Utah Railroad Company, be, and they are hereby, authorized to construct a spur track across Main Street, at grade in American Fork City, Utah.

ORDERED Further, That, in laying out and constructing said spur track over and across the above section of the roadway and the shoulders thereof, the tracks be laid in such a way as to make a smooth hard-surfaced crossing, with due regard to the present grade of said highway and shoulders, and with proper provisions for drainage; that the entire cost of locating, constructing, and maintaining, in good condition, said crossing, be paid by petitioners—this to include perpetual maintenance of the section of pavement between rails of said track and for eighteen (18) inches ouside of the rails on each side.

ORDERED FURTHER, That the applicants, Henry I. Moore and D. P. Abercrombie, Receivers of the Salt Lake & Utah Railroad Company, shall provide such crossing signs and warnings as may be necessary from the viewpoint of public safety, and shall, at all times, maintain said crossing in good, passable condition, all work to be done subject to the approval of this Commission.

The Commission at this time issues no further orders as to bell signals or other warning devices, but reserves unto itself the right to issue such further orders as it finds necessary for the protection of the traveling public.

By the Commission.

(Signed) F. L. OSTLER.
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

TOWN OF JOSEPH, a Municipal Corporation, *Complainant,* vs. TELLURIDE POWER COMPANY, a Corporation, *Defendant.*	CASE No. 898

Submitted January 8, 1927. Decided August 3, 1927

Appearances:

Parley Magleby, Attorney, of Richfield, Utah, } for the Town of Joseph.

H. R. Waldo, Attorney, of Salt Lake City, Utah, } for Telluride Power Company.

REPORT OF THE COMMISSION

By the Commission:

On the 16th day of July, 1926, complaint was made before the Public Utilities Commission of Utah by the Town of Joseph, a municipal corporation, to the effect that the Telluride Power Company is, under the terms of a franchise ordinance, unlawfully refusing to furnish the Town of Joseph electricity for street lighting purposes.

On August 20, 1926, the Commission issued its order directing the Telluride Power Company to satisfy or answer said complaint. On the 31st day of August, 1926, an answer thereto was filed by defendant, and thereupon the issues involved were set for hearing before the Commission, November 16, 1926, at Richfield, Utah. At the appointed time and place, the case came on regularly for hearing and was submitted upon a stipulation of facts made and filed by the attorneys for the respective parties, and certain exhibits filed in the case for and in behalf of the complainant, the Town of Joseph.

From said stipulation of facts, and the exhibits, records and files in the case, the Commission finds:

1. That the complainant, Town of Joseph, is a municipal corporation, created and existing under the laws of the State of Utah, with a population of approximately six hundred people.

2. That the defendant, Telluride Power Company, is a corporation, organized under the laws of the State of Delaware, and is authorized to do and is doing business in the State of Utah as an "electrical corporation" within the meaning of and subject to the provisions of the Public Utilities Commission Act.

3. That on or about the 3rd day of March, 1913, the complainant, Town of Joseph, by an ordinance duly passed, granted to one L. L. Nunn, of Telluride, Colorado, the predecessor in interest of the defendant, Telluride Power Company, the right to erect and maintain poles and wires, with cross-arms and braces and other necessary fixtures thereto, over and upon the public streets situated within the corporate limits of the Town of Joseph, for the purpose of supplying the public with electric light and power.

4. That in consideration of the granting of said franchise, the said L. L. Nunn agreed to furnish, free of charge, to the said Town of Joseph, sufficient electricity to light its Town Hall and Town Jail, not to exceed a total of 200 watt capacity, on condition, however, that said Town of Joseph would properly wire and equip said buildings and grounds to receive said light, at its own expense.

5. That said ordinance further provided that the lights to be furnished to the complainant, Town of Joseph, were to be in lieu of any license tax for operating said electric light and power system, that might otherwise be imposed during the life of the franchise, a period of fifty years.

6. That concurrently with said franchise contract, the parties thereto mutually agreed as a part of the consideration thereof, that in lieu of using said 200 watt capacity for the Town Jail and Town Hall, the said lights might be used upon the streets of the Town to the extent of eight lamps of sixteen candle power each, and that said electricity might be so used without any charge therefor against the complainant and until said Town of Joseph built a jail and Town Hall, neither of which the complainant had at that time, nor has it since constructed, nor is it likely to during the life of said franchise.

7. That thereafter, the predecessors in interest of the defendant proceeded to erect and maintain its transmission system over and upon the public streets within the corporate limits of the Town of Joseph, for the purpose of supplying the public with electric light and power, in accordance with the terms of said franchise, as modified by oral agreement, and to furnish the Town of Joseph with eight lamps of sixteen candle power, so agreed upon, for street lighting purposes, without charge, until on or about the 10th day of January, 1922, at which time defendant notified complainant that it would no longer continue to supply such free service, that complainant would have to pay for all its street lights at the rate specified in defendant's published schedules then on file with the Public Utilities Commission; that complainant thereupon refused to pay to the defendant the scheduled rates for the eight street lights theretofore furnished free by the defendant to the complainant; that thereafter the defendant commenced entering charges in its books against complainant for the said eight lights, in accordance with the regular scheduled rate, and, by September 10, 1923, defendant had an unpaid charge against complainant for street lighting service, exceeding $100.00 in amount; that during this time, complainant had paid a part but not all of defendant's regular charge for the street lighting service rendered by the defendant, which payment was for street lights over and above the said eight lights theretofore furnished free by the defendant to the complainant.

That on September 10, 1923, after the aforesaid notice given to complainant, defendant discontinued all street lighting service to complainant for a period of time; but afterwards, on May 13, 1924, again resumed its street lighting service as before and continued to give the same until January 28, 1926, when all service was again discontinued for non-payment of defendant's charges for the eight street lights to have been furnished free under the terms of the franchise, and, subsequently, by reason of the discontinuance of said service as aforesaid, these proceedings were instituted by complainant before the Public Utilities Commission.

8. That the defendant now refuses to furnish the complainant the eight free lights heretofore mentioned in these findings, and also refuses to provide the complainant with any lights for street lighting purposes whatever, although the complainant has offered to pay to the de-

fendant its regular charges for the number of street lights over and above those provided to be furnished free under the terms of said franchise.

9. That rate schedules providing for municipal street lighting service rendered by the defendant, have been regularly published, on file with and approved by the Public Utilities Commission of Utah since January, 1922. None of the said schedules have made any provision for free municipal street lighting, nor have they provided that payment for service might be made for other than a money consideration, which said schedules are hereby referred to and made a part of these findings.

10. That the defendant, since publishing said schedules and filing the same with the Public Utilities Commission, ever since has and is now furnishing electrical energy to many other municipalities for street lighting purposes, in the territory occupied by and served by it, all of whom are required to and do pay for street lighting service in accordance with its regularly published schedules.

The facts as stipulated and agreed upon by the parties to this proceeding, present a case for determination which is not entirely free from difficulty. The complainant contends that under the terms of the franchise ordinance, as modified by the oral agreement of the agent of its predecessor, L. L. Nunn, it is legally entitled to the so-called free service for street lighting purposes during the term of the franchise held by the defendant.

The defendant contends that its rate schedules, regularly filed with and approved by the Public Utilities Commission are controlling. The defendant has also pleaded the statute of frauds, and insists that the verbal promise of the agent for its predecessor, to furnish street lights in lieu of electrical energy for lighting the City Hall and Jail for the defendant, cannot in any event be enforced, and as to that the Commission will not enter upon a discussion or express an opinion. We prefer to treat the case purely from a regulatory standpoint and as to whether or not, in view of the findings, the defendant's regularly published tariff on file with the Commission precludes the granting of the relief prayed for by the complainant.

The provisions of our Public Utilities Act bearing on the question as to whether charges for public utility serv-

ice can vary from the regularly published rates, are plain and free from doubt.

Section 4788, Chapter 1, Compiled Laws of Utah, 1917, provides:

> "Except as in this section otherwise provided, no public utility shall charge, demand, collect, or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals, and charges applicable to such products or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals, and charges so specified, nor extend to any corporation or person any form of contract or agreement, or any rule or regulation, or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; provided, that the Commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility."

Section 4789, Compiled Laws of Utah, 1917, reads:

> "No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person, or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service. The Commission shall have the power to determine any question of fact arising under this section."

In view of these provisions, it would seem that ordinarily the only charges that a public utility may legally make for its service are those published in its schedules and filed with the Public Utilities Commission of Utah. That is to say, from the standpoint of justice and reason, the effect of filing rate schedules with the Public Utilities Commission is to make the published rates the only lawful

rates, and that all contracting for and receiving the service must abide by them until suspended, modified, vacated, or set aside by order of the Commission. Municipalities or the inhabitants thereof receiving service under franchise ordinances, we think afford no exceptions.

Salt Lake City vs. Utah Light & Traction Co., 173 Pacific, 556, 52 Utah, 1918.

Murray City vs. Utah Light & Traction Company, 191 Pacific 421, 56 Utah 437.

City of St. George vs. Public Utilities Commission and Dixie Power Company, Dec. 23, 1922, 220 Pacific 720, 62 Utah 453.

In view of the provisions of our Public Utilities Act, free service to any class of consumer may become and constitute the most flagrant kind of discrimination, and rebates in any form cannot be tolerated. The purpose, of course, of the Public Utilities Act in requiring rate schedules to be filed with the Commission, and, when filed, to be strictly adhered to, is to preculde one class of consumer from receiving an advantage over another class. That is to say, that all rate-payers under the law must be equal, the only just and reasonable rule that can be applied to the consuming public.

As pointed out, our Public Utilities Act does not make an exception of municipalities contracting with electrical corporations for free or reduced rates. In the instant case, to permit the complainant, the Town of Joseph, to receive free or reduced rates for service at the hands of the defendant, might mean that the individual rate-payers of the defendant must not only bear the burden of paying for the amount of electrical energy they individually consume, but they might, to some extent at least, also have to pay for or bear the burden of providing the municipality with street lighting service, that which more properly and justly belongs to a city taxpayer who may or may not be a consumer of electrical energy.

A very similar case was before the Public Service Commission of West Virginia in 1920. See City of Charleston vs. Public Service Commission, 86 W. Va. 536, 103 S. E., 673, P. U. R., 1920 E, 823. In that case a franchise contract relating to free water service read:

> "In consideration of this franchise and as a further compensation therefor to the City, the said Company (West Virginia Water & Electric Company, a public service corporation) shall, during the term and continuance of this franchise, furnish to the City of Charleston free water necessary for its city public use to the extent of one hundred million gallons annually in any one month for the purpose of sprinkling, flushing, and cleaning the streets of the City, for use in and about all public buildings in the City, all offices owned and leased by it, etc."

After the Public Service Commission of West Virginia had refused to recognize the free water service provided for in the ordinance and held the same as being violative of the provisions of the Public Utilities Act of that State, the matter was taken to the Supreme Court of the State for review. The Court, in commenting on that phase of the case, in sustaining the Commission ruling, said:

> "That the free water provision is discriminatory becomes apparent at first glance. The Company is entitled to receive a fair return upon its investment, and, when that has been determined, after proper investigation, rates must be so adjusted as to yield a net income equivalent to the return fixed. If the City receives its water free of charge, the burden of contributing to the sum named may rest solely or mainly upon the ratepayer to the exclusion or partial exclusion of the taxpayer. The former pays, not only for the water which he uses, but also for that which the City consumes, the benefit of which accrues to the citizens as a whole and for which they as taxpayers should pay. Service of this character is contrary to the policy of the Public Service Commission Act."

While it is true that some commissions, notably California (P. U. R. 1918-A, 536), have, within the purview of the provisions of the public utilities acts of their states, withheld their disapproval of discrimination in the way of free or reduced rates to the federal and state governments and to the political subdivisions thereof, including municipalities, the great majority of commission rulings, both upon principal and under the law, have ruled otherwise.

Foster vs. Kellogg Power & Water Company (Idaho), P. U. R. 1923-B, 705; Leavenworth vs. Leavenworth City & Fort L. Water Co. (Kansas), P. U. R. 1915-B, 611; Simms vs. Columbia Telephone Co. (Mo.), P. U. R. 1915-C, 366; Farmington Chamber of Commerce vs. Mountain States Telephone & Telegraph Company (N. M.), P. U. R. 1915-F, 625; Washington Department of Public Works vs. Newport Water Co. (Wash.), P. U. R. 1924-A, 471; Billings vs. Public Service Commission, 67 Mont. 29, P. U. R. 1923-E, 77, 214 Pac. 608; Re Atlantic County Electric Co., N. J., P. U. R. 1918-B, 589; Re Augusta Water Dist. (Me.) P. U. R. 1916-E, P. U. R. 1927-B, 5.

But, it is said that when the franchise ordinance was passed by the Town of Joseph, under its terms the defendant was receiving a consideration for the so-called free lights; therefore, the defendant should not now be relieved by this Commission from its contractual obligations to the complainant.

Of course, there is no question but that the franchise contract between the Town of Joseph and the predecessor of the Telluride Power Company was valid when made and was based upon an adequate consideration as defined and recognized by the courts, time immemorial to the present.

Fundamentally, of course, and as a matter of regulation, such contracts are always subject to the rightful exercise of the police powers of the State. They should not be abrogated, however, until after full investigation and a public hearing, and then only upon a showing made before the Commission that they are unduly preferential, unreasonably discriminatory or unjust as between the utility and the patrons its serves.

In the instant case, it has been seen that under the terms of the franchise involved and as a consideration for the granting of a franchise to occupy and use the streets of the Town of Joseph, and the waiving of the right of that municipality to require the defendant to pay a license fee to do business within its corporate limits, the complainant exacted nothing more of the defendant than the so-called free service of eight street lights or its equivalent in electrical energy. As to the amount or value of the consideration, measured in dollars and cents, we have no means of knowing, for as to that the record is silent. It would then be indulging in a rather violent presumption

for this Commission to hold that such considerations were inadequate and resulted in preferential, unreasonable, or unjust rates as compared with the scheduled rates charged other consumers of electricity in the same class as that of complainant.

In the consideration of this case, the Commission has kept in mind the fact that before the enactment of the present public utility law, it was the common practice for the municipalities to enter into franchise contracts with public utilities seeking to do business within their corporate limits, to make terms whereby they were in some measure to be accorded service for the municipality at free or reduced rates. We do not believe that it was contemplated by the Legislature that such contracts were to be, by the mere passage of the Public Utilities Act, automatically abrogated, nor until, after full investigation and a hearing before the Commission, they are found to be unduly preferential, unreasonably discriminatory or unjust as between patrons of the utility involved.

> Wichita R. R. vs. Public Utilities Commission (Kansas), 260 U. S. 48.

Our own Supreme Court has not passed upon the precise questions involved in this case. Our Public Utilities Act, particularly with respect to procedure before this Commission, is very similar to that of the State of Kansas. In the case last above cited, the pre-eminent jurist, Mr. Chief Justice Taft, after reviewing the several procedural provisions of the Kansas Public Utilities Act applicable to cases brought before the Kansas Commission, in which the validity and reasonableness of contract rates were involved, quoted and spoke approvingly of what the Kansas Supreme Court had said concerning the Commission powers, viz:

> "While that Commission (Utilities Commission) is vested with broad regulatory powers, it is not shown nor claimed that it has found the contract rates to be unreasonable. Granting, without deciding, that the Commission has the power under the law to determine whether or not the rates prescribed by the contract are reasonable and valid, and to revise them if found to be unreasonable, it does not appear that it has exercised the power, nor that they have been presented to it for its consideration. The passage of the Act did not automatically over-

> throw contracts nor set aside schedule rates which had been agreed upon. Neither did the fact that the defendant published and filed a schedule of rates with the Public Utilities Commission abrogate the contract. In any event, rates previously agreed upon between utilities and patrons will continue in force until the Commission has found them to be unreasonable and has prescribed other rates."

Mr. Justice Taft, further commenting on the powers of the Commission, said:

> "It is a wholesome and necessary principle that such an agency must pursue the procedure and rules enjoined and show a substantial compliance therewith to give validity to its action. When, therefore, such an administrative agency is required as a condition precedent to an order to make findings of fact, the validity of the order must rest upon the needed finding. If it is lacking, the order is ineffective."

As pointed out, as to the reasonableness of the consideration paid or parted with on the part of the complainant for the free lighting service provided for in the franchise contract involved herein, the Commission is left in the dark. The defendant rests its case solely upon the fact that since the enactment of the Public Utilities Law it has published and filed with the Public Utilities Commission rates payable in money, applicable to municipal service, and that such in and of itself abrogates its contract with the complainant.

For the reasons stated, this Commission holds that the contention of the defendant is untenable. That it should be required to restore to the complainant the service now denied and as provided for under its contractual relations with the complainant and until a proper proceeding is instituted before this Commission and a showing made that the terms of its said contract are preferential, discriminatory, and unjust to its patrons, of the same class, or to its patrons in general. Further, that the defendant should be ordered and required to credit the Town of Joseph, on its street lighting account, with the value of the service of eight street lights, for the period of time the complainant has been deprived of the service thereof, in

accordance with its rate schedule on file with the Commission.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) D. O. RICH, Acting Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 3rd day of August, 1927.

TOWN OF JOSEPH, a Municipal Corporation, *Complainant,* vs. TELLURIDE POWER COMPANY, a Corporation, *Defendant.*	CASE No. 898

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

IT IS ORDERED, That the Telluride Power Company, a Corporation, be, and it is hereby, required to restore to the Town of Joseph, a Municipal Corporation, the service as provided for under its contractual relations with the complainant, Town of Joseph.

ORDERED FURTHER, That the defendant, Telluride Power Company, be, and it is hereby, required to credit the Town of Joseph, on its street lighting account, with the value of the service of eight street lights, for the period of time the complainant, Town of Joseph, has been

deprived of the service thereof, in accordance with its rate schedule on file with the Commission.

ORDERED FURTHER, That Defendant, Telluride Power Company, shall notify the Commission the date such credit is made to the account of the Town of Joseph, together with the amount of credit.

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 CASTLE VALLEY POWER COMPANY, for permission to construct, operate, and maintain an electric light and power system in the Town of Ferron, Utah.	CASE No. 899

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application herein of the Castle Valley Power Company, for permission to construct, operate, and maintain an electric light and power system in the Town of Ferron, Utah, be, and it is hereby, dismissed for want of prosecution, without prejudice.

Dated at Salt Lake City, Utah, this 18th day of January, 1927.

(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. M. KING, for permission to operate an automobile truck line, for the transportation of freight and express, between Salt Lake City and Nephi, Utah.	CASE No. 900
In the Matter of the Application of JAMES R. STANLEY and H. C. CRANE, for permission to operate an automobile truck line, for the transportation of freight and express between Salt Lake City and Nephi, Utah.	CASE No. 901
In the Matter of the Application of JAMES R. STANLEY and H. C. CRANE, for permission to operate an automobile freight line between Salt Lake City and Scipio, Utah.	CASE No. 911
In the Matter of the Application of ETHER WOOD, for permission to operate an automobile freight line between Salt Lake City, Fillmore, Beaver, Parowan, and Cedar City, Utah.	CASE No. 912
In the Matter of the Application of E. M. SUMNER, for permission to operate an automobile freight line between Salt Lake City and Cedar City, Utah, and intermediate points.	CASE No. 914

Submitted November 3, 1926. Decided March 14, 1927.

Appearances:

Will L. Hoyt, Attorney, of Nephi, Utah,	for Applicant, M. M. King.
P. N. Anderson, Attorney, of Nephi, Utah,	for Applicants, James R. Stanley and H. C. Crane.

J. N. Christensen, Attorney, of Salt Lake City, Utah, } for Applicant, Ether Wood.

Beck & Beck, Attorneys, of Salt Lake City, Utah, } for Applicant, E. M. Sumner.

VanCott, Riter & Farnsworth, and B. R. Howell, Attorneys, of Salt Lake, } for Protestant, Denver & Rio Grande Western R. R. Co.

George H. Smith, R. B. Porter & Dana T. Smith, Attorneys, of Salt Lake, } for Protestant, Los Angeles & Salt Lake R. R. Co.

L. E. Gehan, of Salt Lake, } for Protestant, American Railway Express Co.

F. M. Orem and Storey & Crow, Attorneys, of Salt Lake City, Utah, } for Protestant, Salt Lake & Utah Railroad Co.

Walter C. Hurd, Attorney, of Salt Lake City, Utah, } for Protestant, Utah Central Truck Line.

T. W. Boyer, of Salt Lake, } for Protestant, Salt Lake-Fillmore Stage Line.

REPORT OF THE COMMISSION

By the Commission:

These matters came on regularly for hearing before the Commission, at its offices in the State Capitol, Salt Lake City, Utah, September 28, 1926, after due notice given, upon the several applications filed and the protests thereto.

For the reason that the several applications would, at least in part, affect the same highway, the several cases were, by the order of the Commission, combined into one hearing for consideration and determination.

From the evidence adduced at the hearing for and in behalf of the respective parties, it appears:

1. That the applicant, M. M. King, in Case No. 900, is a resident of Mona, Utah, and he has been, for about nine years last past, continuously engaged in buying and selling farm and orchard products, using the highways for transporting the same by means of automobile trucks; that the said applicant proposes, if granted a certificate of convenience and necessity authorizing and permitting him so to do, to operate daily an automobile truck, for hire, over the public highway between Salt Lake City and Nephi, Utah, serving intermediate points, particularly the towns of Santaquin and Mona, Utah.

2. That the applicants, James R. Stanley and H. C. Crane, in Case No. 901, are residents of Nephi, Utah; that applicant, H. C. Crane, has, for several years last past, been engaged in the business of conducting a meat and produce market at Nephi, Utah, and disposing of his surplus stock or products by hauling the same over the public highways, by means of automobile trucks, to nearby markets. That the said applicants, if granted a certificate of convenience and necessity authorizing and permitting them so to do, will operate an automobile truck, carrying freight and express, for hire, over the public highway between Salt Lake City and Nephi, Utah, serving Provo and Mona as intermediate points, making three round trips each week between said points. That James R. Stanley and H. C. Crane are also the applicants in Case No. 911, in which they propose, if granted a certificate, to operate an automobile truck line, for hire, over the public highway between Salt Lake City and Scipio, Utah, making three round trips each week between said points.

3. That Ether Wood, the applicant in Case No. 912, is a resident of Hurricane, Washington County, Utah, and for the past two years has been engaged with others in operating automobile trucks for hire over the public highways between Cedar City and Hurricane, Utah; that he proposes, if granted a certificate of convenience and necessity authorizing and permitting him so to do, to operate an automobile truck for hire over the public highway between Salt Lake City and Cedar City, Utah, serving as intermediate points the towns of Fillmore, Beaver, and Parowan, Utah.

4. That the applicant, E. M. Sumner, in Case No. 914, is a resident of Cedar City, Utah, and he proposes, if granted a certificate of convenience and necessity, to operate an automobile truck for hire over the public highway between Cedar City and Salt Lake City, serving all intermediate points south of Nephi, particularly the towns of Fillmore, Beaver, and Parowan.

5. That each and all of the said applicants have had sufficient experience in the operation of automobiles over the public highways to enable them to render efficient service over the routes proposed to be established by them, respectively, and each of them has, or is financially able to provide, the necessary equipment therefor.

6. That the protestant Denver & Rio Grande Western Railroad Company is a railroad corporation, operating a steam line of railroad, carrying passengers and freight between Denver, Colorado, and Ogden, Utah, and intermediate points. As a part of its railroad system, it operates a line of railroad between Salt Lake City and Eureka, Utah, serving all points beyond Salt Lake City as far south as Santaquin, Utah. It also operates a branch line of railroad between Nephi and Manti, Utah. It also operates what is known as its Marysvale branch, connecting with its main line at Thistle, Utah, which serves Marysvale, Utah, and all intermediate points on its said branch between Thistle and Marysvale.

7. The Los Angeles & Salt Lake Railroad Company is a railroad corporation, owning and operating as a part of the Union Pacific System, a steam railroad carrying passengers and freight between Salt Lake City, Utah, and Los Angeles, California. Its main line out of Salt Lake City serves all intermediate points in Utah as far south as Lund, where a branch line connects and serves Cedar City, Utah, with daily passenger and freight service. It also maintains and operates a branch line from Salt Lake City to Fillmore, via Provo and Nephi, serving all intermediate points with daily freight service.

8. That the protestant Salt Lake & Utah Railroad Company is a railroad corporation owning and operating an electric railroad line, carrying passengers and freight, between Salt Lake City and Payson, Utah, serving all intermediate points. It operates between Salt Lake City and Payson sixteen passenger trains, eight each way, daily. Four of these eight trains, two in each direction, accept

and carry original express shipments. Six days in the week, including Sunday, a freight train is operated on regular schedule, carrying less-than-carload freight between Salt Lake City and Payson, serving all intermediate points. It also maintains for the accommodation of shippers, a pick-up and delivery service at all the large towns on its line, viz., Salt Lake City, Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, and Payson, Utah, without additional charge over their regularly published tariffs. This railroad is now in the hands of a receiver.

9. That the protestant American Railway Express is a corporation, doing business as a common carrier of property within the State of Utah over the lines of the protesting railroads herein. It serves practically all points on the railroads operating in Utah and maintains agency stations at the principal towns and cites where it accords to shippers a free pick-up and delivery service. In its operations it affords service in interstate movements of express pretty generally throughout the United States.

10. That the protestant, Utah Central Truck Line, is an automobile corporation, organized and doing business within the State of Utah and, under a certificate of convenience and necessity, has an established route over the public highway between Salt Lake City and Provo, Utah. It makes two trips each way each day between said cities, serving all intermediate points. It is able to and does carry every kind of merchandise and commodities tendered to it by the shipping public, and affords a pick-up and delivery service as well, in the territory served by it.

10-A. That the protestant Salt Lake City-Fillmore Stage Line is an automobile corporation, operating an automobile stage, carrying passengers and express for hire over the public highways under a certificate of convenience and necessity, making one round trip each week between Salt Lake City and Fillmore, Utah, serving all intermediate points. It is prepared to and does carry all express offered to it between said points. It stands ready and is able to furnish all necessary equipment for additional express service between said points whenever public convenience and necessity may so require.

11. That there is automobile truck service rendered over the public highway by the Utah Central Transfer Company, under a certificate of convenience and necessity,

between Provo and Silver City, Utah, and intermediate points. It serves the towns of Steel City, Springville, Spanish Fork, Payson, Salem, Benjamin and Santaquin, daily.

12. That the principal points proposed to be served by applicants in this case, between Cedar City and Salt Lake City, Utah, are, to wit: Murray, with a population of approximately 5,000 inhabitants; Midvale, 2,500; Sandy, 1,500; Lehi, 3,600; American Fork City, 3,300; Pleasant Grove, 2,500; Provo, 13,200; Steel City industrial plant, 100; Springville, 3,600; Salem, 1,200; Payson, 3,500; Santaquin, 1,200; Mona, 500; Nephi, 3,500; Levan, 775; Juab, 50; Scipio, 600; Holden, 500; Fillmore, 1,600; Kanosh, 650; Cove, 550; Beaver, 2,300; Paragonah, 500; and Parowan, 1,600. The terminal points, Salt Lake City and Cedar City, have a population of 125,000 and 2,500, respectively.

13. That the proposed truck service over the public highways would closely parallel the rail service of the protesting railroads, with the exceptions, Beaver, Parowan, Paragonah, Scipio, and Cove Fort. Beaver, the larger and principal town affected, has connecting automobile truck service over an established route between Beaver and Milford, operating daily. Parowan, Paragonah, Scipio and Cove Fort, where less traffic originates, depend upon and are accommodated largely by privately owned and operated trucks.

14. That the protesting railroads, on their respective lines, are adequately equipped to receive and carry, and do receive and carry as per their regular schedules, with reasonable promptness, all freight and express tendered to them by the shipping public, whether originating at or destined to the territory proposed to be served by the several applicants herein.

15. That the territory proposed to be served by the applicants, south of Nephi to Cedar City, represents largely agricultural, stock-raising, and mining interests, demanding rail transportation; that said territory outside of the towns and cities is somewhat sparsely populated; that the territory south of Nephi, in its entirety, affords to the rail carriers so limited a tonnage that the rail service was inaugurated and at the present time is being rendered in the hope that it will be an aid to future growth and development of the communities affected, rather than from the fact that present revenues earned are sufficient

to justify the maintenance and operation of the protesting railroad lines.

16. That many shippers, through petitions filed herein and by representatives, and some in person, appearing at the hearing of this case, have expressed their satisfaction with the present rail service, and that it is their judgment that the future growth and prosperity of the territory proposed to be served by the applicants, will depend largely upon the existing rail service, which they deem indispensable to their present needs and the public welfare. Others have expressed a different view, that freight truck service would contribute to the growth and development of the territory proposed to be served by the applicants, but none of them concede that the rail service could well be dispensed with.

From the foregoing facts, the Commission concludes and decides that public convenience and necessity does not require additional automobile truck service for hire over the public highways between Salt Lake City and Cedar City, Utah, nor between intermediate points, and, therefore, the applications of the applicants, respectively, herein should be denied.

This case has proven to be but one of several heretofore brought before the Commission for determination as to whether the public interest and welfare would be best subserved by truck service over the highways sought to be served by the applicants. The territory between Salt Lake City and Payson, beyond any question, has at the present time adequate transportation facilities, both truck and rail. Beyond Payson and south to Cedar City, the present transportation facilities are more limited and additional truck service would, in the judgment of the Commission, be an added convenience, although, in view of the truck and rail facilities already had, not a necessity.

The Public Utilities Law of Utah, as the Commission interprets its provisions, requires that the applicant must show that the proposed service would not only be a convenience but a public necessity as well. The existing public utilities, more particularly the protesting railroads serving the territory south and beyond Nephi to Cedar City, including all intermediate points, have large fixed capital investment in public utilities used in serving the communities that would be affected by the granting of certificates to the applicants herein. That the public utilities now

serving this territory are affording efficient and dependable and reasonably expeditious freight and express transportation to every class of shippers, cannot be gainsaid. That these agencies are giving an indispensable service in the interest of the agricultural, stock-growing and mining interests, upon which the future growth and material of that section of the State so largely depend, cannot be doubted.

The present traffic is not heavy and the present revenues earned are scarcely adequate to warrant operation. Many witnesses have appeared before the Commission in this case from the territory sought to be served by the applicants, who have emphatically stated that public convenience and necessity does not in their communities require the truck service proposed by the applicants in this case. Moreover, these witnesses have expressed the fear that if truck service be inaugurated over the public highways, railroad operations would have to be curtailed for lack of traffic, if not entirely abandoned. The view of these witnesses, disinterested, except for the upbuilding and future welfare of the communities they represent, are entitled to the utmost consideration at the hands of the Commission.

Experience has taught, and we believe, that under the prevailing conditions and circumstances as disclosed by the evidence in this case, automobile truck service could not successfully supplant the railroad service, nor should it be permitted in any degree to impair its present efficiency.

After giving the several applications herein most careful and mature consideration from every viewpoint disclosed in the record of the case, we are of the opinion that all of the applications 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 14th day of March, 1927.

In the Matter of the Application of M. M. KING, for permission to operate an automobile truck line, for the transportation of freight and express, between Salt Lake City and Nephi, Utah.	CASE No. 900
In the Matter of the Application of JAMES R. STANLEY and H. C. CRANE, for permission to operate an automobile truck line, for the transportation of freight and express between Salt Lake City and Nephi, Utah.	CASE No. 901
In the Matter of the Application of JAMES R. STANLEY and H. C. CRANE, for permission to operate an automobile freight line between Salt Lake City and Scipio, Utah.	CASE No. 911
In the Matter of the Application of ETHER WOOD, for permission to operate an automobile freight line between Salt Lake City, Fillmore, Beaver, Parowan, and Cedar City, Utah.	CASE No. 912
In the Matter of the Application of E. M. SUMNER, for permission to operate an automobile freight line between Salt Lake City and Cedar City, Utah, and intermediate points.	CASE No. 914

These cases 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 applications herein (Cases Nos. 900, 901, 911, 912, and 914) be, and they 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 THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to adjust telephone rates at its Provo Exchange. } CASE No. 909

Submitted April 20, 1927. Decided August 1, 1927.

Appearances:

Van Cott, Riter & Farnsworth, Attorneys, of Salt Lake City, } for Applicant.

Jacob Coleman, Attorney, of Provo, Utah, } for Certain Citizens of Provo, Protestants.

REPORT OF THE COMMISSION

By the Commission:

On the 30th day of August, 1926, The Mountain States Telephone & Telegraph Company filed with the Public Utilities Commission of Utah an application, in substance and in effect alleging:

That it is now and for several years last past has been conducting a general telephone business in the State of Utah, and particularly in the City of Provo; that the

rates for business telephone service now being charged by the applicant at its Provo Exchange are:

Business individual line, $60.00 per annum.
Business two party line, 48.00 per annum.

and that if authorized so to do, it will charge at its said exchange as follows:

Business individual line, $72.00 per annum.
Business two party line, 60.00 per annum.

that said proposed rate increases are justifiable by reason of the increased demand for business telephone service at Provo and the present-day cost of giving the same.

The said application was accompanied by a letter from the municipal authorities of Provo City, stating in effect that the applicant was entitled to the rate increases prayed for. Attached to said application and made a part thereof is also a petition signed by approximately 95 per cent of the business men telephone users at Provo City, in substance representing that by reason of the growing demand for telephone service at Provo and the cost of additions and betterments afforded by the applicant for the giving of improved telephone service, the applicant was entitled to the rate increases as applied for.

The matter came on regularly for hearing before the Commission, at Provo, Utah, after due notice given, on April 20, 1927. At said hearing, at the conclusion of the applicant's testimony, upon application of the protestant, the matter was continued for further hearing until May 9, 1927, at which time the protestants advised the Commission that they had nothing further to offer for the benefit of the record, and that they did not desire to make further protest.

From the evidence taken at said hearing, the Commission finds the following facts:

1. That the applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and is authorized to do and is doing business in the State of Utah as a "telephone corporation," within the meaning and subject to the provisions of Title 91, Chapter 1, Compiled Laws of Utah, 1917, commonly known as the Public Utilities Act; that it has conducted for several years last past and is now conducting a general telephone business in the State of Utah, particularly in the City of Provo.

2. That as of December 31, 1915, there were 1198 subscriber stations in the Provo Exchange, and as of June 30, 1926, there were 2094 subscriber stations.

3. That during the period from August 31, 1919, to December 31, 1925, $72,539 was expended by the applicant in improvements and betterments of its Provo Exchange, which was at the rate of annual average additions of $11,-452.00 per year; that such additions were made necessary by reason of the steady growth of Provo City and the increased demand for telephone service.

4. That for the year 1925 the applicant's results of operation at Provo show that the total expenses and deductions exceeded the total operating revenues by $639.75; that the results of operation at Provo for the first six months of 1926 showed a revenue deficiency of $11,006.87, and for corresponding periods since that time, approximately the same loss, computed on a basis of 8 per cent return on the applicant's investment; that the total net revenue earned by the applicant's exchange at Provo for the year 1925 was $66,474.68, and for the same year the applicant's expenses amounted to $67,114.43, the expenses being $639.75 more than the total revenue credited to the exchange for that year. For corresponding periods, the revenues earned and the expenses incurred had been approximately the same.

5. That the valuation of the applicant's Provo Exchange as made by the Public Utilities Commission of Utah, August 31, 1919, was $151,722.53; that since said valuation, there has been additions and betterments made amounting to $72,538.55; and that the total valuation, December 31, 1925, was $224,261.08, making an annual expenditure for additions and betterments during said period of $11,453.46.

6. That Provo is a prosperous and growing community, and that in all probability for some years to come a like sum, if not greater, will have to be expended in order to meet the reasonable requirements for efficient and dependable telephone service.

7. That the Provo Exchange business rates at the present time are considerably less than those generally charged for similar service by the applicant in other cities and communities under like conditions and circumstances, and that at the rates applied for by the applicant, to wit:

Business individual line, $72.00 per annum.
Business two party line, 60.00 per annum.

the net revenue that will be earned by the applicant at its Provo Exchange will be approximately $3,800 per annum.

From the foregoing facts, the Commission concludes and decides that the applicant should be granted the business rate increase at Provo as applied for.

At the hearing of this case, much has been said and claimed by the applicant that in its State-wide operations it is at the present time sustaining a deficit, by reason of its not earning a return of 8 per cent on its capital investment as found by the Commission's valuation of its propperty devoted to public service in 1919. The applicant has claimed in this case that it is entitled to earn a rate of return of 8 per cent. As to the reasonableness of this claim, it will be understood that the Commission does not stand committed. It seems apparent, however, from the facts and circumstances disclosed by the record in this case, that Provo, in justice to rate-payers and subscribers generally, should bear the rate increases as herein applied for by the applicant.

An appropriate order will follow.

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

[SEAL]

Attest:

(Signed) D. O. RICH, *Acting Secretary.*

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 1st day of August, 1927.

In the Matter of the Application of THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to adjust telephone rates at its Provo Exchange.	CASE No. 909

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 an 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 Mountain States Telephone & Telegraph Company be, and it is hereby, authorized to charge and put in effect the following rates for business telephone service at its Provo Exchange:

Business individual line, $72.00 per annum.
Business two party line, 60.00 per annum.

ORDERED FURTHER, That the above schedule of rates shall become effective September 1, 1927.

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 ARROW AUTO LINE, a Corporation, for permission to operate an automobile passenger and express line between Hiawatha and Mohrland, Utah. } CASE No. 915

ORDER

Upon motion of the Commission:

IT IS ORDERED, That the application herein of the Arrow Auto Line, a Corporation, for permission to operate an automobile passenger and express line between Hiawatha and Mohrland, Utah, be, and it is hereby, dismissed for want of prosecution, without prejudice.

Dated at Salt Lake City, Utah, this 18th day of January, 1927.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WALLACE B. PAXTON, for permission to operate an automobile freight line between Beaver City and Cedar City, Utah.	CASE No. 916

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of December 4, 1926, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 280 (Case No. 916), authorizing Wallace B. Paxton to operate an automobile stage line, for the transportation of freight, between Beaver City and Cedar City, Utah.

The Commission now finds that, owing to the failure of Wallace B. Paxton to comply with all of its rules, regulations, and requests, Certificate of Convenience and Necessity No. 280 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 280 be, and it is hereby, cancelled, and the right of Wallace B. Paxton to operate an automobile freight line between Beaver City and Cedar City, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 25th day of May, 1927.

(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 ELMER B. TAYLOR, for permission to operate an automobile freight line from Sigurd, Salina, and Richfield to Loa, Fremont, Lyman, Bicknell, Teasdale, Torrey, Fruita, and Notom, Utah.	CASE No. 917

Submitted Nov. 16, 1926. Decided Jan. 5, 1927.

Appearances:

Messrs. Bean and Hunt, Attorneys, of Richfield, for the Applicant.

S. E. Tanner, of Loa, for W. S. McClellan, E. P. Pectol, and Robert A. Taylor, Protestants.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Richfield, Sevier County, Utah, on the 16th day of November, 1926.

The application, in brief, sets forth, that the public convenience and necessity require the operation of an automobile freight line between Sigurd and Notom, Utah, and intermediate points; that there are large quantities of freight and express destined to points in Wayne County which are loaded at Salina and Richfield, in Sevier County, that have to be transferred by automobile truck or by team, to points in Wayne County, via Sigurd; that there are also large quantities of farm and dairy products shipped out of Wayne County to Richfield, for transportation to market, over the railroad serving that point.

From the evidence adduced at the hearing for and in behalf of the respective parties, it appears:

1. That the applicant, Elmer B. Taylor, is a resident of Loa, Wayne County, Utah; that said applicant proposes to operate an automobile freight line over the public high-

way, between Richfield, in Sevier County, Utah, via Sigurd, Utah, to Notom, Utah, serving Loa, Fremont, Lyman, Bicknell, Teasdale, Torrey, and Fruita, in Wayne County, Utah.

2. That said Wayne County points are not now being served by any railroad nor by any common carrier for hire, over the public highway; that Wayne County has a population of about 2200 people; that said population is largely centered in the towns and villages at points proposed to be served by the applicant.

3. That large quantities of merchandise, gas and oil, farm machinery, etc., destined to said points have to be moved over the public highway; that at the present time there is no automobile truck service available, except such as is being given from time to time by persons owning trucks, not operated regularly for hire; that considerable dairy and farm products are shipped from said points by railroad from time to time; that shippers have no regular, dependable service for their accommodation.

4. That the applicant does not propose to carry any freight for hire in competition with the railroad service now being rendered by the protestant, Denver & Rio Grande Western Railroad Company, over its branch line running from Thistle to Marysvale, Utah, and will not haul any traffic in competition with said railroad line.

5. That the protestants, W. S. McClellan, E. P. Pectol, and Robert A. Taylor, have carried some freight and express for hire over said route or highway, serving the towns and communities in Wayne County; but have not held themselves out as common carriers for hire, nor have they at all times given the public service when needed.

6. That the applicant, Elmer B. Taylor, has sufficient automobile equipment and has had the experience necessary to give good and efficient automobile freight service over the said route applied for by him, and is now engaged in rendering such automobile truck service to the said towns and communities of Wayne County, Utah.

From the foregoing facts, the Commission concludes and decides that public convenience and necessity require the operation of an automobile truck line, for hire, over the public highway, as applied for herein, and that the rates proposed to be charged by said applicant are reasonable and just; that the applicant, Elmer B. Taylor, should

be granted a certificate of convenience and necessity, authorizing and permitting him to establish, maintain, and operate an automobile freight line, for hire, over said highway, serving Wayne County points, subject, however, to the rules and regulations of this Commission, and upon full compliance with the statutes of the State of Utah as in such cases may be provided.

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. 284.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 5th day of January, 1927.

In the Matter of the Application of ELMER B. TAYLOR, for permission to operate an automobile freight line from Sigurd, Salina, and Richfield to Loa, Fremont, Lyman, Bicknell, Teasdale, Torrey, Fruita, and Notom, Utah.	CASE No. 917

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 Elmer B. Taylor be, and he is hereby, authorized to operate an automobile freight line, for hire, over the public highway, from Sigurd, Salina, and Richfield, Utah, to Loa, Fremont, Lyman, Bicknell, Teasdale, Torrey, Fruita, and Notom, Utah.

ORDERED FURTHER, That applicant, Elmer B. Taylor, 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 ELMER B. TAYLOR, for permission to operate a freight truck line from Marysvale, Junction, Circleville, Kingston, Piute County, to Coyote and Escalante, Garfield County, Utah.	CASE No. 918

ORDER

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

IT IS ORDERED, That the application herein of Elmer B. Taylor, for permission to operate an automobile freight truck line from Marysvale, Junction, Circleville, Kingston, Piute County, to Coyote and Escalante, Garfield County, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 18th day of January, 1927.

(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 ELMER B. TAYLOR, for permission to operate a freight truck line from Marysvale, Junction, Circleville, Piute County, to Panguitch, Garfield County, Utah. } CASE No. 919

ORDER

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

IT IS ORDERED, That the application herein of Elmer B. Taylor, for permission to operate an automobile freight line from Marysvale, Junction, Circleville, Piute County, to Panguitch, Garfield County, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 18th day of January, 1927.

(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 abandon its passenger service between Ogden and Plain City, Utah. } CASE No. 920

ORDER

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

IT IS ORDERED, That the application herein of the Utah-Idaho Central Railroad Company, for permission to abandon its passenger service between Ogden and Plain City, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 26th day of March, 1927.

(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 THOMAS W. PERRY, for permission to operate an automobile freight line between Heber City and Salt Lake City, Utah, via Midway, Orem or Provo, Utah.	CASE No. 921

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

IT IS ORDERED, That the application herein of Thomas W. Perry, for permission to operate an automobile freight line between Heber City and Salt Lake City, Utah, via Midway, Orem or Provo, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 29th day of March, 1927.

(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 MOTOR WAY, a partnership, consisting of ROBERT H. LAWRENCE and HARRY C. LAWRENCE, for permission to operate an automobile passenger stage line between Salt Lake City and the Utah-Idaho State Line.	CASE No. 922

Submitted March 31, 1927. Decided July 5, 1927.

Appearances:

James S. Gregerson, Attorney, of Salt Lake City, Utah,	for Applicants.
Dana T. Smith, Attorney, of Salt Lake City, Utah,	for Protestant, Oregon Short Line Railroad Company.
Irvine, Skeen & Thurman, Attorneys, of Salt Lake City, Utah,	for Bamberger Electric Railroad Company.
VanCott, Riter & Farnsworth, Attorneys, of Salt Lake City, Utah,	for Denver & Rio Grande Western Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its office in Salt Lake City, Utah, March 31, 1927, upon the application of the Utah-Idaho Motor Way, for permission to operate an automobile passenger stage line between Salt Lake City and the Utah-Idaho State Line, and the protests filed thereto by the Oregon Short Line Railroad Company, Denver & Rio Grande Western Railroad Company, Bamberger Electric Railroad Company, Tremonton Commercial Club of Tremonton, Utah, and the Box Elder County Fair Association of Tremonton, Utah.

From the evidence adduced at the hearing, for and in behalf of the respective parties, it appears:

1. That the applicant, Utah-Idaho Motor Way, is a co-partnership, consisting of Robert H. Lawrence and Harry G. Lawrence, residents of Salt Lake City, Utah; that the applicants propose, if granted a certificate of public convenience and necessity permitting them so to do, to establish, maintain, and operate an automobile passenger stage line, for hire, between Brigham City, Utah, and the Utah-Idaho State Line; that the application as originally filed by the applicants herein, to operate between Salt Lake City and the Utah-Idaho State Line, has, since the filing thereof, been modified accordingly.

2. That the protestant Oregon Short Line Railroad Company is a corporation, organized and existing under and by virtue of the laws of the State of Utah; that it is engaged in the business of a common carrier of passengers and freight for hire, and operates a line of railroad between Salt Lake City and Malad, Idaho, serving the intermediate points or cities of Brigham City, Corinne, Tremonton, Garland, and Plymouth, in the State of Utah.

3. That the Bamberger Electric Railroad Company is a corporation, organized and existing under the laws of the State of Utah, and that, as a common carrier for hire, operates an electric railroad and transports persons and property between Salt Lake City and Ogden, Utah, including intermediate points.

4. That the Denver & Rio Grande Western Railroad Company is a railroad corporation, and it operates a railroad for the transportation of persons and property, for hire, between Denver, Colorado, and Ogden, Utah, serving intermediate points.

5. That the protestants Tremonton Commercial Club and Box Elder County Fair Association are civic organizations of Tremonton and Box Elder County, respectively, and they are interested in and working for and in behalf of the public welfare.

6. That the several protestants, railroad corporations, are each giving ample, dependable, regular, convenient, and efficient passenger service over their respective lines of railroad and to the territory tributary thereto.

7. That the proposed automobile line of the applicants would afford bus service to approximately four

thousand people residing along its route between Brigham City and the Utah-Idaho State Line.

8. That three of the towns between the said terminals, viz., Bear River City, Riverside, and Plymouth, are some distance from the railroad, although the territory in which they are situated is served by the protestant Oregon Short Line Railroad Company; that these last mentioned points have a combined population of about 1300 people.

From the foregoing facts, the Commission concludes and decides:

That public convenience and necessity do not require the operation of an automobile bus over the route applied for between Brigham City and the Utah-Idaho State Line; that while two or three of the communities sought to be served by the applicant would, in some measure, be conveniened thereby, the number of passengers originating at said points would be comparatively few, and that such conditions do not warrant or authorize the operation of a passenger bus line in competition with the railroad service of protestants now being rendered to the general traveling public. The mere fact that a few somewhat isolated communities are without direct railroad service, will not justify, more especially under the facts and circumstances shown and developed in this case, the operation of a bus line in competition with the railroad where the railroad affords the traveling public all the transportation service that is reasonably needed, such as is shown in the instant case.

Therefore, the application of the Utah-Idaho Motor Way herein 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 5th day of July, 1927.

In the Matter of the Application of the UTAH-IDAHO MOTOR WAY, a partnership, consisting of ROBERT H. LAWRENCE and HARRY G. LAWRENCE, for permission to operate an automobile passenger stage line between Salt Lake City and the Utah-Idaho State Line. } CASE No. 922

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 be, and it is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

J. C. DAVIS,
Complainant,
vs.
MURRAY CITY, a Municipal Corporation,
Defendants. } CASE No. 923

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of M. C. WEST and R. A. NEILSON, for permission to operate an automobile freight and express line between Richfield, Utah, and Milford, Utah.	CASE No. 924

ORDER

IT IS ORDERED, That the application herein of M. C. West and R. A. Neilson, for permission to operate an automobile freight and express line between Richfield, Utah, and Milford, Utah, be, and it is hereby, dismissed, for want of prosecution.

Dated at Salt Lake City, Utah, this 8th day of April, 1927.

(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 E. C. NELSON and FLOYD ANDERSON, for permission to operate an automobile freight and express line between Monroe, Utah, and Salt Lake City, Utah, and certain intermediate points.	CASE No. 925

ORDER

IT IS ORDERED, That the application herein of E. C. Nelson and Floyd Anderson, for permission to operate

an automobile freight and express line between Monroe, Utah, and Salt Lake City, Utah, and certain intermediate points, be, and it is hereby, dismissed, for want of prosecution.

Dated at Salt Lake City, Utah, this 8th day of April, 1927.

(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 PRICE, a Municipal Corporation, for the establishment of grade crossings at Third West Street and at First West Street, in Price City, Utah, over and across the tracks of the Denver & Rio Grande Western Railroad Company.	CASE No. 926

Submitted April 27, 1927. Decided May 17, 1927.

Appearances:

W. G. Harmon, City Attorney, and F. E. Woods, Attorney, of Price, Utah,	for Price City.
B. W. Dalton, Attorney, of Price, Utah,	for property owners on First West Street, in Price.
C. D. Pope, of Helper, Utah,	for Price Ice & Cold Storage Co., Carbon Ice Cream Co., and other property owners.

B. R. Howell, of the firm of VanCott, Riter & Farnsworth, of Salt Lake City, City, and L. A. McGee, Attorney, of Price, } for Denver & Rio Grande Western Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of October 6, 1926, Price, a Municipal Corporation, filed with the Public Utilities Commission of Utah, an application, in substance alleging:

That Price, the applicant herein, is a Municipal Corporation of Carbon County, State of Utah, duly incorporated as a city of the third class, under and by virtue of the laws of the State of Utah, and that its corporate name is "Price."

That the Denver & Rio Grande Western Railroad Company is a corporation, existing under the laws of the State of Delaware, duly licensed to do and doing business in the State of Utah, and that it operates and maintains a railroad, the main line of which runs through Price.

That it is necessary and for the convenience of the public that grade crossings, one on Third West Street and one on First West Street, in Price, over and across the tracks of the main line of the Denver & Rio Grande Western Railroad Company, be established, created, and constructed, in order that the residents and people generally residing north and south of said designated points, may be able to cross and recross at said points; that at this time there is no crossing over the tracks of said railroad Company, except the Underpass at the western edge of said Price, west of Carbon Avenue, and that the business portion of said City of Price is almost entirely east of Second West Street, and that there are many residents of Price living south of the said main line of the tracks of the said Railroad Company, as well as north thereof, and west of Carbon Avenue, who have no way of crossing and recrossing said tracks except in many and most instances going a long way to the Underpass or the Carbon Avenue Crossing.

That applicant has opened up, widened and extended the said Third West Street, and that the said street will

not serve the public to the extent contemplated or as needed unless a crossing on said Third West is established and permitted; that the said First West Street is already opened and has been for a long time, both to the north and south, but there is no crossing over the tracks of said Company.

That the following is a description of the grade crossing on Third West Street in Price, over and across the tracks of the main line of the Denver & Rio Grande Western Railroad Company, which applicant desires and petitions be established, created, and constructed, to wit:

> Commencing 15 feet south and 371 feet west of the southwest corner of Block 42, Price Townsite Survey, thence south 44° 40′ west 165 feet; thence north 58° 10′ west 67 feet; thence north 44° 40′ east 165 feet; thence southeasterly to place of beginning.

and that the following is a description of the grade crossing on First West Street in Price, over and across the tracks of the main line of said Railroad Company, which applicant desires and petitions be established, created, and constructed, to wit:

> Commencing 310 feet south of the northwest corner of Block 26, Price Townsite Survey; thence south 0° 12′ east 236 feet; thence north 58° 10′ west 117 feet; thence north 0° 12′ west 236 feet; thence southeasterly to place of beginning.

Inasmuch as the parties involved in the above petition have heretofore invoked the jurisdiction of this Commission in matters relating to the crossing of the Denver & Rio Grande Western Railroad Company's tracks at Price, it becomes necessary to briefly outline the facts leading up to the filing of the above petition, before proceeding with the instant case.

On June 14, 1923, the State Road Commission of Utah filed an application, alleging that said Commission desired to construct a permanent concrete pavement between Price and Castle Gate, in Carbon County, and that it was necessary to cross the main line of the Denver & Rio Grande Western Railroad. Applicant prayed that the Public Utilities Commission apportion the costs of a grade crossing elimination. A public hearing was had at Salt Lake City, September 25, 1923, at which hearing neither Price

nor Carbon County was represented. Subsequently, before any decision had been rendered, the Road Commission filed an amended application, setting forth the same facts as before, and, in addition thereto, stated that if an underpass should be constructed in lieu of said grade crossing, the Federal Government would participate in the cost of construction. A further hearing was held by the Public Utilities Commission, at Price, on February 19, 1924, at which time a contract was introduced in evidence between the Railroad Company, the City of Price, and Carbon County. The portions of the contract pertinent to the instant case are as follows:

"ARTICLE I.

"Section 1. The Receiver agrees to lease and does hereby lease to the County and to the City, as their interests may appear, an additional strip of land twenty-four (24) feet in width on the northerly side of said strip of land heretofore leased to the City by said agreement and lease of the 10th day of December, 1921, hereinabove referred to, and extending from the westerly side line of said Tenth Street to the southerly said line of said "J" Street in said City, and in addition a strip of land fifty (50) feet in width extending across the right-of-way and premises of the Railroad Company in an easterly and westerly direction and at an angle of approximately forty-five degrees to said main track at a distance of approximately three hundred sixty (360) feet measured along said main track from the northerly side line of said "J" Street to the middle line of said additional strip of land, such additional strip of land to be utilized for said subway or underpass and the approaches thereto, all as shown by appropriate colorings and legends on the blue-print attached hereto and made a part hereof. The foregoing grant of a leasehold interest in and to the lands of the Railroad Company is made conditional upon and expressly subject to the legal and permanent vacation and closing by said City of said Tenth Street and said "J" Street across the lands, premises and tracks of the Railroad Company, and subject to the right of the Receiver to construct, maintain and operate not less than four railroad tracks over and across said subway or

underpass as in Section 2 of this Article provided, and further subject to the full and faithful carrying out by said City and said County respectively of their respective covenants hereunder. Provided, however, that if the County or City, or either of them shall elect to take hereunder a portion of said twenty-four (24) foot strip not exceeding a width of twelve (12) feet at the easterly end thereof, and tapering to a point within a distance of three hundred fifty (350) feet from said easterly end on the southerly side of said strip of land heretofore leased as aforesaid in order that said total strip of land fifty (50) feet in width as heretofore and hereby leased, may have its side lines at equal distances from the side lines of said Main Street as extended across said Tenth Street, said County and said City shall have the right to do so.

"Upon completion of said highway and subway or underpass as herein contemplated, the City agrees that said agreement of December 10, 1921, shall be vacated and for naught held as to the following described portions of said strip of land twenty-six (26) feet wide thereby leased to the City, to wit: All that portion thereof lying southerly of southerly boundary line of said Federal Aid Road as projected between the northerly boundary lines of "J" Street and the easterly boundary line of said subway or underpass, and all that portion of said strip of land twenty-six (26) feet wide lying westerly of the westerly boundary line of said subway or underpass.

"Section 2. The Receiver agrees, on completion of said Federal Aid Highway (Main Street), to contribute and pay on account of said underpass or subway, and a new single track steel girder railroad bridge with concrete abutments in accordance with plans and specifications to be furnished by the Receiver, a portion of the cost of the construction and completion of said underpass or subway and railroad bridge thereover not in excess of the sum of Eleven Thousand Dollars ($11,000) nor in any amount in excess of one-third of the cost of such construction and completion, if such cost shall be less than the sum of Thirty-three Thousand Dollars ($33,000.00) * * *."

"ARTICLE III.

"Section 7. The City agrees within sixty days from and after the date hereof to legally adopt and enact the necessary resolutions or ordinances vacating and closing, and to permanently vacate and close those portions of Tenth and "J" Streets extending across the lands, premises and right-of-way of the Railroad Company, and to erect and maintain permanent fences or other obstructions or barriers across the southerly end of said streets for the purpose of excluding the traffic and travel from said lands, premises and right-of-way."

In said case, after a public hearing held at Price, Utah, at which all interested parties appeared or were represented, the Public Utilities Commission found that public convenience and necessity required the elimination of the grade crossing of the Price-Helper highway and the substitution therefor of an underpass as applied for by the State Road Commission. The Commission further found in that case that the apportionment of the costs of an underpass as agreed to by Price, Carbon County, State of Utah, and the Denver & Rio Grande Western Railroad Company, as interested parties, was a just and reasonable apportionment, and, therefore, made its order accordingly. That order has since been fully complied with. However, in said case, this Commission made no findings and no order with respect to the closing of the Tenth Street crossing, and the advisability of so doing was not considered in that case.

Subsequently, by action of the Council of Price City, the crossings at Tenth Street and at "J" Street were closed to the public, so that no crossings over the Railroad Company's tracks existed between 8th Street, on the east, and the underpass, on the west, a distance of twenty-six hundred feet. On July 18, 1925, a petition was filed with this Commission, signed by sixty-three residents of Price, praying that the crossing at Tenth Street be reopened, or, if this were not possible, that a public crossing be opened at Ninth Street.

On July 27, 1925, the City of Price, through its Mayor and Council, petitioned this Commission, asking that a public crossing be opened at 11th Street. On September 14, 1925, one hundred twelve residents of Price

filed a petition with this Commission, asking that Ninth Street be opened as a public crossing.

These cases were duly heard by the Commission at Price, November 4, 1925; and, on March 31, 1926, the Commission rendered a decision, salient excerpts from said decision being as follows:

> "That said Price City is largely built up north of the right-of-way of the Railroad Company, and that the main business street of Price extends east and west, paralleling said right-of-way, on the north side thereof.
>
> "That there are numerous residences and some business houses in Price, south of said right-of-way, and that the only crossings now available in going from the north side of the right-of-way to the south side of Price, are situated at 8th Street and at the underpass situated at the western limits of the City.
>
> "That the municipal officers of Price and the Denver & Rio Grande Western Railroad Company have heretofore entered into an agreement for the closing of certain streets in Price, and that the several interests represented at this hearing, including Price, have been unable to agree among themselves as to where a crossing, if any, should be established and maintained between said subway and 8th Street.
>
> "That it is uncertain and undetermined as to what street, if any, might be legally opened for crossing the railroad yards of the Denver & Rio Grande Western Railroad Company, between said subway and 8th Street.
>
> "That the Denver & Rio Grande Western Railroad Company challenges the right of the municipal authorities of Price to open a street across its tracks between said subway and 8th Street, and the legal right so to do is in doubt. In all probability that question will have to be settled and determined in the courts.
>
> "The Commission, therefore, concludes and decides that it would be an idle thing for it to exercise its jurisdiction and establish a railroad

crossing at any particular place between said underpass and 8th Street, until the legal question or right to open and maintain a street leading to and across said switching-yards of the defendant has been determined by the courts, or mutually agreed upon by the contending parties now before it in this case.

"We are of the opinion that the local authorities of Price, a municipal corporation, should proceed to determine for themselves what street, if any, should be opened and laid out leading to, over, and across said railroad yards of the defendant, and take such steps to accomplish the same as will legally establish the right to open and maintain such a street, and, when that has been determined, if so disposed, renew their application to the Commission for an order establishing and for the maintenance of crossing for the accommodation and use of said street."

Upon receipt of the decision quoted above, Price City took the necessary preliminary steps toward opening Third West Street, but not as to First West, the latter street being already opened and dedicated up to the right-of-way line of the Railroad Company on both sides of the tracks. On October 6, 1926, the City filed the petition first set out in this report (Case No. 926).

Case No. 926 was heard by the Commission, October 16, 1926, at Price. It developed at the hearing that the city had changed its system of numbering and naming the streets, that 8th Street had been redesignated "Carbon Avenue," 9th Street was now known as "First West Street," and 11th Street was now known as "Third West Street," and they will be so designated throughout the remainder of this report.

A large mass of testimony was introduced, proponents of each street being represented by attorneys, in addition to the attorneys representing the City. Attorneys for the railroad appeared in vigorous opposition to the opening of either street. M. P. Braffet, representing certain property owners on Carbon Avenue, also opposed the opening of either street, on the ground that the opening of new crossings would have a tendency to divert traffic away from Carbon Avenue, and further, that there was no necessity for a crossing between Carbon Avenue and the underpass.

After a full consideration of the evidence, the Commission finds as follows:

That Price is a city of approximately four thousand population, and that the streets of said City conform to the cardinal points of the compass, that is, from north to south and from east to west.

That the direction of the Denver & Rio Grande Western Railroad through Price is about north 57 degrees fifty minutes west, and, therefore, the tracks are crossed diagonally where intersected by City streets.

That the major portion of the City is located north of the railroad tracks. The portion lying south of the tracks has a population of about two hundred people, and is also the site of a number of warehouses and other industries. Said south side at the present time is not sufficiently platted and streets are not opened so as to adequately serve the public.

That there are no railroad crossings between Carbon Avenue, on the east, to the underpass, on the west, a distance of twenty-six hundred feet.

That the underpass was constructed for the handling of traffic on the main highway running westward from Price to Castle Gate, and is of no practical value to the inhabitants of Price as far as crossing the railroad tracks from north to south, or vice versa, is concerned.

That west of Carbon Avenue and south of the railroad, the only open and dedicated streets run from north to south, and that there are no platted streets running from east to west, the inhabitants having for many years used the right-of-way of the railroad in traveling in an easterly or westerly direction.

That public convenience and necessity requires that a crossing between Carbon Avenue and the underpass be established at some point for the accommodation of the general public, and more particularly for property owners and residents living south of said railroad tracks.

That there is an obligation on the City of Price to open and construct a street running from east to west on the south side of the railroad, so that the inhabitants thereof may travel from Carbon Avenue to First, Second, and Third West Streets, without obstruction. When such a street is opened, any necessity for more than one additional crossing will be eliminated.

That in accordance with these findings, the City Council of Price has officially selected First West Street as being the proper street to open and lay out over the tracks of the said railroad, and have indicated their willingness to also open an east and west street, south of the tracks, said street to run west from the present crossing at Carbon Avenue, across First and Second West Streets, to an intersection with Third West Street, on what is locally known as "the quartersection line."

It is the judgment of the Commission that Price City should now proceed to acquire an easement or joint-user privilege over the tracks and across the railroad right-of-way at First West Street, and should also proceed with the establishment of the east and west street as outlined in the above preceding paragraph.

It is apparent that under existing conditions at Price, there is no necessity for the establishment of more than one street crossing of the yard and tracks of the Denver & Rio Grande Western Railroad Company between Carbon Avenue and the underpass. It further appears that a crossing at 9th Street, as desired by the City Commissioners of Price, will adequately serve the needs of the public for years to come. Indeed, it appears even now that the establishment of a crossing at 9th Street will subserve no good purpose, need, or convenience, until Price makes good its proposals to open up other connecting streets south of the tracks of the Denver & Rio Grande Western Railroad Company.

Therefore, this Commission is of the opinion that its order, in compliance with the wishes of the City Commissioners of Price, establishing a crossing at Ninth Street, should be made contingently and should not become effective unless and until the Commissioners of Price acquire, lay out, and open the connecting street south of the tracks and yards of the Denver & Rio Grande Western Railroad Company, as now proposed to be done by them.

An order in accordance with these findings will be issued.

(Signed) E. E. CORFHAN,
G. F. McGONAGLE,
THOMAS E. McKAY,
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 May, 1927.

In the Matter of the Application of PRICE, a Municipal Corporation, for the establishment of grade crossings at Third West Street and at First West Street, in Price City, Utah, over and across the tracks of the Denver & Rio Grande Western Railroad Company.	CASE No. 926

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 thereof:

IT IS ORDERED, That Price, a Municipal Corporation, be, and it is hereby, authorized to establish, open and lay out grade crossings at proposed First West Street (formerly known as "9th Street"), over and across the tracks of the Denver & Rio Grande Western Railroad Company, contingent, however, upon Price opening said First West Street, and this order shall not become effective unless and until the Commissioners of Price acquire, lay out, and open the proposed connecting street south of the tracks and yards of the Denver & Rio Grande Western Railroad Company, said street to run west from the present crossing at Carbon Avenue, across so-called First and Second West Streets to an intersection with Third West Street, on what is locally known as "the quartersection line."

ORDERED FURTHER, That when said streets are acquired and laid out by Price, that said grade crossings across and over the tracks of the Denver & Rio Grande Western Railroad Company be constructed and maintained by and at the sole cost and expense of the Denver & Rio Grande Western Railroad Company, and in conformity with the rules and regulations of the Public Utilities Commission of Utah.

The Commission reserves the right to make such further orders in the premises as to it may seem just and

proper from time to time, pending the completion of said crossings.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of PRICE, a Municipal Corporation, for the establishment of grade crossings at Third West Street and at First West Street, in Price City, Utah, over and across the tracks of the Denver & Rio Grande Western Railroad Company.	CASE No. 926

SUPPLEMENTAL ORDER

By the Commission:

The Commission having heretofore made and entered its order herein, authorizing Price, a Municipal Corporation, to establish, open, and lay out a grade crossing at First West Street (formerly known as Ninth Street), over and across the tracks of the Denver & Rio Grande Western Railroad, in the City of Price, Utah, contingent, however, upon Price City, the applicant, first opening the said First West Street, which said order was not to become effective unless and until the Commissioners of Price acquired, laid out, and opened a proposed connecting street south of the tracks and yards of the Denver & Rio Grande Western Railroad, said street to run west from the present crossing at Carbon Avenue across the so-called First and Second West Streets to an intersection with Third West Street, on what is known as the "quartersection line;"

And it now appearing that Price City has opened that part of First West Street not already opened over and across the tracks of the Denver & Rio Grande Western Railroad, and has also laid out, established, and opened a cross-street in Price, known as West Second South Street, and running from First West Street on what is known

as the quartersection line, westward to Third West Street, which said cross-street now connects Second and Third West Streets with First West Street, in Price City;

And it further appearing that Price City has instituted condemnation proceedings in the District Court of the Seventh Judicial District, in and for Carbon County, State of Utah, for the purpose of condemning the lands for street purposes as aforesaid, and that said proceedings are now pending in said Court, and that said court, after due notice and hearing, has issued its preliminary order of occupation, authorizing and permitting Price City to occupy said premises sought to be condemned as aforesaid;

And it further appearing that Price City has gone into the occupancy of said premises for the purpose of and is now opening up and laying out said street accordingly;

And it further appearing that there is already in existence a cross-street connecting First West Street with Carbon Avenue, which said cross-street is only approximately 150 feet south of the said quartersection line, and that said cross-street now so opened by Price City, together with the street already existing between Carbon Avenue and First West Street in Price City, will be adequate to serve the public as a connecting street between Carbon Avenue and points westward, south of the tracks of the Denver & Rio Grande Western Railroad;

And it further appearing that to continue the newly opened cross-street along said quartersection line to Carbon Avenue in strict compliance with the order of the Commission heretofore made as aforesaid, would create great expense and an unnecessary hazard, and that the same would not be necessary, because of the cross-street already as laid out and sought to be established by Price City;

Now, therefore, by reason of the premises, it is hereby ordered that the order of the Commission made and entered on the 17th day of May, 1927, as aforesaid, be, and the same is hereby, modified. That is to say, that the petition of Price City for modification of said order as filed herein on September 20, 1927, be, and the same is hereby, granted, allowed, and approved as applied for; this order not to become effective, however, unless and until the Commissioners of Price City grade and gravel the said streets, so that the same will be serviceable to the traveling public; it being the intention of the Commission that its order in this case providing a crossing upon and over the tracks of

the Denver & Rio Grande Western Railroad shall be a crossing for a street not only opened but properly kept and maintained for the purpose of subserving the needs of the general public and the residents and property owners south and west of the main business district and the railroad yards and tracks of the Denver & Rio Grande Western Railroad in Price City.

Dated at Salt Lake City, Utah, this 28th day of September, 1927.

(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 E. M. SUMNER, for permission to operate an automobile passenger stage line between Payson, Utah, and Cedar City, Utah.	CASE No. 927

Submitted October 19, 1926. Decided April 4, 1927.

Appearances:

Clarence M. Beck, of Beck & Beck, Attorneys, of Salt Lake City, Utah,	for Applicant, E. M. Sumner.
Chas. R. Root, Attorney, of Salt Lake City, Utah,	for Protestant, Los Angeles & Salt Lake R. R. Co.
E. J. Hardesty, Agent, of Salt Lake City, Utah,	for Protestant, American Railway Express Co.

H. C. Parcells, Attorney, of Parowan, Utah, } for Protestant, J. Lowe Barton.

T. W. Boyer, of Salt Lake City, Utah, } for Protestant, Salt Lake-Fillmore Stage Line.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Commission, at Cedar City, Utah, on the 19th day of October, 1926, upon the application of E. M. Sumner to operate an automobile passenger stage line, for hire, over the public highway between Payson, Utah, and Cedar City, Utah, serving all intermediate points, and the separate protests entered and filed thereto by the Los Angeles & Salt Lake Railroad Company, American Railway Express Company, J. Lowe Barton, and the Salt Lake-Fillmore Stage Line, by T. W. Boyer, due notice having been given as required by law.

Briefly stated, the application herein sets forth that the applicant proposes, if granted a certificate of public convenience and necessity, to operate an automobile stage line for hire over the public highways between Payson, in Utah County, and Cedar City, in Iron County, Utah, serving all intermediate points, particularly the towns of Nephi, Levan, Juab, Scipio, Holden, Fillmore, Beaver, Paragonah, and Parowan.

The several protestants, rail and stage lines, by their protests, in substance allege that they are common carriers of passengers between said points, and deny that public convenience and necessity requires the automobile service proposed by the applicant.

From the evidence adduced at the hearing for and in behalf of the respective parties, and from the records filed in the case, it appears:

That the applicant is a resident of Cedar City, Utah; that he proposes, if granted a certificate of public convenience and necessity, to operate an automobile stage line over the public highway between Payson, in Utah County, and Cedar City, in Iron County, via Nephi, Levan, Juab, Scipio, Holden, Fillmore, Beaver, Paragonah, and

Parowan. The distance from Payson to Cedar City is about 205 miles, and applicant proposes to make one trip each way each day over the route.

The protestant Los Angeles & Salt Lake Railroad Company is a railroad corporation, owning and operating as a part of the Union Pacific System a steam railroad carrying passengers, freight, and express between Salt Lake City, Utah, and Los Angeles, California. Its line traverses and serves the same territory proposed to be served by the applicant's proposed automobile route. It affords daily passenger service each way between Payson, Utah, and Cedar City, Utah. Its passenger service is dependable and efficient, and it affords direct service to all the principal towns, except Beaver, Paragonah, and Parowan, which have connecting automobile service.

The protestant J. Lowe Barton operates an automobile bus, carrying passengers for hire, daily, over the public highway between Paragonah and Cedar City, serving all intermediate points, including Parowan.

The protestant Salt Lake-Fillmore Stage Line operates an automobile bus, carrying passengers for hire over the public highway between Salt Lake City and Fillmore, serving all intermediate points. It is able to and stands ready to afford additional service over its route when public convenience and necessity requires the same. Passenger service by bus is also rendered out of Cedar City connecting with the day train of the protestant Los Angeles & Salt Lake Railroad at Lund, Utah, whenever needed.

From the foregoing facts, the Commission concludes and decides that while the proposed bus service of the applicant would be an added convenience to the territory sought to be served, no present necessity therefor has been shown to exist. Heretofore a number of similar applications have been made to the Commission for permission to operate an automobile stage line over the same highway. In these cases, many disinterested parties appeared as witnesses and testified to the effect that under prevailing conditions, additional bus service in competition with the existing rail and automobile service would not be for the public good. The applicant in this case has not shown that conditions have materially changed. To the contrary, it would seem that the operation of his proposed route would have a tendency to impair existing transportation facilities, without any resulting good to the general public.

The application 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 4th day of April, 1927.

In the Matter of the Application of E. M. SUMNER, for permission to operate an automobile passenger stage line between Payson, Utah, and Cedar City, Utah.	CASE No. 927

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 herein of E. M. Sumner, for permission to operate an automobile passenger stage line between Payson, Utah, and Cedar City, Utah, be, and it is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

HENRY I. MOORE and D. P. ABERCROMBIE, Receivers for the SALT LAKE & UTAH RAILROAD COMPANY, *Complainants,* vs. UTAH-IDAHO CENTRAL RAILROAD COMPANY, P. H. MULCAHY, Receiver for UTAH-IDAHO CENTRAL RAILROAD COMPANY, BAMBERGER ELECTRIC RAILROAD COMPANY, and UTAH RAILWAY COMPANY, *Defendants.*	CASE No. 928 PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, for permission to purchase and operate the railroad and appurtenant property of the GOSHEN VALLEY RAILROAD COMPANY.	CASE No. 929

ORDER

Upon motion of the applicant, The Denver & Rio Grande Western Railroad Company, and with the consent of the Commission:

IT IS ORDERED, That the application herein of The Denver & Rio Grande Western Railroad Company, for permission to purchase and operate the railroad and appurtenant property of the Goshen Valley Railroad Company, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 21st day of May, 1927.

(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 THOMAS W. PEERY, for permission to operate an automobile freight line between Heber City and Salt Lake City, Utah, via Kamas and Park City, Utah. } CASE No. 930

Submitted May 3, 1927. Decided June 22, 1927.

Appearances:

Edwin D. Hatch, Attorney, of Heber City, Utah, } for Applicant.

Robert B. Porter, Attorney, of Salt Lake City, Utah, } for Union Pacific System.

L. E. Gehan, Agent, of Salt Lake City, Utah, } for American Ry. Express Co.

P. T. Farnsworth, Jr., Attorney, of the firm Van Cott, Riter & Farnsworth, of Salt Lake City, Utah, } for Denver & Rio Grande Western Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of November 8, 1926, Thomas W. Peery, of Heber City, Wasatch County, Utah, filed with the Public Utilities Commission of Utah an application, in substance alleging:

That there is a present need for an automobile truck line, for the carrying of general freight, between Heber City and Salt Lake City, Utah, via Kamas and Park City, Utah, and from Salt Lake City to Heber City, Utah, via the same route.

That Heber City, Utah, is now served by the Denver & Rio Grande Western Railroad Company, only, for freight hauling; that Kamas is not served by any railroad line; that Park City is served by the Union Pacific Railroad and the Denver & Rio Grande Western Railroad; but that there is no railroad line between Heber City and Park City, nor is there any railroad line between Kamas and Park City, or Heber City and Kamas.

That applicant is now the owner of one International motor truck of two ton capacity, in first-class mechanical and operating condition, which truck can be used in service upon the line herein applied for; and that he is able to and can supply other and additional motor trucks when and as the same shall be required to render proper and effective service over said route.

The applicant prays that a certificate of convenience and necessity issue to him, authorizing him to operate an automobile freight line over the route above set forth; that he be authorized to carry freight to and from the termini and between the intermediate points above named, and from and to each terminus from and to each of said intermediate points.

This case came on regularly for hearing before the Commission, at its office in Salt Lake City, Utah, May 3, 1927.

Written protests were filed by the Wasatch County Farm Bureau, the Denver & Rio Grande Western Railroad Company, the Union Pacific Railroad Company, and the American Railway Express Company. The Wasatch County Chamber of Commerce protested the granting of the appli-

cation so far as hauling freight between Salt Lake City and Heber City was concerned.

After a full consideration of the record in this case, the Commission finds as follows:

That applicant, Thomas W. Peery, is a resident of Heber City and has been heretofore engaged in the operation of a truck line between the points mentioned in the application, the greater portion of his operations having been confined to the haulage, under contract, of the products of the Mutual Creamery Company into Salt Lake City.

That it has been the custom of said applicant on his return trips from Salt Lake City, to haul to Heber City and other points such commodities as he might be able to secure, destined from Salt Lake City to Heber City.

That protestant Denver & Rio Grande Western Railroad Company, operating a daily freight and express service between Salt Lake City and Park City and Salt Lake City and Heber City, is a service that adequately subserves the requirements of the public at said points.

That protestant Union Pacific Railroad Company operates a daily freight and express service between Salt Lake City and Park City, via Ogden and Echo.

That this Commission has heretofore granted a certificate of convenience and necessity for the operation of a freight truck line between Ogden and Kamas, via Echo.

That no necessity exists for additional service between the points mentioned in the application of said Thomas W. Peery.

That applicant, for some time past, has been operating as a common carrier for hire, without first securing a certificate of convenience and necessity, as provided in Section 4818, Chapter 4 of the Public Utilities Act, and that said applicant has also been in violation of Chapter 117, Laws of Utah, 1925, in that he has failed to pay the taxes therein provided for the use of the public highways.

An order denying the application will issue.

(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 June, 1927.

In the Matter of the Application of THOMAS W. PEERY, for permission to operate an automobile freight line between Heber City and Salt Lake City, Utah, via Kamas and Park City, Utah.	CASE No. 930

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, denied.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of E. B. PARRY, for permission to operate an automobile passenger stage line between Salt Lake City, American Fork City, Pleasant Grove City, and Provo, Utah, around what is known as the Timpanogos Loop.	CASE No. 931

Submitted March 30, 1927. Decided May 23, 1927.

Appearances:

D. H. Robinson, Attorney, of Provo, Utah,	for Applicant.

Dana T. Smith, Attorney of Salt Lake City, Utah, } for Los Angeles & Salt Lake Railroad Company.

F. M. Orem, of Salt Lake, } for Salt Lake & Utah R. R. Co.

L. S. Mariger, of Salt Lake City, Utah, } for Salt Lake Transportation Co.

Dan B. Shields, Attorney, of Salt Lake City, Utah, } for Bingham Stage Line Co.

REPORT OF THE COMMISSION

By the Commission:

The above entitled case came on regularly for hearing, before the Commission, at Salt Lake City, Utah, March 30, 1927, after due notice had been given.

Upon request of Mr. E. B. Parry, the applicant, the application was amended so that Salt Lake City was omitted and only the Cities of Provo, Pleasant Grove, and American Fork, Utah, included in the application. Whereupon, the Los Angeles & Salt Lake Railroad Company and the Salt Lake & Utah Railroad Company withdrew their protests.

It appears from the application that E. B. Parry is a citizen of Provo City, Utah, and seeks authority to operate an automobile passenger stage line between Provo, Pleasant Grove, and American Fork, Utah, around what is known as the Timpanogos Loop.

L. S. Mariger, for the Salt Lake Transportation Company, protested the granting of the application, upon the ground that said Salt Lake Transportation Company now has a certificate of convenience and necessity, granting permission to operate an automobile 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

public highway, to Salt Lake City, covering in its entirety the so-called Timpanogos Loop, as applied for in the present application.

E. B. Parry testified that there is a necessity for the added service as applied for, to take care of the people living in Utah County; that the present service out of Salt Lake City is not convenient for the residents of the cities and towns of said County. He stated further that these residents had spent a great deal of time and money in building and improving roads and otherwise developing and advertising this so-called Timpanogos Loop, and were desirous of and entitled to a more adequate and convenient service than now given.

The applicant further testified that he is an experienced operator of automobiles, and that he is financially able to purchase the necessary equipment to furnish an attractive, and dependable service.

It appears from all the circumstances and facts developing at the hearing, that there is now, and will continue to be, a necessity for this service, and the application should accordingly be granted.

Upon the filing of a tariff showing the rates and fares and arriving and leaving time from each station on his line, and the filing of the necessary liability insurance and bonds, as required by Chapter 114, Session Laws of Utah, 1925, a certificate of convenience and necessity granting permission to operate an automobile stage line from Provo around the Timpanogos Loop, will be granted.

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. 299.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of May, 1927.

In the Matter of the Application of E. B. PARRY, for permission to operate an automobile passenger stage line between Salt Lake City, American Fork City, Pleasant Grove City, and Provo, Utah, around what is known as the Timpanogos Loop.	CASE No. 931

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 E. B. Parry be, and he is hereby, authorized to operate an automobile passenger bus line between Provo, Pleasant Grove, and American Fork, Utah, around what is known as the Timpanogos Loop.

ORDERED FURTHER, That applicant, E. B. Parry, 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 THE MIDLAND TELEPHONE COMPANY, for permission to increase certain subscribers' rates in the Moab, Grand County, Utah, Exchange area.	CASE No. 932

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES H. WADE, for permission to withdraw from and RAY RALPHS to assume operation of automobile stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points.	CASE No. 934

Submitted March 30, 1927. Decided April 23, 1927.

Appearance:

Ray Ralphs, for Himself.

REPORT OF THE COMMISSION

By the Commission:

In a joint application filed with the Commission, November 16, 1926, James H. Wade seeks permission to discontinue and Ray Ralphs seeks permission to assume the operation of automobile passenger stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points.

The case came on for hearing at 10:30 A. M., March 30, 1927. No protests were registered. Proof of publication was filed at time of the hearing.

The evidence shows that James H. Wade has entered into a contract to dispose of all of his interest in said stage line, to Ray Ralphs; that Ray Ralphs is a citizen of the United States, over the age of twenty-one years; that he is married; that he owns a house in Ferron, Utah; and that he owns sufficient equipment to handle the present business.

The Commission finds that convenience and necessity demands bus service between Price and Emery, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points; and that Certificate of Convenience and Necessity No. 259, issued in Case No. 839, to James H. Wade, should be cancelled, and that a new certificate of convenience and necessity should be issued to Ray Ralphs, authorizing him to operate an automobile passenger stage line between Price and Emery, 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. 292.
Cancels Certificate of Convenience and Necessity No. 259.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of April, 1927.

In the Matter of the Application of JAMES H. WADE, for permission to withdraw from and RAY RALPHS to assume operation of automobile stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points.	CASE No. 934

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 Certificate of Convenience and Necessity No. 259, issued by the Commission, in Case No. 839, to James H. Wade, be, and it is hereby, cancelled and annulled; that the said James H. Wade be, and he is hereby, granted permission to withdraw from the operation of automobile stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points.

ORDERED FURTHER, That Ray Ralphs be, and he is hereby, authorized to operate automobile stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points.

ORDERED FURTHER, That Ray Ralphs, 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 JAMES H. WADE, for permission to withdraw from and RAY RALPHS to assume operation of automobile stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points.	CASE No. 934

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of April 23, 1927, the Public Utilities Commission of Utah issued Certificate of Convenience and

Necessity No. 292 (Case No. 934), authorizing Ray Ralphs to operate an automobile stage line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points, for the transportation of passengers.

The Commision now finds that, owing to the failure of Ray Ralphs to comply with Chapter 114, Session Laws of Utah, 1925, and to file with the Commission a schedule naming rates and fares and showing arriving and leaving time from each station on his line, Certificate of Convenience and Necessity No. 292 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 292 be, and it is hereby, cancelled, and the right of Ray Ralphs to operate an automobile passenger bus line between Price and Emery, Utah, via Huntington, Castle Dale, Orangeville, Ferron, Clauson, and intermediate points, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 23rd day of July, 1927.

(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 MORONI CITY, a Municipal Corporation, for permission to purchase, or construct, maintain, and operate an electric light plant for Moroni City, Utah.	CASE No. 935

ORDER

Upon motion of the applicant, Moroni City, a Municipal Corporation, and with the consent of the Commission:

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

Dated at Salt Lake City, Utah, this 18th day of October, 1927.

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

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HOWARD HOUT, for permission to transfer to J. C. WILSON all his right, title, and interest in automobile passenger stage line between Salt Lake City and Coalville, Utah. } CASE No. 936

Submitted February 2, 1927. Decided April 19, 1927.

Appearance:

Dan B. Shields, Attorney, } for Applicants.

REPORT OF THE COMMISSION

By the Commission:

On November 26, 1926, joint application of Howard Hout and John C. Wilson was filed with the Commission, for permission authorizing Howard Hout to discontinue and John C. Wilson to assume the operation of passenger stage line between Salt Lake City and Coalville, Utah.

This case came on for hearing, February 2, 1927, at ten o'clock a. m. There were no protests.

The Commission has previously determined the convenience and necessity for stage service between said points, and no apparent change in conditions now exists.

The evidence shows that applicant, John C. Wilson, has driven the stage for Howard Hout, between Salt Lake City and Coalville, for the past four or five years, except when permission was given by the Commission to temporarily abandon service on account of road conditions; that John C. Wilson is experienced and financially able to provide good equipment at all times; that he has a good reputation.

The Commission finds that Certificate of Convenience and Neccessity No. 113, issued in Case No. 422 to Howard Hout, should be cancelled and that a new certificate of convenience and necessity should be issued in favor of John C. Wilson, authorizing operation of automobile passenger stage line between Salt Lake City and Coalville, 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. 291.

Cancels Certificate of Convenience and Necessiay No. 113.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of April, 1927.

In the Matter of the Application of HOWARD HOUT, for permission to transfer to J. C. WILSON all his right, title, and interest in automobile passenger stage line between Salt Lake City and Coalville, Utah. } CASE No. 936

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 Certificate of Convenience and Necessity No. 113, issued by the Commission, in Case No. 422, to Howard Hout, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That J. C. Wilson be, and he is hereby, authorized to operate automobile passenger stage line between Salt Lake City and Coalville, Utah, under Certificate of Convenience and Necessity No. 291.

ORDERED FURTHER, That J. C. Wilson, 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 HARRY BUTLER, for permission to operate an automobile passenger stage line between Provo and Ironton, Utah.	CASE No. 937

Decided May 24, 1927.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On November 27, 1926, an application was filed with the Commission by Harry Butler, for permission to oper-

ate an automobile passenger bus line between Provo and Ironton, Utah, for the purpose of transporting employees from Provo to Ironton and return. Said employees work for the Columbia Steel Corporation.

This case was set for hearing at Provo, Utah, April 20, 1927, at ten a. m.

At the above-mentioned time and place, the Commission was present and prepared to hear all evidence and testimony in the case. No appearance was made either for or by Harry Butler at said time and place.

The Commission therefore finds that the case should be dismissed, for failure on the part of Harry Butler to make an appearance.

IT IS THEREFORE ORDERED, That the application of Harry Butler, for permission to operate an automobile passenger stage line between Provo and Ironton, Utah, be, and it is hereby, dismissed.

(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 E. D. LOVELESS and W. H. BRADFORD, co-partners, doing business as the Utah Central Transfer Company, for permission to transfer to the UTAH CENTRAL TRANSFER COMPANY, a corporation, all their right, title, and interest in auto freight line between Provo and Eureka, Utah, and intermediate points.	CASE No. 938

Submitted Feb. 14, 1927. Decided April 14, 1927.

Appearances:

Frazer & Wallis, Attorneys, of Salt Lake City, Utah,	for the Applicants.
F. M. Orem, Attorney, of Salt Lake City, Utah,	for Protestant, Salt Lake & Utah Railroad Co.
VanCott, Riter & Farnsworth, and B. R. Howell, Attorneys of Salt Lake City, Utah,	for Protestant, Denver & Rio Grande Western R. R. Co.
Dana T. Smith, Attorney, of Salt Lake City, Utah,	for Protestant, Los Angeles & Salt Lake Railroad Co.
L. E. Gehan, Agent, of Salt Lake City, Utah,	for Protestant, American Railway Express Co.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, on the 2nd day of February, 1927, at Salt Lake City, Utah, upon the application of E. D. Loveless and W. H. Bradford, Co-partners, doing business as the Utah Central Transfer Company and the Utah Central Transfer Company, a Corporation, for a certificate of public convenience and necessity, permitting the Utah Central Transfer Company, a Corporation, to operate an automobile freight line, for hire, over the public highway between Provo, Utah, and Eureka, Utah, and intermediate points; and the several protests filed thereto by the protestants, Salt Lake & Utah Railroad Company, Denver & Rio Grande Western Railroad Company, Los Angeles & Salt Lake Railroad Company, and American Railway Express Company, due notice of the hearing having been given, as required by law.

From the evidence given at the hearing for and in behalf of the respective parties, it appears:

1. That the applicants, E. D. Loveless and W. H. Bradford, were, on the 22nd of July, 1925, in P. U. C. U.

Case No. 731, given a certificate of convenience and necessity to operate an automobile freight line, for hire, over the public highway between Provo, in Utah County, and Eureka City, in Juab County, Utah, and have, since the issuance of said certificate, rendered to the public automobile freight service, for hire, between said points.

2. That the applicant, Utah Central Transfer Company, is a corporation, organized and existing under and by virtue of the laws of the State of Utah, having for its purpose, among other things, the operating and conducting of a general freight and express transportation business in the State of Utah, with its principal office and place of business at Provo, Utah.

3. That the applicant, Utah Central Transfer Company, a Corporation, proposes to take over the automobile trucks and equipment heretofore used by the applicants E. D. Loveless and W. H. Bradford, Co-partners, doing business as the Utah Central Transfer Company, and render the same service as heretofore rendered by them under said certificate issued by the Commission in Case No. 731, if granted a certificate of public convenience and necessity, permitting it so to do.

4. That the Salt Lake & Utah Railroad Company is a common carrier, operating a line of electric railroad between Salt Lake City, Utah, and Payson, Utah, with a branch line from Granger, Utah, to Magna, Utah; that it does a general interstate passenger, freight, and express business; that it operates freight trains daily between Salt Lake City and Payson, Utah, and intermediate points. It has a pick-up-and-delivery service at Salt Lake City, Magna, Lehi, American Fork, Pleasant Grove, Provo, Springville, Spanish Fork, and Payson, its terminal, in Utah County, said pick-up-and-delivery service enabling shippers of less-than-carload shipments of freight to have their shipments hauled by truck from place of business of consignor, at the point of origin, to its depot and delivered at the place of business or residence of the consignee within the city limits of the towns and cities hereinbefore mentioned, at destination. It furnishes round-trip express service over its line twice daily, in connection with the protestant American Railway Express Company, between Salt Lake City and Payson, Utah, and intermediate points.

5. That the protestant Denver & Rio Grande Western Railroad Company is a railroad corporation, operating a

line of railroad interstate between Denver, Colorado, and Ogden, Utah, and intermediate points. It also operates a branch line of railroad between Salt Lake City and Eureka, Utah, which serves the same territory served by the applicants.

6. That the protestant Los Angeles & Salt Lake Railroad Company is a railroad corporation, engaged in the business of a common carrier of freight and passengers, for hire, in this State; that it operates a line of railroad between Salt Lake City and Eureka, Utah; but does not serve any points in the territory served by the applicants between Payson and Eureka City. It affords over its line a general freight service, and, through the medium of the American Express Company, an express service.

7. That the freight and express service of the several protestant railroad carriers, including the American Railway Express Company and that of the applicants between Provo and Eureka, Utah, is largely competitive. That the pick-up-and-delivery service of the Salt Lake & Utah Railroad Company, for the accommodation of shippers, has been inaugurated since a certificate of convenience and necessity was issued to the applicants in Case No. 731.

The service heretofore rendered under the certificate issued in Case No. 731, has been a necessary service and distinctive from that of the protestant railroad carriers, in that it has afforded a pick-up-and-delivery service and has provided for shipment of property without boxing and crating, and for immediate delivery to points of destination. Said service has proven satisfactory and is desired by the patrons of the applicants' route. It is contended by the protestants that for the reason that they have ample facilities for carrying all freight and express over their respective railroad lines, that no necessity exists for the continuance of the automobile service.

It should be borne in mind that the applicants in this case have provided equipment for and are operating over an established route and are giving dependable service to the public in every way. This service was inaugurated prior to any pick-up-and-delivery service being rendered to the public by any of the protestants. It further appears that the service hereafter to be rendered by the applicant Utah Central Transfer Company, a Corporation, will be managed, if granted a certificate of convenience

and necessity, by the same parties as heretofore, and that they have financed the corporation and are primarily the only parties interested in it.

Under the circumstances, it appears to the Commission that it is just and reasonable that the applicant, Utah Central Transfer Company, a Corporation, should be permitted to continue the service heretofore rendered by the applicant Utah Central Transfer Company, a Co-partnership, consisting of E. D. Loveless and W. H. Bradford as members thereof. Moreover, a continuation of such service will mean pick-up-and-delivery service in a number of the towns between Payson and Eureka City, Utah, that is not now being afforded by any of the rail carriers nor the Express Company.

Some evidence has been offered in this case tending to show that E. D. Loveless and W. H. Bradford, co-partners, under the certificate issued in Case No. 731, have diverted the equipment used over their automobile route and used the same to render service for hire under what they term "special contract hauls," to various points in the State of Utah. It further appears that the carrying of freight by special contract has been credited to their operating revenues accounted for and reported over their automobile route, and the operating expenses in rendering such service have also been charged to the established route. This Commission does not assume to have jurisdiction over such special service for single contract hauls outside of the established route. Therefore, the same should not be charged against operating expenses in the maintenance of the established route, nor the revenues derived therefrom credited thereto. Such practices cannot be tolerated.

For the reasons stated, the Commission is of the opinion that public convenience and necessity requires the proposed automobile service, and that a certificate should be issued to the Utah Central Transfer Company, a Corporation, as applied for.

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. 290.
Cancels Certificate No. 244.

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, 1927.

In the Matter of the Application of E. D. LOVELESS and W. H. BRADFORD, co-partners, doing business as the Utah Central Transfer Company, for permission to transfer to the UTAH CENTRAL TRANSFER COMPANY, a corporation, all their right, title, and interest in auto freight line between Provo and Eureka, Utah, and intermediate points. } CASE No. 938

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. 244, issued by the Commission in Case No. 731, to E. D. Loveless and W. H. Bradford, granting them permission to operate an automobile freight line between Provo and Eureka, Utah, and intermediate points, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That the Utah Central Transfer Company, a Corporation, be, and it is hereby, authorized to operate automobile freight line between Provo and Eureka, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 290.

ORDERED FURTHER, That the Utah Central Transfer Company, a Corporation, 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 the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Ferron, Emery County, Utah.	CASE No. 940

Submitted December 4, 1926. Decided January 20, 1927.

REPORT OF THE COMMISSION

By the Commission:

Under date of December 4, 1926, 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 Ferron, Emery County, Utah.

Said franchise granted the "Utah Power & Light Company, its successors and assigns (herein called the 'Grantee'), the right, privilege, or franchise, until December 1, 1976, to construct, maintain and operate, in, along, upon and across, the present and future roads, highways and public places, in the Town of Ferron, 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."

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 conferred by franchise granted by the Town of Ferron, Emery County, 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. 285.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 20th day of January, 1927.

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 Ferron, Emery County, Utah.	CASE No. 940

This case being at issue upon application on file, and having been submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings 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, roads, highways and public places, in the Town of Ferron, 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of L. G. CHARLES, for permission to operate an automobile passenger stage line between Tooele City and Bauer, Utah.	CASE No. 942

ORDER

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

IT IS ORDERED, That the application herein of L. G. Charles, for permission to operate an automobile passenger stage line between Tooele City and Bauer, Utah, be, and it is hereby, dismissed.

Dated at Salt Lake City, Utah, this 4th day of January, 1927.

(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 PAUL D. STURN, for permission to operate an automobile passenger and express stage line between Salt Lake City, Wanship, Peoa, Oakley, Kamas, Kilkare and Tabiona, Utah. } CASE No. 943

Submitted January 26, 1927. Decided April 22, 1927.

Appearances:

Glen S. Hatch, Attorney, } for Applicant.

VanCott, Riter & Farnsworth, and B. R. Howell, Attorneys, } for Protestant, Denver & Rio Grande Western Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

On January 8, 1927, Paul D. Sturn filed with the Public Utilities Commission of Utah, an application, in substance alleging:

That applicant is a resident of Salt Lake County, Utah; that he has certain automobile equipment, consisting of one Buick 7-passenger touring automobile, one Cadillac 7-passenger touring automobile, and one Studebaker 7-passenger touring automobile, and that he is financially able to meet any requirements as the result of the allowance of this application.

That the Town of Wanship, Summit County, Utah, has a population in excess of 250 inhabitants; Peoa, Summit County, in excess of 250; Oakley, Summit County, in excess of 500; Kamas, Summit County, in excess of 800; Kilkare, Summit County, in excess of 100; and Tabiona, Duchesne County, in excess of 600. That at the present time there is no bus or stage line facilities between Salt Lake City and Wanship, and that at the present time there is no railroad, bus, or stage line facilities between

Peoa, Oakley, Kamas, Kilkare, Tabiona, and Salt Lake City, nor between any of the above named points.

That it is the desire of the applicant herein to conduct an automobile passenger and express stage line between Salt Lake City and the Towns of Wanship, Peoa, Oakley, Kamas, Kilkare, and Tabiona, Utah, making a round-trip daily, or as many trips daily as in the judgment of the Commission shall be sufficient.

That the convenience and necessity of the public residing in the towns to be served by the applicant's proposed automobile stage line, demands and requires such service.

This case came on regularly for hearing, before the Commission, at its office in Salt Lake City, Utah, January 26, 1927.

Written protests were made and filed by the Denver & Rio Grande Western Railroad Company and by Howard Hout.

The Commission, after making full investigation and giving due consideration to the evidence in this case, finds as follows:

1. That Paul D. Sturn, the applicant herein, is a resident of Salt Lake City; that he has certain automobile equipment consisting of one 7-passenger Studebaker, one 7-passenger Buick, and one 7-passenger Cadillac automobile; that said applicant is an experienced automobile operator.

2. That protestant Denver & Rio Grande Western Railroad Company is a corporation, operating a railroad within the State of Utah and other states, and is now operating a railroad between Salt Lake City and Park City, Utah.

3. That protestant Howard Hout is now operating a passenger bus line between Salt Lake City and Park City, and also operating a bus line between Salt Lake City and Coalville, via Parley's Canyon, both bus lines being operated by reason of authority granted by this Commission.

4. That petitioner's proposed line would parallel the said railroad between Salt Lake City and Kimballs, a distance of twenty-five miles, and would traverse the same route as said Salt Lake and Coalville bus line from Salt

Lake City to Wanship, via Kimballs, a distance of thirty-four miles.

Applicant disclaims any intention of hauling intermediate between Salt Lake City and Wanship, his intent being to haul only such passengers and express as may be destined to or from Salt Lake City and points beyond and including Wanship, on the proposed route.

The Commission does not find that any necessity exists for a service between Wanship and Tabiona as proposed. No witnesses appeared on behalf of the applicant. While the proposed line might be a convenience to inhabitants of Peoa, Oakley, Kamas, and Tabiona, it does not affirmatively appear that any necessity exists. The road between Kamas and Tabiona crosses the Wasatch range at an elevation of 9,400 feet, and it follows that this portion of the route would be impassable, because of weather conditions, for four or five months of the year.

The Commission is of the opinion that the application should be denied.

An order will be issued in conformity with these findings.

(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 April, 1927.

In the Matter of the Application of PAUL D. STURN, for permission to operate an automobile passenger and express stage line between Salt Lake City, Wanship, Peoa, Oakley, Kamas, Kilkare and Tabiona, Utah.	CASE No. 943

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 of Paul D. Sturn, for permission to operate an automobile passenger and express stage line between Salt Lake City, Wanship, Peoa, Oakley, Kamas, Kilkare, and Tabiona, 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 the BAMBERGER ELECTRIC RAILROAD COMPANY, a Corporation, for permission to operate a pick-up-and-delivery L. C. L. freight service between Salt Lake City and Ogden, Utah. } CASE No. 944

Submitted July 7, 1927. Decided September 13, 1927.

Appearances:

Irvine, Skeen & Thurman, Attorneys, of Salt Lake City, Utah, } for Applicant.

Wilson McCarthy, Attorney, of Salt Lake City, Utah, } for Protestant, Salt Lake-Ogden Transportation Co.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, at its office in Salt Lake City, Utah, on the application of the Bamberger

Electric Railroad Company, a corporation, for an order of the Commission permitting it to accord to its shippers a pick-up-and-delivery service at its terminals in Salt Lake City and Ogden, Utah, and the protest filed thereto by the Salt Lake-Ogden Transportation Company.

From the admitted facts shown by the records and files in the case, and from the evidence adduced for and in behalf of the respective parties, it appears:

1. That the Bamberger Electric Railroad Company is a corporation, organized and existing under the laws of the State of Utah, with its principal office and place of business in Salt Lake City, Utah, and as such corporation it is authorized to and for more than thirty years last past has operated a railroad, carrying persons and property, for hire, between Salt Lake City and Ogden and intermediate points; that as such common carrier it is and has been a "public utility" and "railroad corporation" within the meaning and subject to the provisions of Title 91, Compiled Laws of Utah, 1917, commonly known as the Public Utilities Act, and the laws of this State amendatory thereto.

2. That the protestant, Salt Lake-Ogden Transportation Company, is an "automobile corporation" under the laws of the State of Utah, with its principal office or place of business at Salt Lake City, Utah, and that as such corporation it is authorized to and is now conducting a transportation business, transporting property for hire over the public highway between Salt Lake City and Ogden, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 103 (Case No. 486), issued, March 14, 1922, by the Public Utilities Commission.

3. That the applicant, Bamberger Electric Railroad Company, proposes herein, if permission is so granted by the Commission, to afford to shippers over its railroad line a pick-up-and-delivery service at its terminals, Salt Lake City and Ogden.

4. That the protestant, Salt Lake-Ogden Transportation Company, is now and has for several years last past been giving a pick-up-and-delivery service between Salt Lake City and Ogden and intermediate points.

5. That jobbers, wholesale merchants, and various shippers of freight and express, between Ogden and Salt Lake City, to the number of thirteen, have represented to

the Commission that a pick-up-and-delivery service, if accorded by the Bamberger Electric Railroad, would be a great convenience to them and to the shipping public in general; that others, to the number of four, have represented to the Commission that the pick-up-and-delivery service now being rendered by the protestant, Salt Lake-Ogden Transportation Company, between Salt Lake City and Ogden and intermediate points, is dependable and satisfactory.

6. That Salt Lake City and Ogden are the two largest cities in the State of Utah, and, while there are a number of intermediate points, the freight and express traffic afforded by them as compared with Salt Lake City and Ogden is small.

It is contended by the protestant that by reason of its now rendering efficient and dependable pick-up-and-delivery service at all points served by its automobile route, and for the further reason that it is first in time under the orders of the Commission to afford such service, the same right or privilege should not now be accorded to the petitioner as a railroad operator; and further, that the granting of similar rights to those the protestant now enjoys would create a competitive situation that would not enure to the benefit of the public.

While it is true that the pick-up-and-delivery service rendered by the protestant to shippers patronizing its route is shown to be satisfactory to the public, the Commission takes the view that if shippers by rail desire a similar service at the hands of the petitioner, no good or valid reason can be assigned under the facts shown by the record in this case why the Commission should not grant it permission to do so. Why, may we ask, should any common carrier be limited in the manner of making its service as convenient and as desirable as conditions will reasonably permit? It may be, as claimed, that the rendering of a pick-up-and-delivery service as proposed by the petitioner will deprive the protestant of some traffic that it is now receiving. Nevertheless, where competitive conditions are shown to exist, shippers have a right to choose such facilities as are afforded them and determine for themselves as to who may best serve their interests. Then too, there is a wide distinction, we think, from the standpoint of public convenience and necessity, between the right to operate an established line or route and the granting of a right to accord more convenient and better

service by a utility that is already required to operate under competitive conditions.

It might be that the building of a warehouse or spur track by the petitioner for the convenience of the shipping public would result in the taking away of some traffic that the protestant now enjoys. It might be that the operation of more trains or some new type of car affording more convenient ways of loading and unloading freight would prove attractive to certain shippers by rail, and the providing of same by petitioner would result in taking from protestant some traffic that it might otherwise enjoy. Nevertheless, the right of petitioner to accord improved service or conveniences for the accommodation of shippers must be regarded in the interest of the public, and as paramount to any right of the protestant to maintain a monopoly in that regard.

We can but conclude that the right of the Bamberger Electric Railroad Company to accord to its patrons a pick-up-and-delivery service as applied for should, in the interest of the public, be granted, subject to discontinuance, however, only upon a proper showing made to the Commission that public interest does no longer require the same.

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 13th day of September, 1927.

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, a Corporation, for permission to operate a pick-up-and-delivery L. C. L. freight service between Salt Lake City and Ogden, Utah.	CASE No. 944

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 Bamberger Electric Railroad Company, a Corporation, be, and it is hereby, authorized to accord to its patrons a pick-up-and-delivery service at its terminals, Salt Lake City and Ogden, Utah.

ORDERED FURTHER, That this order shall be effective one day after the Bamberger Electric Railroad Company has filed with the Commission its tariff covering said proposed pick-up-and-delivery service.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STERLING TRANSPORTATION COMPANY, a Corporation, for permission to operate an automobile passenger and express bus line between Salt Lake City and all points within the Uintah Basin.	CASE No. 945

ORDER

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

IT IS ORDERED, That the application herein of the Sterling Transportation Company, a Corporation, for permission to operate an automobile passenger and express bus line between Salt Lake City and all points within the Uintah Basin, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 26th day of September, 1927.

(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. W. BOYER, Trustee, for permission to have Certificate of Convenience and Necessity No. 214 (Case No. 690), in the name of T. M. GILMER, transferred to T. W. BOYER, Trustee.	CASE No. 946

Submitted January 26, 1927. Decided February 8, 1927.

Appearances:

T. W. Boyer,	Applicant.
Dana T. Smith, Attorney,	for Los Angeles & Salt Lake Railroad Co., Protestant.
VanCott, Riter & Farnsworth and B. R. Howell, Attorneys,	for Denver & Rio Grande Western Railroad Co., Protestant.
F. M. Orem, Attorney,	for Salt Lake & Utah Railroad Co., Protestant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Commission, at its office in the State Capitol, Salt Lake

City, Utah, on the 26th day of January, 1927, due notice thereof having been given as required by law.

Protests were entered and filed by the Los Angeles & Salt Lake Railroad Company, Denver & Rio Grande Western Railroad Company, and Salt Lake & Utah Railroad Company.

In substance, the application of T. W. Boyer, Trustee, sets forth that the applicant has purchased all the equipment owned and used heretofore by T. M. Gilmer in giving public automobile service over the public highway between Salt Lake City and Fillmore, Utah, under Certificate of Convenience and Necessity No. 214, issued by the Public Utilities Commission of Utah, in Case No. 690, and that applicant trustee now desires to continue said automobile bus service between said points for the owners of said automobile equipment, R. J. Raddatz, Hilda F. Boyer, Fred C. Dern, J. W. Scholefield, and Fannie Loscombe, if granted a certificate of public convenience and necessity by the Commission authorizing and permitting him as trustee so to do.

Protestants set forth, in substance, in their several protests, that they are railroad carriers, affected by said bus line operation, and that public convenience and necessity does not require the continued operation of said bus line.

From the evidence adduced at the hearing for and in behalf of the respective parties, it appears:

1. That the applicant, T. W. Boyer, as Trustee for and in behalf of E. J. Raddatz, Fred C. Dern, Hilda F. Boyer, J. W. Scholefield, and Fannie Loscombe, purchased, on or about January 6, 1925, all the automobile equipment used in the operation of the bus line over the public highway between Salt Lake City and Fillmore, Utah, said line having theretofore been operated by one T. M. Gilmer, under the name and known as the "Salt Lake-Fillmore Stage Line," having its office in the Beason Building, Salt Lake City, Utah, said bus service being the same and no other than that inaugurated by one Joseph Carling between said points, under Certificate of Convenience and Necessity No. 48, in Case No. 148, decided June 10, 1919, and continued by the granting of Certificate No. 214, in Case No. 690.

2. That protestant Denver & Rio Grande Western

Railroad Company is an interstate, steam railroad, carrying passengers, freight, and express, for hire, between Ogden, Utah, and Denver, Colorado; that as a part of its railroad system, it owns and operates in the State of Utah a branch line between Salt Lake City and Eureka, Utah, serving intermediate points, by operating a passenger and express train daily.

3. That the protestant Salt Lake & Utah Railroad Company is a railroad corporation, owning and operating an electric line of railroad between Salt Lake City and Payson, Utah, serving intermediate points, and that it is affording passenger, freight, and express service by operating several trains daily between said points.

4. That the protestant Los Angeles & Salt Lake Railroad Company is a part of the Union Pacific System; that it is a common carrier of passengers, freight, and express, over a steam railroad extending from Salt Lake City to Fillmore, Utah, and operates a passenger train daily between said points.

5. That each of the protesting railroad carriers provide over their respective lines ample equipment for and are giving safe, prompt, convenient, and efficient passenger, freight, and express service; but do not serve all points heretofore served by said bus line; that the automobile service proposed to be rendered by the applicant herein is service that has been afforded to the public continuously since June 10, 1919, when this Commission issued Certificate of Convenience and Necessity No. 48, in Case No. 148, to said Joseph Carling; that said bus service has since been rendered by one round-trip each week, between Salt Lake City and Fillmore, Utah; that practically the same conditions now prevail as did when said Certificate No. 48 was issued by the Commission, and a continuance thereof was authorized by Certificate No. 214.

6. That public convenience and necessity still requires the continuation of said bus service as applied for herein by applicant, to wit: One round-trip each week between Salt Lake City and Fillmore, Utah, including intermediate points.

From the foregoing facts, the Commission concludes and decides that the applicant herein should be permitted to operate an automobile bus line, carrying passengers and express between Salt Lake City and Fillmore, Utah, including intermediate points, by making one round-trip each

week, and no more, between said points, that being the same service as heretofore rendered between said points under Certificate of Convenience and Necessity No. 48, issued in Case No. 148, decided June 10, 1919, and under Certificate No. 214, issued in Case No. 690, decided December 30, 1924.

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. 286.

Cancels Certificate of Convenience and Necessity No. 214.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of February, 1927.

In the Matter of the Application of T. W. BOYER, Trustee, for permission to have Certificate of Convenience and Necessity No. 214 (Case No. 690), in the name of T. M. GILMER, transferred to T. W. BOYER, Trustee. } CASE No. 946

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 Certificate of Convenience and Necessity No. 214, issued by the Commission in Case No. 690, to T. M. Gilmer, be, and it is hereby, cancelled and

annulled; that T. W. Boyer, Trustee, be, and he is hereby, authorized to operate an automobile passenger and express stage line between Salt Lake City and Fillmore, Utah, including intermediate points, making one round-trip each week, and no more, between said points.

ORDERED FURTHER, That applicant, T. W. Boyer, Trustee, 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 B. L. COVINGTON to withdraw from and CHESTER A. WHITEHEAD to assume operation of automobile passenger stage line between St. George and Cedar City, Utah.	CASE No. 947

Submitted February 7, 1927. Decided February 11, 1927.

Appearance:

D. H. Morris, Attorney, St. George, Utah, for Applicants, B. L. Covington and Chester A. Whitehead.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Cedar City, Utah, on the 7th day of February, 1927, after due notice given as

required by law, and the Commission, after making due investigation and giving due consideration to the evidence presented at said hearing, now finds and concludes as follows:

1. That heretofore the applicant, B. L. Covington, has maintained and operated over the public highway between Cedar City and St. George, Utah, an automobile passenger line, for hire, under Certificate of Convenience and Necessity No. 266, issued by the Public Utilities Commission of Utah, June 30, 1926, in Case No. 883.

2. That B. L. Covington now desires to discontinue the giving of said service, and to sell and dispose of all his equipment used by him in the giving of said service, to the applicant, Chester A. Whitehead, of St. George, Utah.

3. That said Chester A. Whitehead is an experienced, capable, and efficient operator of automobiles, and is financially able to properly equip and maintain an automobile passenger stage line between St. George and Cedar City, Utah, and intermediate points.

4. That there is no railroad service or any other 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 B. L. Covington. .

Wherefore, the Commission finds that the said B. L. Covington should be authorized and permitted to withdraw from the giving of automobile stage line service between St. George and Cedar City, Utah, and to sell and transfer to the applicant, Chester A. Whitehead, the automobile equipment used by him in giving such service; that the public convenience and necessity requires the continuance of such service, and that a certificate of convenience and necessity should be issued to the applicant, Chester A. Whitehead, authorizing and permitting him to operate and maintain an automobile passenger stage line, for hire, between St. George and Cedar City, Utah, and intermediate points, subject, however, to all provisions of the statutes of Utah and the orders, rules, and regulations of the Public Utilities Commission of Utah.

An appropriate order will follow.

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. 287.

Cancels Certificate of Convenience and Necessity
No. 266.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 11th day of February, 1927.

In the Matter of the Application of B. L. COVINGTON to withdraw from and CHESTER A. WHITEHEAD to assume operation of automobile passenger stage line between St. George and Cedar City, Utah. } CASE No. 947

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 Certificate of Convenience and Necessity No. 266, issued to B. L. Covington in Case No. 883, be, and it is hereby, cancelled and annulled, and said B. L. Covington authorized to withdraw from operation of automobile passenger stage line between St. George and Cedar City, Utah.

ORDERED FURTHER, That Chester A. Whitehead be, and he is hereby, granted permission to operate automobile passenger stage line between St. George and Cedar City, Utah.

ORDERED FURTHER, That applicant, Chester A. Whitehead, 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 the BAMBERGER ELECTRIC RAILROAD COMPANY, for permission to increase its one-way and round-trip fares between Salt Lake City and Ogden, Utah, and intermediate points.	CASE No. 948

Submitted March 14, 1927. Decided April 12, 1927.

Appearances:

Irvine, Skeen & Thurman, Attorneys, of Salt Lake City, Utah,	for Applicant, Bamberger Electric Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

On February 4, 1927, the Bamberger Electric Railroad Company, a Corporation, filed with the Public Utili-

ties Commission of Utah an application, in substance alleging:

That applicant is a corporation, organized and existing under and by virtue of the laws of the State of Utah; that it is, and at all the times herein mentioned, was the owner of and operating a railroad system, extending from Salt Lake City, Utah, to Ogden, Utah; that its cars and trains are propelled by electric power; that it operates both freight and passenger cars and trains over said line, and is engaged in a general commercial railroad business; that applicant connects with and has joint terminal facilities with the Salt Lake & Utah Railroad Company at Salt Lake City, Utah, and connects with and has joint terminal facilities with the Utah Idaho Central Railroad Company at Ogden, Utah; that applicant, together with the said Salt Lake & Utah Railroad Company and the said Utah Idaho Central Railroad Company, serves the territory extending from Payson, Utah County, Utah, on the south, to Preston, Franklin County, Idaho, on the north; that the Oregon Short Line Railroad Company and the Denver & Rio Grande Western Railroad Company, each operated by steam, parallel applicant's line between Salt Lake City and Ogden, Utah.

That the one-way fares charged by the Bamberger Electric Railroad Company between Salt Lake City and Ogden, Utah, and intermediate points, are based on a charge of approximately 2¾c per mile, with a minimum fare of 15c, and that the round-trip fares are based on a charge of 180% of said one-way fares, with a minimum of 25c.

That the one-way fares of the Salt Lake & Utah Railroad Company, between Payson, Utah County, Utah, and Salt Lake City, Salt Lake County, Utah, and intermediate points, and the one-way fares of the Utah Idaho Central Railroad Company, between Ogden, Weber County, Utah, and Preston, Franklin County, Idaho, and intermediate points, are based on a charge of approximately 3c per mile, and the round-trip fares of said Salt Lake & Utah Railroad Company and the Utah Idaho Central Railroad Company are based on a charge of approximately 180% of said one-way fares.

That applicant and the Utah Idaho Central Railroad Company now have on file with this Commission, a Joint Passenger and Baggage Tariff, U. I. C. No. 4-C, B. E. R. R. No. 10-C, P. U. C. U. No. 111; that the one-way fares in

said joint tariff between points south of Ogden on the Bamberger Electric Railroad and points north of Ogden on the Utah Idaho Central Railroad, are based on a charge of approximately 3c per mile, and that the round-trip fares in said joint tariff are based on a charge of approximately 180% of said one-way fares, and that as a result of the rates in said joint tariff, the joint through-rate between points on the Bamberger Electric Railroad and points on the Utah Idaho Central Railroad is greater than the sum of existing local rates.

That the existing first-class one-way and round-trip fares between Salt Lake City and Ogden, Utah, and intermediate points, as charged by the Oregon Short Line Railroad Company and Denver & Rio Grande Western Railroad Company, are based on a charge of approximately 3.6c per mile.

That for more than six years last past, the revenue from passenger travel on applicant's railroad has shown a yearly decrease of approximately $35,000.00, or a total over said period of $214,039.41, and that to enable applicant to continue to give to the public adequate and efficient passenger service, additional revenue must be obtained.

That the Bamberger Transportation Company, a corporation of the State of Utah, was organized during the forepart of December, 1926, for the purpose of conducting a passenger and express service between Salt Lake City and Ogden, Utah, and intermediate points; that said corporation is a subsidiary of applicant and that a certificate of convenience and necessity has heretofore been granted to said corporation by this Commission, and that it is the desire of said Bamberger Transportation Company and applicant to operate a co-ordinated service between Salt Lake City and Ogden, Utah, and intermediate points.

That the existing first-class one-way and round-trip fares between Salt Lake City and Ogden, Utah, and intermediate points, as charged by said Bamberger Transportation Company are published in its Local Passenger Tariff No. 100 P. U. C. U. No. P-1, Item 9; that said one-way fares are based on a charge of approximately 3⅓c per mile, and that said round-trip fares are based on a charge of approximately 180% of said one-way fares. That in the event the request of petitioner, made herein, is granted, it is the purpose of said Bamberger Transportation Com-

pany to supplement its tariff so that its first-class one-way and round-trip fares between Salt Lake City and Ogden, Utah, and intermediate points, will equal the first-class fares of petitioner, as proposed herein, and that said first-class tickets of the two Companies will be interchangeable.

That it is the purpose of the Bamberger Transportation Company, in the event applicant's request herein is granted, to resume the operation of bus service between Salt Lake City and Ogden, Utah, and intermediate points, co-ordinating said service with the service furnished by petitioner.

The applicant desires to alter, change and amend its first-class one-way and round-trip fares between Salt Lake City and Ogden, Utah, and intermediate points, by increasing the same approximately 10%, so that said first-class one-way fares will be based on a charge of approximately 3c per mile, with a minimum fare of 20c, and said first-class round-trip fares will be based on a charge of 180% of said proposed first-class one-way fares, with a minimum fare of 35c.

That it is not the purpose of petitioner to change or amend any of the existing fares as now published in B. E. R. R. Local Passenger Tariff No. 11, P. U. C. U. No. P-108, other than to increase first-class one-way and round-trip fares as noted herein.

Applicant prays that the Commission issue its order, authorizing the Bamberger Electric Railroad Company to alter, change, and amend Item 26 of its Local Passenger Tariff No. 11, P. U. C. U. No. P-108, as hereinbefore set out.

This matter came on regularly for hearing, before the Commission, at Ogden, Utah, March 14, 1927.

No protestants appeared and no written protests against the granting of the petition were filed with the Commission.

In support of the application, petitioner filed exhibits as follows:

Statement showing investment and return from the year 1920, to and including 1926, indicating that the gross income of the road had decreased from $184,597.41, in 1920, to $89,344.52, in 1926, and that the net income after bond interest had decreased from $112,661.25, in 1920, to $2,551.36, in 1926.

Statement showing that the Salt Lake & Utah Railroad, connecting at Salt Lake and running between Salt Lake and Payson, and the Utah Idaho Central Railroad, connecting at Ogden and running between Ogden and Preston, Idaho, were receiving substantially higher fares for comparative service than was the applicant's railroad.

Statement showing applicant's proposed schedule of rates.

From the evidence adduced at the hearing, and after full investigation, the Commission finds as follows:

That if the Bamberger Electric Railroad Company is to continue to render proper service to the public, additional revenue must be obtained. The proposed increase will not affect commutation tickets nor school tickets, but will apply to the occasional rider only. It is estimated that this increase will amount to about $12,000.00 annually.

That while the one-way fare between Salt Lake and Ogden will be increased from $1.00, as at present, to $1.10, the fare on the passenger bus line operated by applicant between the same points will be reduced from $1.25 to $1.10, this arrangement permitting an interchange of tickets and allowing the public to travel either by bus or by train for the same fare.

From the foregoing facts, the Commission concludes and decides that the application of the petitioner should be granted. It is apparent that the depletion of the revenues of the interurban railroads by reason of the competition of the private automobile, has not been checked, and the Commission feels that in the interest of the general public, these roads should be afforded every reasonable opportunity to maintain and improve their 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 12th day of April, 1927.

In the Matter of the Application of the BAMBERGER ELECTRIC RAILWAY COMPANY, for permission to increase its one-way and round-trip fares between Salt Lake City and Ogden, Utah, and intermediate points. } CASE No. 948

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 Bamberger Electric Railroad Company be, and it is hereby, authorized to alter, change, and amend its first-class one-way and round-trip fares between Salt Lake City and Ogden, Utah, and intermediate points, by increasing the same approximately 10%, so that said first-class one-way fares will be based on a charge of approximately 3c per mile, with a minimum fare of 20c, and said first-class round-trip fares will be based on a charge of 180% of said proposed first-class one-way fares, with a minimum fare of 35c.

ORDERED FURTHER, That the Bamberger Transportation Company be, and it is hereby, authorized to change and amend its local Passenger Tariff No. 100, P. U. C. U. No. P-1, Item 9, so that its first-class one-way and round trip fares for transportation over its automobile stage line between Salt Lake City and Ogden, Utah, and intermediate points, will equal the first-class fares of the Bamberger Electric Railroad Company, as proposed herein, and that said first-class tickets of the two Companies will be interchangeable.

ORDERED FURTHER, That the above changes in fares shall become effective, April 17, 1927.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of VIRGIL L. FERRIN and WILLIS P. WHITE, doing business as Ferrin and White Transfer Company, for permission to operate an automobile freight line between Ogden and Kamas, Utah, via Weber Canyon and Echo, Utah.	CASE No. 949
In the Matter of the Application of LESTER A. BOLINDER, for permission to operate an automobile freight line between Salt Lake City and Kamas, Utah, via Weber Canyon, Peterson, Morgan, Devil's Slide, Henefer, Peoa, Wanship, Rockport, Oakley, Utah.	CASE No. 950

Submitted March 15, 1927. Decided April 29, 1927.

Appearances:

David J. Wilson, Attorney, of Ogden, Utah,	for Applicants, Virgil L. Ferrin and Willis P. White.
Jos. R. Haas, Attorney, of Salt Lake City, Utah,	for Applicant, Lester A. Bolinder.
Dana T. Smith, Attorney, of Salt Lake City, Utah,	for Protestant, Union Pacific System.
L. E. Gehan, Agent, of Salt Lake City, Utah,	for Protestant, American Railway Express Co.

REPORT OF THE COMMISSION

By the Commission:

These matters came on regularly for hearing, before the Commission, at its office in the State Capitol, Salt Lake City, Utah, March 15, 1927, at Ten A. M., after due notice given, upon the two applications filed and the protests thereto.

For the reason that the two applications cover practically the same route and affect the same highway, the Commission ordered the two cases combined into one hearing for consideration and determination; the order being concurred in by all interested parties.

From the evidence adduced at the hearing for and in behalf of the respective parties, it appears:

That the applicants Virgil L. Ferrin and Willis P. White, Case No. 949, are residents of Ogden, Weber County, State of Utah, and are jointly operating a general transfer and storage business under the name of Ferrin & White Transfer Company, at No. 239 Twenty-fifth Street, Ogden, Utah, and that Ogden City is the principal place of business.

That said applicants are desirous of obtaining a certificate of convenience and necessity to establish and operate an automobile truck line over the public highways of the State of Utah, from Ogden City, through Weber Canyon, thence to Echo, Utah, thence along the main highway to Kamas, Utah, for the purpose of conveying property for hire and to meet the public convenience in the transportation of such property as may be tendered the applicants for transportation from Ogden City, through Weber Canyon to Peterson, Utah, thence to Morgan, Utah, thence to Devil's Slide, Henefer, Echo, Coalville, Hoytsville, Wanship, Pooa, Oakley, to Kamas, all in the State of Utah.

That the applicant Lester A. Bolinder, Case No. 950, is a resident of Grantsville, Tooele County, State of Utah, and is at present engaged in operating the Grantsville-Salt Lake Stage Line, under Certificate No. 269.

That said applicant desires to operate an automobile freight and express line from Salt Lake City, Utah, into Weber Canyon, Utah, and into and through Peterson, Morgan, Devil's Slide, Henefer, Echo, Coalville, Hoytsville, Peoa, Wanship, Rockport, Oakley, and to Kamas, all being in the State of Utah, and, with the exception of Salt Lake City to Weber Canyon, covering exactly the same route as that desired to be served by applicants Ferrin and White.

The cases came on regularly for hearing, in the manner provided by law, Tuesday, March 15, 1927.

Testimony was received in support of the applications, to the effect that applicants in both cases are equipped

with motor trucks sufficient to convey such property as will be offered to them for transportation by the public; and are ready, able, and willing to make such additional investments from time to time as may be necessary to meet the public convenience.

Applicants also testified that there is no other motor truck or other transportation line serving the general public over the highways of the State, through direct service, in operation at this time, over the route proposed by the applicants, and that the people of the communities through which the applicants propose to operate are desirous of the additional or pick-up-and-delivery service furnished by trucks. A petition signed by various business houses and leading citizens throughout the territory proposed to be served by the applicants, was introduced in Case No. 949. Mr. White, one of the said applicants, circulated the petition and testified as to the signatures. It was also brought out in Mr. White's testimony that in the operation of a freight line from Salt Lake City over the proposed route, it would be necessary to go practically to Ogden and then take the Weber canyon road; and also, in his opinion, that there was not sufficient business in the towns included in the applications to support two truck lines.

He further testified that there is at the present time no public transportation line for the transportation of property serving the towns of Kamas, Oakley, and Peoa, Utah.

The Union Pacific Railroad Company, a Corporation, made written protest against the application of Virgil L. Ferrin and Willis P. White, doing business as Ferrin & White Transfer Company, Case No. 949; and in Case No. 950, in the matter of the application of Lester A. Bolinder, the Union Pacific Railroad Company and the Oregon Short Line Railroad Company protested, on the ground, in both cases, that the railroad companies are engaged in operating a steam line of railroad between Salt Lake City, Ogden, and Park City, Utah, and intermediate points, and are furnishing adequate transportation service, both freight and express, throughout that territory, and that public convenience and necessity do not require that any further or additional service be furnished therein.

Testimony was introduced by protestant Union Pacific Railroad Company, by witnesses representing the County

Commissioners from Weber, Davis, Morgan, and Summit Counties, also by a representative merchant from Morgan, Utah, and one from Coalville, Utah; all of said witnesses testifying that the freight service furnished by the railroad at the present time is adequate for the necessities of the communities between Ogden and Coalville, Utah, and that they were opposed, unless an actual necessity existed, to the operation of buses on our public highways which parallel railroads.

After giving due consideration of all the evidence, the Commission is of the opinion that, although a major part of the territory covered in the applications is served by the Union Pacific Railroad, the automobile service is a service which is different from that which is provided by steam railroads,—it is different in that it calls for freight at the warehouse of shipper and delivers same in the warehouse of consignee, thus requiring handling only twice, as compared with six or more times via the steam lines; and further, the towns beyond Coalville are at the present time without direct service, either by steam railroads or motor vehicles; that there is a necessity for this new service, and that a certificate of convenience and necessity should be issued.

There is no necessity, however, for two automobile freight lines, and, because of the somewhat crowded condition of the highway between Salt Lake City and Ogden, and this district already being served by an automobile freight line, the application of Lester A. Bolinder, to operate an automobile freight line between Salt Lake City and Oakley, Utah, and intermediate points, should be denied. The application of Virgil L. Ferrin and Willis P. White, doing business as Ferrin and White Transfer Company, for permission to operate an automobile freight line between Ogden and Kamas, Utah, via Weber Canyon and Echo, Utah. (Case No. 949) should, however, be granted; before a certificate of convenience and necessity is issued, the applicants, Ferrin and White, to file with the Commission the necessary liability insurance and bond, as required by Chapter 114, Session Laws of Utah, 1925, and also a schedule of rates.

An appropriate order will follow, denying the application of Lester A. Bolinder, in Case No. 950; and granting

Ferrin and White, applicants in Case No. 949, a certificate of convenience and necessity as applied for.

(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. 297.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of April, 1927.

In the Matter of the Application of VIRGIL L. FERRIN and WILLIS P. WHITE, doing business as Ferrin and White Transfer Company, for permission to operate an automobile freight line between Ogden and Kamas, Utah, via Weber Canyon and Echo, Utah.	CASE No. 949
In the Matter of the Application of LESTER A. BOLINDER, for permission to operate an automobile freight line between Salt Lake City and Kamas, Utah, via Weber Canyon, Peterson, Morgan, Devil's Slide, Henefer, Peoa, Wanship, Rockport, Oakley, Utah.	CASE No. 950

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 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 in Case No. 949 be, and it is hereby, granted; that Virgil L. Ferrin and Willis P. White, doing business as Ferrin and White

Transfer Company, be, and they are hereby, authorized to operate an automobile freight line between Ogden and Kamas, Utah, via Weber Canyon and Echo, Utah.

ORDERED FURTHER, That Virgil L. Ferrin and Willis P. White, 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.

ORDERED FURTHER, That the application of Lester A. Bolinder (Case No. 950), for permission to operate an automobile freight line between Salt Lake City and Kamas, Utah, via Weber Canyon, Peterson, Morgan, Devil's Slide, Henefer, Peoa, Wanship, Rockport, and Oakley, 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 the UTAH POWER & LIGHT COMPANY, for permission to exercise the rights and privileges conferred by franchise granted by the City of Tooele, Utah.	CASE No. 951

Submitted February 23, 1927. Decided March 19, 1927.

REPORT OF THE COMMISSION

By the Commission:

Under date of February 23, 1927, 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 Tooele, Utah.

Said franchise grants the "Utah Power & Light Company, its successors and assigns (herein called the 'Grantee'), the right, privilege, or franchise, until February 1, 1957, to construct, maintain and operate in the present and future streets, alleys, and public places, in Tooele, 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."

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 Tooele, 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. 289.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of March, 1927.

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 Tooele, Utah. } CASE No. 951

This case being at issue upon application on file, and having been submitted by the parties, and full investigation of the matters and things involved having been had,

and the Commission having, on the date hereof, made and filed a report containing its findings 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 City of Tooele, 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) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Investigation of Railroad Rates on Grain and Grain Products applicable to intrastate traffic in Utah.	CASE No. 952

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to put into effect certain rates for service at its proposed Green River Exchange.	CASE No. 953

Submitted March 23, 1927. Decided April 7, 1927.

Appearance:

Orson John Hyde, Utah Manager, for Applicant, Mountain States Telephone & Telegraph Co.

REPORT OF THE COMMISSION

By the Commission:

The Mountain States Telephone & Telegraph Company filed an application with the Public Utilities Commission of Utah, February 26, 1927, in substance alleging:

That it is a corporation, duly organized and existing under the laws of the State of Colorado, and authorized to do business in the State of Utah; that it has for several years past conducted, and now is conducting, a general telephone business in the State of Utah.

That Hulda J. Green, of the town of Green River, Emery County, State of Utah, and the Estate of Leonard H. Green, Incompetent,—Hulda J. Green, Guardian,—are the owners and operators of a certain telephone plant and property located in the town of Green River, Emery County, Utah; that a small portion of said property, consisting of rural subscriber stations and lines connected thereto, is located in the County of Grand, in the State of Utah; that said property is not owned by a corporation but is owned as aforesaid, and is operated under the name and style of The Green River Valley Telephone Company.

That applicant has heretofore agreed to purchase from Hulda J. Green and Hulda J. Green as Guardian, the said property, and intends to take possession thereof

on March 1, 1927; that said property has depreciated in value and service, and has not been maintained in such condition as to meet the increased demands for service in the territory served by the said plant and property; that applicant, The Mountain States Telephone & Telegraph Company, proposes to make additions and betterments to the said plant, in order that the demands for service may be met and that the service may be improved.

That the rates now charged for exchange service by the said Hulda J. Green, operating the said property under the name and style of The Green River Valley Telephone Company, are:

Individual line, urban business....	$36.00 per annum
Individual line, urban residence..	24.00 per annum
Two-party line, urban residence...	21.00 per annum
Multi-party line, urban residence..	18.00 per annum

That applicant proposes to put into effect, upon the purchase of said property, the following rates for exchange service:

Individual line, urban business...	$48.00 per annum
Two-party line, urban business...	42.00 per annum
One-party line, urban residence..	27.00 per annum
Four-party line, urban residence..	21.00 per annum

That no rates for rural service are now quoted for the Green River Exchange; that applicant proposes to put into effect, upon the purchase of said property, standard zone rates for the furnishing of rural service, which are as follows:

Rural, Business	$48.00 per annum
Rural, Residence	24.00 per annum

The above rural rates to apply within a radius of six miles from the central office. Twenty-five cents (25c) additional for each three miles or fraction thereof beyond six miles from central office.

That the rates proposed are just and reasonable, and are necessary in order that adequate service may be rendered to the subscribers affected; that the classes of service proposed to be rendered, and the rates proposed to be charged therefor, are comparable to the charges in other exchanges of similar size and situation in the State of Utah.

The Mountain States Telephone & Telegraph Com-

pany prays that said proposed classes of service, and the schedule of rates therefor, be adopted, approved, and made effective upon the purchase of the said properties.

This case came on regularly for hearing, before the Commission, at Green River, Utah, March 23, 1927.

The evidence at the hearing showed that, as set forth in the application, the plant at Green River had been purchased by The Mountain States Telephone & Telegraph Company, the consideration being $5,000.00.

There are one hundred twenty stations on the line, and petitions were filed signed by persons representing ninety-five stations, asking that the rates prayed for be granted. There were no protestants.

Applicant is expending $3,759.00 in betterments, in order to bring the system up to the standard of similar exchanges operated by said Company in other parts of the State.

The Commission finds that the proposed rates and charges are necessary and reasonable and should be approved. It is estimated that these rates will produce a monthly rental revenue of $259.25 and that the total monthly expense, without depreciation, taxes, interest on the investment, or general overheads, will amount to $292.50.

An order will issue.

(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 7th day of April, 1927.

In the Matter of the Application of THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to put into effect certain rates for service at its proposed Green River Exchange. } CASE No. 953

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 Mountain States Telephone & Telegraph Company be, and it is hereby, authorized to charge and put in effect the following rates for exchange service at its Green River Exchange:

Individual line, urban business	$48.00 per annum
Two-party line, urban business	42.00 per annum
One-party line, urban residence	27.00 per annum
Four-party line, urban residence	21.00 per annum

and the following standard zone rates for the furnishing of rural telephone service:

Rural, Business	$48.00 per annum
Rural, Residence	24.00 per annum

The above rural rates to apply within a radius of six miles from the central office. Twenty-five cents (25c) additional for each three miles or fraction thereof beyond six miles from central office.

ORDERED FURTHER, That the above schedule of rates shall become effective April 15, 1927.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of H. H. PEELE, for permission to operate an automobile freight line between Salt Lake City and Park City, Utah. } CASE No. 954

ORDER

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

IT IS ORDERED, That the application herein of H. H. Peele, for permission to operate an automobile freight line between Salt Lake City and Park City, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 23rd day of July, 1927.

(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 EMMETT J. ADAMS, for permission to operate an automobile passenger stage line between Copperfield and Bingham, Utah. } CASE No. 955

Submitted April 29, 1927. Decided May 25, 1927.

Appearances:

R. Verne McCullough, Attorney, of Salt Lake City, Utah, } for Applicant.

Joseph Delaney, of Bingham,	for Protestants, Taxicab Owners.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, at Bingham, Utah, April 19, 1927, after due notice given.

The application was supported by the signed petition of numerous residents and public men residing at Copperfield and Bingham, Salt Lake County, State of Utah. The application was opposed by a number of taxicab owners operating between Bingham and Copperfield, Salt Lake County, Utah.

The application in substance sets forth, that the applicant, Emmett J. Adams, is an experienced operator of automobiles for hire, and that public convenience and necessity requires the establishment and operation of an automobile stage line for hire between the Town of Bingham and Copperfield, Salt Lake County, State of Utah, over the public highway or road connecting these two points, a distance of approximately two miles; that the applicant is financially able to provide the necessary equipment to give dependable service on regular schedules between the aforementioned points.

From the evidence adduced at the hearing, it appears:

1. That the applicant, Emmett J. Adams, for several years last past has operated motor vehicles over the public highways of the State of Utah, for hire, and that he is financially able to provide all necessary equipment for giving a dependable and efficient service between the Town of Bingham and Copperfield, in Salt Lake County, Utah.

2. That the Town of Bingham has a population of approximately 3,800 people, and Copperfield a population of approximately 1,000; that these two towns are situated in Bingham Canyon, where extensive mining operations are going on, and that there is a great amount of passenger traffic between these two points.

3. That the Town of Bingham is the terminal of both railroads and automobile bus transportation lines operating via Salt Lake City, to serve the mines and business interests of Bingham Canyon.

4. That from early morning of each day until late at night, people are constantly going back and forth over the highway between the Town of Bingham and Copperfield the points proposed to be served by the applicant in this case; that now, and for many years last past, the public has been adequately and efficiently served by the owners of automobiles engaged in rendering "jitney" service out of the Town of Bingham and Copperfield, and to all points where mining operations are being conducted in Bingham Canyon; that for the accommodation of the public, the said "jitney" service is available at practically all hours of the day, and that operators thereof respond immediately upon the call of any person desiring transportation between Bingham and Copperfield, or between Copperfield and the Town of Bingham, or to any other point in Bingham Canyon where service is desired.

That the operators engaged in said "jitney" service are able and experienced drivers, and own and operate comfortable and dependable automobiles at reasonable prices; that among those now and heretofore rendering said "jitney" service is the applicant.

From the foregoing findings of fact, the Commission concludes and decides that public convenience and necessity does not require the establishment and operation of an automobile route over the public highway between the Town of Bingham and Copperfield, Utah, as applied for by the applicant.

There is no question in the minds of the Commission but that good and dependable automobile service may be had over the proposed route, as well as to and between other points in Bingham Canyon and that under the existing conditions, the "jitney" service as it is now being conducted will afford to the public any and all transportation that may be desired. Indeed, it would seem that the "jitney" service as it is now being conducted between said points, is more efficient and dependable than the operation of an automobile stage line upon scheduled time could possibly afford.

For the reasons stated, the Commission is of the opinion that the application herein of the applicant, Emmett J. Adams, 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 25th day of May, 1927.

In the Matter of the Application of EMMETT J. ADAMS, for permission to operate an automobile passenger stage line between Copperfield and Bingham, Utah. } CASE No. 955

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 Emmett J. Adams, for permission to operate an automobile passenger bus line between Copperfield and Bingham, Utah, be, and it is hereby, denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

UTAH SHIPPERS TRAFFIC ASSOCIATION,
Complainant,
vs.
LOS ANGELES & SALT LAKE RAILROAD CO., OREGON SHORT LINE RAILROAD COMPANY,
Defendants.
} CASE No. 956

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of N. S. SANDERSON, for permission to operate an automobile passenger stage line between Dividend and Eureka, Utah.
} CASE No. 957

Submitted May 9, 1927. Decided May 23, 1927.

Appearance:

N. S. Sanderson, } for Himself.

REPORT OF THE COMMISSION

McKAY, Commissioner:

On March 18, 1927, application was filed with the Public Utilities Commission of Utah by N. S. Sanderson. Said application sets forth:

That the principal place of business and post office address of applicant is Eureka, Utah; that he is desirous of obtaining a certificate of convenience and necessity to operate an automobile bus line, for hire, over the public highway between Dividend, Utah County, and Eureka, Juab County, a distance of approximately four miles, for the purpose, more especially, of transporting employees of

the Tintic Standard Mining Company; that applicant is in possession of suitable equipment for such transportation purposes; that he stands ready and willing to increase his equipment when necessity demands; that applicant has had considerable experience in this form of transportation, having operated about six years under certificate of convenience and necessity issued by the Commission; that there is no convenient railway line or other passenger service between Dividend and Eureka, Utah. Applicant proposes to charge a fare of thirty-five cents for the round-trip, and also proposes two round-trips per day.

This case came on for hearing, at Eureka, Utah, April 28, 1927, after due and legal notice had been given. No written or verbal protests were registered.

The facts and circumstances as testified to at the hearing are substantially the same as outlined in the application.

The Commission finds, that the operation of some of the mines at Eureka has been discontinued; that because of this fact, some of the men formerly employed at Eureka have secured employment with the Tintic Standard Mining Company, at Dividend, Utah; and that there is a present need for bus service between Eureka and Dividend; that Dividend is located in Utah County, about four miles from Eureka; that there is necessity for bus transportation for said employees and others between said points. In view of all the facts in this case, a certificate of convenience and necessity should be issued authorizing N. S. Sanderson to operate a bus line between Dividend and Eureka, Utah.

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. 298.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of May, 1927.

In the Matter of the Application of N. S. SANDERSON, for permission to operate an automible passenger stage line between Dividend and Eureka, Utah. } CASE No. 957

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 N. S. Sanderson be, and he is hereby, authorized to operate an automobile passenger bus line between Dividend and Eureka, Utah.

ORDERED FURTHER, That applicant, N. S. Sanderson, before beginning operation, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his line; and shall at all times operate in accordance with the 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 N. S. SANDERSON, for permission to operate an automobile passenger stage line between Dividend and Eureka, Utah.	CASE No. 957

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 23, 1927, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 298 (Case No. 957), authorizing N. S. Sanderson to operate an automobile passenger stage line between Dividend and Eureka, Utah.

The Commission now finds that, owing to the failure of N. S. Sanderson to comply with Chapter 114, Session Laws of Utah, 1925, Certificate of Convenience and Necessity No. 298 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 298 be, and it is hereby, cancelled, and the right of N. S. Sanderson to operate an automobile stage line for the transportation of passengers between Dividend and Eureka, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 19th day of October, 1927.

(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 THOMAS MASTROS, for permission to operate an automobile passenger stage line between Milford and Beaver, Utah. } CASE No. 958

Submitted May 6, 1927. Decided May 25, 1927.

Appearances:

Thomas Mastros, of Milford, Utah, and Karl Carlton, of Beaver, Utah, } for Applicant.

REPORT OF THE COMMISSION

McKAY, Commissioner:

Under date of March 19, 1927, Thomas Mastros filed an application with the Commission, for permission to operate a passenger bus line between Milford and Beaver, Utah, and intermediate points.

Application sets forth, that the principal place of business and post office address of applicant is Milford; that the applicant desires to operate a passenger bus line between Milford and Beaver, Utah, including Minersville, Greenville, and Adamsville, all intermediate points; that applicant has had considerable experience as a driver of automobiles carrying passengers and United States mail; that he owns two automobiles and is ready and willing to increase said equipment as necessity demands.

This case came on for hearing, at Milford, Utah, May 5, 1927, after due and legal notice had been given.

The evidence shows that Milford is a division point on the main line of the Los Angeles & Salt Lake Railroad; that the population is about 1,500; that Beaver is approximately thirty-one miles east of Milford; that the population of Beaver is almost 2,000; that Beaver is the County Seat of Beaver County; that Minersville has a population of 700; Greenville, 200; and Adamsville, 200; that the public depends upon automobile transportation over the highway between these points.

The Commission has previously determined the convenience and necessity for bus service between the above-mentioned points. There is no evidence to show that conditions have materially changed.

The Commission finds that a certificate of convenience and necessity should be issued, authorizing Thomas Mastros to operate an automobile bus line between Milford and Beaver, Utah, and intermediate points, for the transportation of passengers.

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. 300.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 25th day of May, 1927.

In the Matter of the Application of THOMAS MASTROS, for permission to operate an automobile passenger stage line between Milford and Beaver, Utah. } CASE No. 958

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 Thomas Mastros be, and he is hereby,

authorized to operate an automobile passenger bus line between Milford and Beaver, Utah, and intermediate points.

ORDERED FURTHER, That applicant, Thomas Mastros, 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 EDWARD V. MAUS, for permission to operate an automobile passenger bus upon certain streets within Ogden City, Utah, and for a distance of about one and one-half miles beyond the corporate limits of Ogden City, Weber County, Utah.	CASE No. 959

ORDER

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

IT IS ORDERED, That the application of Edward V. Maus, for permission to operate an automobile passenger bus upon certain streets within Ogden City, Utah, and for a distance of about one and one-half miles beyond the corporate limits of Ogden City, Weber County, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 22nd day of April, 1927.

(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 operate as a common carrier by rail and by automobile stage, between Ogden, Utah, and the Utah-Idaho State Line, and intermediate points, for the transportation of passengers, baggage, freight, and express. } CASE No. 960

Submitted April 18, 1927. Decided May 31, 1927.

Appearance:

J. A. Howell, Attorney, of the firm of DeVine, Howell, Stine & Gwilliam, of Ogden, Utah, for Applicant.

REPORT OF THE COMMISSION

By the Commission:

Under date of March 28, 1927, application was filed with the Commission by the Utah Idaho Central Railroad Company. Applicant represents:

That it is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, and duly qualified to engage in business in the State of Utah.

That its predecessor, Utah Idaho Central Railroad Company, hereinafter designated the Old Company, is, and for several years has been, a corporation, duly organized and existing by virtue of the laws of the State of Utah, and engaged as a common carrier transporting passengers, baggage, freight, and express by rail and automobile bus between Ogden, Utah, and the Utah-Idaho State Line, and intermediate points.

That on August 20, 1926, action was commenced in the United States District Court, for the District of Utah, Northern Division, against the Old Company, by the Westinghouse Electric & Manufacturing Company, a creditor, alleging insolvency of said Company; that as a result of these proceedings, P. H. Mulcahy was appointed Receiver of the property and assets of the Old Company.

That thereafter, the property and assets of the Old Company were sold at public auction by said Receiver, and conveyed and transferred to the new corporation, which is the applicant herein; that by virtue of the sale, and the order confirming the sale by said court, said Receiver conveyed and transferred all of the assets, certificates of convenience and necessity, and other rights and privileges of the Old Company to the applicant.

That applicant is desirous of obtaining a certificate of convenience and necessity authorizing it to transport passengers, freight, baggage, and express by rail, and passengers, baggage, and express by motor vehicle, between Ogden, Utah, and the Utah-Idaho State Line, and intermediate points, as there is public convenience and necessity for both such services by rail and automobile bus; that certificate of convenience and necessity should convey the same rights as enjoyed by the Old Company.

This case was assigned for hearing at Ogden, Utah, Monday, April 18, 1927, at 10:30 a. m. Proof of publication of notice was filed April 18, 1927.

The case came on for hearing as per above-mentioned notice. The evidence in the case is substantially the same as outlined in the application.

The Commission, being fully informed as to all of the material facts, finds:

That convenience and necessity requires and demands the continuation of electric railway service for the transportation of passengers, baggage, freight, and express;

also automobile bus service, for the transportation of passengers, baggage, and express, between Ogden, Utah, and the Utah-Idaho State Line, as heretofore rendered by the Utah Idaho Central Railroad Company.

That a certificate of convenience and necessity, conveying the same rights as heretofore enjoyed by the Old Company, should be issued to the applicant; and that Certificates of Convenience and Necessity Nos. 243 (Case No. 809), 263 (Case 882), and 272 (Case 902) should be cancelled.

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. 301.

Cancels Certificates of Convenience and Necessity
Nos. 243, 263 and 272.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 31st day of May, 1927.

In the Matter of the Application of the UTAH-IDAHO CENTRAL RAILROAD COMPANY, for permission to operate as a common carrier by rail and by automobile stage, between Ogden, Utah, and the Utah-Idaho State Line, and intermediate points, for the transportation of passengers, baggage, freight, and express.	CASE No. 960

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 Certificates of Convenience and Necessity Nos. 243 (Case 809), 263 (Case 882), and 272 (Case 902), issued to the Old Company be, and they are hereby, cancelled and annulled; that the Utah-Idaho Central Railroad Company be, and it is hereby, authorized to operate as a common carier by rail and by automobile bus, between Ogden, Utah, and the Utah-Idaho State Line, and intermediate points, for the transportation of passengers, baggage, freight, and express, and to operate an automobile bus line, for the transportation of passengers over the streets of Logan City, Utah, under Certificate of Convenience and Necessity No. 301, issued herein.

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 the route between Ogden, Utah, and the Utah-Idaho State Line, and intermediate points, or when the public convenience and necessity otherwise requires, the applicant shall furnish said transportation service between Ogden, Utah, and the Utah-Idaho State Line, 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 of its automobile bus line, 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. H. CHARLES, for permission to operate an automobile passenger stage line between Tooele City and Bauer, Utah.	CASE No. 961

Submitted June 1, 1927. Decided June 22, 1927.

Appearance:

D. H. Charles, Applicant.

REPORT OF THE COMMISSION

By the Commission:

On March 23, 1927, an application was filed with the Commission by D. H. Charles, for permission to operate a passenger bus line between Tooele City and Bauer, Utah.

Application sets forth, that the principal place of business of the applicant is Tooele City, Utah, Post Office Box No. 592; and that there is necessity for bus transportation service to accommodate the employees of the Combined Metals Reduction Company, working at its plant in Bauer and living in Tooele City, Utah, as well as others.

This matter came on for hearing, April 26, 1927, at Salt Lake City, Utah, after due and legal notice had been given. Proof of publication of said notice was filed with the Commission on May 26, 1927. There were no protests to the granting of the application.

The evidence shows:

That the Combined Metals Reduction Company has a large plant at Bauer, Utah, and that there are a number of employes working at said plant who reside at Tooele City; that there is necessity for bus transportation service between said points, to accommodate said employes and other persons desiring to go between Tooele City and Bauer.

That applicant proposes to operate four round-trips daily, as follows:

Leave Tooele	Leave Bauer
7:00 a. m.	8:20 a. m.
7:30 a. m.	4:20 p. m.
3:00 p. m.	4:40 p. m.
11:00 p. m.	12:20 a. m.

That applicant proposes to charge all employes of the Combined Metals Reduction Company at a rate of 35c per round-trip, when riding by the month, and others at a rate of 25c each way.

That applicant, D. H. Charles, previously held a certificate of convenience and necessity to operate between said points, and provided the necessary insurance and paid the necessary taxes while under certificate; that the certificate of convenience and necessity issued to D. H. Charles was voluntarily on his part withdrawn and cancelled; that for several months D. H. Charles has been operating and has failed to make necessary reports and pay the necessary taxes, owing to a misunderstanding of the tax law.

The Commission therefore finds:

That convenience and necessity demand a bus service between Tooele and Bauer, Utah, to accommodate employes of the Combined Metals Reduction Company, and others desirous of traveling between said points.

That if the proposed rate of 35c per round-trip when riding by the month, is adopted, commutation tickets should be sold in book-form, and that they not be restricted to employes of the Combined Metals Reduction Company, but available to any person desirous of purchasing them.

That a certificate of convenience and necessity should be issued, authorizing D. H. Charles to operate an automobile bus service between Tooele City and Bauer, 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. 303.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 22nd day of June, 1927.

In the Matter of the Application of D. H. CHARLES, for permission to operate an automobile passenger stage line between Tooele City and Bauer, Utah.	CASE No. 961

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 herein be, and it is hereby, granted; that D. H. Charles be, and he is hereby, authorized to operate an automobile passenger bus line between Tooele City and Bauer, Utah.

ORDERED FURTHER, That applicant, D. H. Charles, 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 Commision 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. H. CHARLES, for permission to operate an automobile passenger stage line between Tooele City and Bauer, Utah.	CASE No. 961

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of June 22, 1927, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 303 (Case No. 961), authorizing D. H. Charles to operate an automobile passenger bus line between Tooele City and Bauer, Utah.

The Commission now finds that owing to the failure of D. H. Charles to comply with Chapter 114, Session Laws of Utah, 1925, Certificate of Convenience and Necessity No. 303 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 303 be, and it is hereby, cancelled, and the right of D. H. Charles to operate an automobile bus line for the transportation of passengers between Tooele City and Bauer, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 19th day of October, 1927.

(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 BERT COON and ARTHUR W. FRAZIER, for permission to operate an automobile passenger stage line between Salt Lake City and Richfield, via Payson, Nephi, and Manti, Utah, and from Richfield to Monroe, Utah.	CASE No. 962

ORDER

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

IT IS ORDERED, That the aplication herein of Bert Coon and Arthur W. Frazier, for permission to operate an automobile passenger stage line between Salt Lake City and Richfield, via Payson, Nephi, and Manti, Utah, and from Richfield to Monroe, Utah, be, and it is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, this 24th day of May, 1927.

(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. D. ALLEN, for permission to transfer to the SALT LAKE & BINGHAM FREIGHT LINES, a Corporation, all his right, title, and interest in automobile freight line between Salt Lake City and Bingham, Utah.	CASE No. 963

Submitted April 19, 1927. Decided April 21, 1927.

Appearance:

Dan B. Shields, Attorney, of Salt Lake City, Utah, } for Applicants.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, at Bingham, Utah, on the 19th day of April, 1927, on the joint application of W. D. Allen and the Salt Lake & Bingham Freight Lines, a Corporation, due notice thereof having been given in accordance with the laws and rules of the Commission.

No protests were filed to the application, nor were there any objections made thereto for and in behalf of any interested party. From the evidence adduced for and in behalf of the applicants at the hearing, and from the records and files in the case, it appears, that on May 31, 1922, in Case No. 526, the Public Utilities Commission of Utah issued to the applicant W. D. Allen, a certificate of public convenience and necessity, authorizing and permitting him to operate an automobile truck line, for the transportation of property, for hire, over the public highway between Salt Lake City and Bingham, Utah, and that ever since said date, W. D. Allen has and is now rendering to the public, automobile truck service as authorized by the certificate of convenience and necessity issued in Case No. 526.

That said truck service has been efficient and dependable, and that public convenience and necessity requires the continuance of the same.

That the applicant Salt Lake & Bingham Freight Lines, is a corporation, organized and existing under and by virtue of the laws of the State of Utah, with its principal place of business at Salt Lake City, Utah; that the purpose and business for which said applicant was organized is, among other things, the conducting of automobile freight lines, for hire, over the public highways of the State of Utah and the doing of all things incident thereto; that a certified copy of its Articles of Incorporation is on file in the office of this Commission; and that it now proposes to take over the automobile equipment now and heretofore used by the said W. D. Allen in ren-

dering automobile truck service between Salt Lake City and Bingham, Utah, and to render such service at the same rates and upon the same time schedule as is now and heretofore was observed by the said applicant, W. D. Allen; that W. D. Allen is an experienced operator of automobiles for hire, and that he will manage, control, and operate the said freight truck line as heretofore operated by himself, personally, if a certificate of convenience and necessity is granted by the Commission to the Salt Lake & Bingham Freight Lines, a Corporation.

The Commission therefore concludes and decides that the joint application herein of W. D. Allen and the Salt Lake & Bingham Freight Lines, a corporation, should be granted; that Certificate of Convenience and Necessity No. 141, issued in Case No. 526, should be cancelled and annulled; that a certificate of convenience and necessity, authorizing and permitting the Salt Lake & Bingham Freight Lines, a Corporation, to operate an automobile freight line between Salt Lake City and Bingham, Utah, be issued, upon full compliance of the Salt Lake & Bingham Freight Lines, a Corporation, with the laws of the State of Utah and the rules and requirements of the Public Utilities Commission of Utah.

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. 296.

Cancels Certificate of Convenience and Necessity
No. 141.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of April, 1927.

In the Matter of the Application of W. D. ALLEN, for permission to transfer to the SALT LAKE & BINGHAM FREIGHT LINES, a Corporation, all his right, title, and interest in automobile freight line between Salt Lake City and Bingham, Utah.	CASE No. 963

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 Certificate of Convenience and Necessity No. 141, issued by the Commission, in Case No. 526, to W. D. Allen, be, and it is hereby, cancelled and annulled.

ORDERED FURTHER, That the Salt Lake & Bingham Freight Lines, a Corporation, be, and it is hereby, authorized to operate automobile freight line between Salt Lake City and Bingham, Utah, under Certificate of Convenience and Necessity No. 296.

ORDERED FURTHER, That the Salt Lake & Bingham Freight Lines, a Corporation, 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 pre-

scribed 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 THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, for permission to substitute mixed trains for Passenger Trains Nos. 101 and 102, between Salt Lake City and Park City, Utah.	CASE No. 964

Submitted May 3, 1927. Decided May 19, 1927.

Appearances:

P. T. Farnsworth, Jr., Attorney, of the firm of Van Cott, Riter & Farnsworth, of Salt Lake City, and J. D. Stack, Assistant Traffic Manager, of Salt Lake City.	for Applicant, Denver & Rio Grande Western Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

Under date of April 13, 1927, The Denver & Rio Grande Western Railroad Company filed an application with the Public Utilities Commission of Utah, in substance alleging:

That for many years The Denver & Rio Grande Western Railroad Company and its predecessors have operated and are now operating one passenger train daily in each direction between Salt Lake City, Utah, and Park City, Utah, and return; that these trains are designated as Nos.

101 and 102, and their schedule at the present time is as follows:

No. 102 leaves Salt Lake City daily at 8:25 a. m. and arrives at Park City at....10:35 a. m.
No. 101 leaves Park City daily.....11:50 a. m. and arrives at Salt Lake City at 2:00 p. m.

That during the twelve month period, from March, 1926, to February, 1927, both inclusive, the direct cost of operating said Trains Nos. 101 and 102, including wages of train and engine crew, fuel, oil, waste and repairs, averaged $2,076.38 per month; that during the same twelve months the average gross receipts from passenger fares per month for Trains Nos. 101 and 102, together, were $595.61; that during the same period the average gross earnings per month from milk and cream hauled on said Trains Nos. 101 and 102, were approximately $450.00, and average mail earnings per month on said trains, approximately $165.00, a total average gross earning per month during said twelve month period of $1,210.61, or an average monthly loss for said twelve month period of $865.77.

Applicant submits the following summary showing a comparison of the earnings of said Trains Nos. 101 and 102 for the twenty-one months ending with December, 1926, and for the eighteen months ending with March, 1925:

	Average Passengers Per Train		Earnings per Train		Average earnings per Train Mile	
	No. 101	No. 102	No. 101	No. 102	No. 101	No. 102
21 months ending with Dec., 1926...	5	5	$ 9.50	$10.05	$ .27	$ .28
18 months ending with Mar., 1925...	19	20	39.68	43.14	1.17	1.23

The application further alleges that said applicant also operates a daily, except Sunday, freight service between Park City and Salt Lake City, and intermediate points, Train No. 192 leaving Salt Lake City at 7:00 a. m. and arriving at Park City at 10:20 a. m.; and Train No. 191 leaving Park City at 11:05 a. m. and arriving at Salt Lake City at 2:45 p. m.

That public convenience and necessity do not require the operation of Trains Nos. 101 and 102 between Salt Lake City and Park City, and vice versa; that a combina-

tion of said passenger Trains Nos 101 and 102 and said freight Trains Nos. 191 and 192 into a mixed train, could adequately, conveniently, and efficiently transact all the freight, passengers, express, and mail business offered to applicant between Salt Lake City and Park City and intermediate points, and vice versa, with a saving to applicant of the expense of operating one train daily in each direction.

That in view of the heavy loss imposed upon applicant by the operation of Trains Nos. 101 and 102, applicant requests permission to discontinue the operation of Trains Nos. 101 and 102 and to substitute therefor a mixed freight and passenger service upon the following tentative daily schedule:

Leave Salt Lake City	6:30 a. m.
Leave Sugar House	6:55 a. m.
Arrive Park City	9:50 a. m.
Leave Park City	10:35 a. m.
Leave Sugar House	2:05 p. m.
Arrive Salt Lake City	2:30 p. m.

Applicant prays that it may be permitted to discontinue its Trains Nos. 101 and 102 between Salt Lake City and Park City, and vice versa, and to substitute therefor a mixed freight and passenger service, approximately as hereinbefore set forth.

This matter came on regularly for hearing before the Commission, at Salt Lake City, May 3, 1927.

A written protest was filed by the Kamas Commercial Club, on the ground that mail from Kamas would not reach Park City in time to connect with the train proposed to leave Park City at 10:35 a. m.

Kamas is situated seventeen miles east of Park City, and has a population of about eight hundred.

Applicant testified at the hearing that, as shown in the application, the operation of a daily passenger train between Park City and Salt Lake City was being carried on at an annual loss of approximately $10,000.00; that this train was only carrying an average of five passengers daily; that because of snow removal operations on the State Highway, buses were now able to operate throughout the year without inconvenience to passengers, and that the requirements of the public could be satisfied with a

mixed train service fully as well as with a straight passenger train service. Applicant further testified that milk and cream shipments originating at points intermediate between Salt Lake City and Park City, would be handled in an express car on the proposed mixed train and would arrive at Salt Lake City thirty minutes later than at present.

After duly considering the evidence in this case, the Commission finds:

That Park City has a population of about four thousand people, is situated thirty-two miles east of Salt Lake City, and is the center of one of the most important mining districts in the State.

That the Salt Lake-Park City Stage Line, owned by Howard Hout, holder of a certificate granted by this Commission, is operating over the State Highway between said points and is making five round-trips daily.

That the Union Pacific Railroad Company operates a branch line between Echo and Park City, and serves the mines adjacent thereto. This Company operates a daily mixed train service over said branch, Echo being a station on the main line of the Union Pacific Railroad, forty miles east of Ogden, Utah, and twenty-eight miles north of Park City.

That by reason of the service now furnished by other transportation companies, the operation of a straight passenger train by the Denver & Rio Grande Western Railroad Company is no longer necessary. A mixed freight and passenger train can adequately transact all business offered without inconvenience to the public, and at a considerable saving to the applicant.

It would seem that mail originating at Kamas could be handled to Salt Lake on one of the bus trips heretofore mentioned. It is obvious that the applicant herein should not be required to operate a particular type of train at a loss of Ten Thousand Dollars per annum, solely to provide expeditious service for mail from Kamas arriving at Park City after 10:35 a. m.

An order will issue in accordance with these findings.

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

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of May, 1927.

In the Matter of the Application of THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, for permission to substitute mixed trains for Passenger Trains Nos. 101 and 102, between Salt Lake City and Park City, Utah. } CASE No. 964

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 Denver & Rio Grande Western Railroad Company be, and it is hereby, authorized to discontinue operation of passenger Trains Nos. 101 an 102, between Salt Lake City and Park City, Utah, and substitute therefor a daily mixed freight and passenger train, between Salt Lake City and Park City, Utah, in accordance with the time schedule submitted in the application.

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 LIGHT & TRACTION COMPANY, for permission to discontinue street car service on, and remove its tracks and equipment from East South Temple Street, between "E" Street and Virginia Street, in Salt Lake City, Utah. } CASE No. 965

Submitted May 4, 1927. Decided June 10, 1927.

Appearances:

George R. Corey, Attorney,	for Applicant.
John Berry, of Sandy, Utah,	for Himself, Protestant.
Wm. Reger, Attorney,	for Residents on South Temple Street.
W. H. Folland, City Attorney,	for Salt Lake City.

REPORT OF THE COMMISSION

By the Commission:

Under date of April 16, 1927, the Utah Light & Traction Company filed with the Public Utilities Commission of Utah, an application, in substance alleging:

That applicant is a corporation of the State of Utah; that it owns and operates an electric street railway system in Salt Lake City, Utah, and owns and operates as a part of said street railway system, a section of line located on East South Temple Street, in Salt Lake City, extending from "E" Street to Virginia Street, said section of line being hereinafter referred to as "South Temple Line," which was constructed about the year 1907, by applicant's predecessor in interest, and ever since has been lawfully maintained and operated under and pursuant to the provisions of franchises duly granted to said applicant or its predecessors in interest, by said Salt Lake City.

That applicant owns and operates as a part of said street railway system, a parallel double track line, located on First South Street, extending from Main Street to and beyond Thirteenth East Street, and another parallel double track line located on Third Avenue, extending from "E" Street to and beyond Virginia Street, over which it operates street cars at frequent intervals between the business section and the residential sections of Salt Lake City, which said lines are adequate to fully and conveniently serve the public served by said South Temple line.

That a substantial majority of the property owners situated along said South Temple Line have heretofore addressed a formal petition to the City Commission of Salt Lake City, requesting that service upon this section of line be discontinued and the tracks removed, to permit the City to make a boulevard of said street. That the City Commission of Salt Lake City favors this change, and has approved said petition, and proposes to repave South Temple Street from "E" Street to Virginia Street, (being that portion of said South Temple Street upon which is located applicant's "South Temple Line") and has ordered that said paving be done, and has authorized that the tracks of applicant be removed from the street so paved.

That the continued operation of said South Temple Line is not necessary or required in the service of the public. Further, that the economical operation of the said railway system as a whole requires that this street car service be discontinued and that the said tracks be removed, and the continuance of said service, especially in view of the necessity of repaving said street upon which said line is now located, and the resulting expense, would greatly and unnecessarily burden the service of the applicant.

Applicant prays that the Commission issue its order authorizing said applicant to stop and discontinue rendering street car service over said "South Temple Line," being that section of line located on East South Temple Street between "E" and Virginia Streets, and to remove the tracks and equipment used in rendering service thereon.

The Utah Light & Traction Company also filed with the Commission, on April 16, 1927, an application, alleging, in substance:

That applicant owns and operates an electric street and interurban railway system located in Salt Lake City and Salt Lake and Davis Counties, in the State of Utah, which has heretofore been valued by the Commission at approximately $8,500,000.00, and is possessed of the financial resources required for the purposes of this application. That applicant also owns and operates two automobile bus lines, known as the "Mill Creek Bus Line" and the "Centerville Bus Line," operated between Sugar House and Mill Creek, in Salt Lake County, and North Salt Lake and Centerville, in Davis County, respectively.

That the applicant owns and operates as a part of said

street railway system a section of line located on East South Temple Street extending from "E" Street to Virginia Street, all in Salt Lake City, Utah, said section of line being hereinafter referred to as "South Temple Line."

That a number of persons residing along said South Temple Line and in "Federal Heights" and "Bonneville-on-the-Hill" districts, said districts being located in a general easterly direction from the end of said South Temple Line at Virginia Street, have requested applicant, in case it is permitted to discontinue street car service and remove its tracks from the said South Temple Line, to operate automobile bus service over and along East South Temple Street, between the business district of Salt Lake City to and through said Federal Heights and Bonneville-on-the-Hill districts.

Applicant therefore alleges, upon information and belief, that if it be permitted to discontinue its said South Temple Line, the public convenience and necessity will require the operation of automobile service over and along the following described route:

> Beginning at Fourth South and Main Streets; thence on Main to South Temple; thence on East South Temple to Federal Way; thence on Federal Way to Wolcott; thence on Wolcott to Perry Avenue, thence on Perry Avenue to Virginia; thence on Virginia to East South Temple; thence on East South Temple to Main Street; thence on Main Street to the intersection of Fourth South and Main.

That applicant proposes, if granted a certificate of public convenience and necessity, to operate buses on such schedules as will best subserve the needs and convenience of the public; that applicant desires to charge a fare of ten cents for one continuous passage between the terminal of said bus line, i. e., between the intersection of Main Street and Fourth South Street and the intersection of Wolcott Avenue and Perry Avenue and between intermediate points.

That conditioned upon being permitted to discontinue service upon and remove its tracks from said South Temple Line, applicant is willing to institute such automobile bus service over and along the said route and to continue the same so long as the operation thereof shall be self-supporting.

Applicant prays that, if it is authorized to discontinue service upon and remove its tracks from said South Temple Line, the Commission grant it a certificate of public convenience and necessity authorizing it to operate and maintain an automobile bus line over and along the route hereinbefore described.

These cases came on regularly for separate hearings, before the Commission, at its office in Salt Lake City, Utah, May 4, 1927.

Testimony at the hearing of these cases developed that a substantial number of residents and property owners living on South Temple Street had heretofore petitioned the City Commission of Salt Lake City, asking that street car service be discontinued from "E" Street to Virginia Street, along South Temple Street; that the car tracks be removed; that said street be repaved its full width, and a bus line substituted for the existing car line.

The City Commission therefore ordered that notice of intention to pave be advertised, and subsequently, on April 14, 1927, passed the following resolution:

> "That said improvement be made; that the work therefor be done under the supervision of the City Engineer and that the City Engineer be instructed to prepare plans and specifications for said improvement with street car tracks removed, and to submit the same to the Board of Commissioners for its approval; that the Utah Light & Traction Company have permission to remove its tracks from said South Temple Street, from "E" Street easterly, subject to authorization by the Public Utilities Commission of Utah and upon payment to Salt Lake City of the sum of $15,000.00 to be expended on said South Temple Street improvement. If, however, said improvement be not made and the said Utah Light & Traction Company shall, in pursuant to authorization of the Public Utilities Commission of Utah, remove its tracks, then and in that event, in lieu of the payment of $15,000.00 hereinbefore mentioned, said Utah Light & Traction Company, at its own expense, shall repair the space from which its tracks shall have been removel, so as to make the pavement thereon equally as good as the paving of the remainder of the street, said work to be done to the satisfaction of the Board of Commissioners."

The hearing of the matters involved in the two cases were concluded on May 4, 1927, and the matters were then taken under advisement by this Commission.

Subsequently, on May 17, 1927, various property owners on South Temple Street made an application to the Commission that these cases be reopened for the purpose of hearing further testimony bearing upon the questions involved. Accompanying said application were the written answers and protests of the applicants, alleging, among other things, that public convenience and necessity would not permit of the discontinuance of the street car service on South Temple Street. Thereupon, the Commission ordered that said cases be reopened and that said written answers and protests be filed.

A further hearing and investigation was had in Case No. 965, May 3, 1927, at the office of the Commission, in Salt Lake City, Utah. From the evidence taken at the hearing, the Commission now finds the facts to be as follows:

1. That the applicant, Utah Light & Traction Company, is a "street railway corporation," within the meaning of Title 91, Chapter 1, Compiled Laws of Utah, 1917, and as such is operating a street railway in Salt Lake City and Salt Lake County. It operates 114.91 miles of street railroad within the corporate limits of Salt Lake City and 20.91 miles beyond said corporate limits, in Salt Lake County.

2. That the fair value of the applicant's street railroad system as fixed by the Public Utilities Commission, June 30, 1918, including additions and betterments to December 31, 1926, was $9,328,579.25.

3. That the rate of return for the year 1926, based upon the aforesaid valuation, was 4.16 per cent.

4. That the average earnings of the South Temple Street car line between "E" and Virginia Streets, are $153.00 per day; and that the cost of operating said line is $158.00 per day, taxes and expenses of ordinary maintenance included. That if said street be repaved, the cost of reconstructing and repaving the street car tracks would require an expenditure of an additional sum of $70,225.00.

5. That said street car line is paralleled on the north by the Third Avenue line and on the south by the

First South Street line, these lines being distant from the South Temple line 792 feet and 1,262 feet, respectively, measured from center to center of the streets.

6. That applicant proposes that if it be permitted to discontinue street car service on South Temple Street, as applied for herein, to provide automobile bus service in lieu of said street car service, and to pay to Salt Lake City the sum of $15,000 for the City's use in resurfacing or repaving said street, or, if said street be not resurfaced or repaved, the applicant will pay, upon removal of the rails, for repaving or resurfacing that portion of the street now occupied by its tracks.

From the foregoing facts, the Commission concludes:

That public convenience and necessity does not longer require the maintenance and operation of a street car line on South Temple Street between 13th East and "E" Streets, that is to say, from "E" Street to Virginia Street; that the maintenance and operation of said street car line is now proving itself to be an unnecessary burden on the public or car-riders of the applicant's street car system.

That the applicant should be premitted to withdraw its said street car service from said street and abandon and remove its rails therefrom, as applied for herein.

Some of the protestants who are residents and property owners on said street have strenuously objected before the Commission to the removal of said line, for the reason that the expense of repaving said street, as is proposed by Salt Lake City, will cast an undue burden upon them as property owners, and that said repaving is not wholly essential at this time. The question as to whether the street should be repaved or not, is one for the determination of the property owners and the local authorities of Salt Lake City, and is wholly foreign to the question as to whether the public convenience and necessity requires, under all the circumstances and facts, the continuance of the street car service.

It has been conclusively shown in this case that the operation of the street car line in question has and will in all likelihood continue to be an unnecessary burden upon the general public or patrons of applicant's street car system; that the car-riders in the immediate territory affected will continue to have available for their convenience two parallel lines, operated with practically the same

frequency and same kind of equipment as is now being used by applicant on the South Temple Street car line.

As to whether public convenience and necessity will require bus operations upon South Temple Street as applied for by the applicant in P. U. C. U. Case No. 966, insufficient facts have been developed at the previous hearings to enable the Commission to determine that matter. The Commission has the assurance of the applicant that if said case be continued for further investigation and hearing before the Commission, its application will not be withdrawn, and it will abide by all orders made by the Commission with respect thereto, subject, however, to its rights to apply for modification of the same, and to have the same reviewed by the courts, as by the Public Utilities Act or otherwise provided. In said case, the matters involved will be continued by order of the Commission as an independent matter for further investigation, hearing, and determination in all particulars that may have any bearing on the applicant's proposed bus service.

In P. U. C. U. Case No. 965, an appropriate order in accordance with these findings and conclusions of the Commission 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 10th day of June, 1927.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue street car service on, and remove its tracks and equipment from East South Temple Street, between "E" Street and Virginia Street, in Salt Lake City, Utah.	CASE No. 965

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 in Case No. 965 be, and it is hereby, granted; that the Utah Light & Traction Company be, and it is hereby, authorized to discontinue street car service on, and remove its tracks and equipment from East South Temple Street, between "E" Street and Virginia Street, in Salt Lake City, Utah.

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 LIGHT & TRACTION COMPANY, for permission to operate an automobile bus line over certain streets in Salt Lake City, Utah. } CASE No. 966

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of D. H. CHARLES, for permission to operate an automobile passenger bus line between Tooele and Saltair, Utah. } CASE No. 967

Submitted June 1, 1927. Decided July 21, 1927.

Appearances:

E. LeRoy Shields, Attorney, of Tooele, Utah, } for Applicant.

Dan B. Shields, Attorney of Salt Lake City, Utah, } for Protestant, Salt Lake-Tooele-Stage Line.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its office in Salt Lake City, Utah, on June 1, 1927, after due notice given, upon the application of D. H. Charles, for permission to operate an automobile passenger bus line between Tooele City, in Tooele County, and Saltair Beach, in Salt Lake County, Utah, and the protests made thereto by the Salt Lake-Tooele Stage Line.

From the evidence adduced for and in behalf of the respective parties, it appears:

1. That the applicant, D. H. Charles, is a resident of Tooele City, Utah; that he is an experienced operator of passenger automobiles for hire, over public highways; and is financially able to provide the necessary equipment for rendering automobile passenger service over the route applied for herein.

2. That Tooele City has a population of approximately 4,000 people; that there is no automobile service directly between Tooele City and Saltair Beach, a summer bathing resort located on the shores of the Great Salt Lake; that there is automobile service between Tooele City and nearby towns to Saltair Beach, viz., Arthur, Magna, and Garfield; that there is electric train service between Garfield, Salt Lake City, and Saltair; that applicant proposes, if granted a certificate of public convenience and necessity permitting him so to do, to operate a passenger bus between Tooele City and Saltair Beach, making one round-trip daily, except Sundays, by leaving Tooele City at 6:30 p. m. for Saltair Beach and returning by leaving Saltair Beach at 12 p. m. each day; that applicant proposes to charge $1.00 each way, or $1.50 for each round-trip, and that round-trip fares only will be sold at Tooele City; that applicant proposes to operate over the route applied for during the summer months only.

3. That the protestant, Salt Lake-Tooele Stage Line, operates an automobile passenger bus line, for hire, between Tooele City and Salt Lake City, serving the in-

termediate points near the Saltair Beach, viz., Garfield, Arthur, and Magna, by making three round-trips each day throughout the year; that said service is commodious, efficient, and dependable.

4. That the proposed service by the applicant from Tooele City to points last mentioned, would be over the same route as that now established by the protestant, and, to that extent would be a duplication of the service now being rendered by the Salt Lake-Tooele Stage Line.

5. That during the summer season, there is need, and it would be a great convenience to the people of Tooele City, to have transportation facilities to and from Saltair Beach.

6. That in times past the operation of automobile bus lines over the route applied for by the applicant have proved financial failures, because of the public not patronizing the same, and it is not free from doubt that the same might prove successful in this instance. Further, there is doubt as to whether or not the giving of the proposed service by the applicant would not materially interfere with the established automobile bus service now being rendered by the protestant Salt Lake-Tooele Stage Line.

From the foregoing facts, the Commission concludes and decides:

That the applicant should be permitted to operate an automobile passenger bus line between Tooele City and Saltair Beach, Utah, for the accommodation of passengers or traffic originating solely at Tooele City, and that he should not be permitted to receive or discharge passengers at any intermediate points over the said route.

That the applicant should be permitted to operate for a test period only and subject to the further orders of the Commission as it deems the public interest may require.

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. 304.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of July, 1927.

In the Matter of the Application of D. H. CHARLES, for permission to operate an automobile passenger bus line between Tooele and Saltair, Utah. } CASE No. 967

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 applicant, D. H. Charles, be, and he is hereby, granted permission to operate an automobile stage line, for hire, between Tooele City, Tooele County, and Saltair Beach, Salt Lake County, Utah, from May 15th to and including September 15th of each and every year, making one trip daily, except Sunday, leaving Tooele City at 6:30 p. m. and leaving Saltair Beach at 12 p. m., for the following fares:

For one round-trip $1.50

That the applicant shall sell round-trip fares from Tooele City to Saltair Beach only; that is to say, no fares shall be sold from Saltair Beach to Tooele City; that he shall not receive or discharge passengers at any intermediate points between Tooele City and Saltair Beach; that this certificate or order shall be subject to cancellation or modification at any time that the Commission deems the best interest of the public requires.

ORDERED FURTHER, That applicant, D. H. Charles, before beginning operation, shall file with the Commission and post at Tooele City, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leav-

ing time as hereinbefore provided; 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 D. H. CHARLES, for permission to operate an automobile passenger bus line between Tooele and Saltair, Utah. } CASE No. 967

SUPPLEMENTARY REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 21, 1927, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 304 (Case No. 967), authorizing D. H. Charles to operate an automobile passenger bus line between Tooele and Saltair, Utah.

The Commission now finds that owing to the failure of D. H. Charles to comply with Chapter 114, Session Laws of Utah, 1925, Certificate of Convenience and Necessity No. 304 should be cancelled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 304 be. and it is hereby, cancelled, and the right of D. H. Charles to operate an automobile bus line for the transportation of passengers between Tooele and Saltair, Utah, be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 19th day of October, 1927.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH VALLEY GAS & COKE COMPANY, for permission to put in effect revised schedule of rates for gas.	CASE No. 968

Submitted May 20, 1927. Decided July 26, 1927.

Appearances:

Walter Adams, Manager, Utah Valley Gas & Coke Co., of Provo, Utah,	for Applicant.
O. K. Hanson, Mayor, Provo City Corporation,	for Provo City.

REPORT OF THE COMMISSION

By the Commission:

On January 26, 1927, the Utah Valley Gas & Coke Company, of Provo, Utah, filed with the Commission an application for permission to revise its present rates and tariffs on file with the Commission. Said application sets forth:

1. That applicant is located in Provo, Utah County, Utah, and is engaged in the manufacture and distribution of gas and its by-products, serving the cities of Provo, Springville, and Spanish Fork, all of Utah County, Utah.

2. That under existing conditions affecting the economic status of the people, the operation and management of the utility, the capital invested in the corporation and the service of its patrons assumed by the utility, the present costs of operation, and the immediate and future needs of additional capital in the business for the enlargement, extension, and betterment of its service to meet further demands, and that by reason of a contract existing between the Utah Valley Gas & Coke Company and the Columbia Steel Corporation under which all the present demands for gas upon the utility are met and much of such future demands might be met, that a revision of the rate schedules of the utility favorable to the patrons and remunerative to the corporation should pro-

mote the extension of the service and the stability of the utility.

3. That applicant is in need of a greater volume of business, in order to maintain its property and extend its service and pay the fixed charges upon its continued operations, and that the management believes that the proposed rates will stimulate such increases in the volume of business while offering eventually the assurance of even better rates to the patrons of the utility, as well as provide a reasonable return on the invested capital and make the business of the corporation attractive to additional capital from time to time as its needs shall appear.

4. That it is the desire of the applicant that the Public Utilities Commission of Utah approve the following schedule of rates:

UTAH VALLEY GAS & COKE COMPANY

Domestic Gas Service Rate "A."

Available: to any gas consumer located along existing gas lines of the Company and subject to the service regulations of the Company.

First	500 cu. ft. or less per meter per mo.	$1.00		
Next	500 cu. ft. or less per meter per mo.	.17	per C	cu. ft.
Next	1,000 cu. ft. or less per meter per mo.	.15	per C	cu. ft.
Next	3,000 cu. ft. or less per meter per mo.	.125	per C	cu. ft.
All over	5,000 cu. ft. or less per meter per mo.	.10	per C	cu. ft.

Meter Charge: None.

Discount: None. The above rate is net. If bills are not paid by the 10th of the month succeeding that in which service is rendered 10 per cent of the bill will be added, and in no event less than 10c for any bill, as a collection charge.

Minimum Charge: The minimum monthly charge under this rate is $1.00 per meter per month.

Meter Deposit: A meter deposit of $5.00 or more to be determined by the Gas Company based upon estimated consumption of the patron will be required of every consumer not owning the property on which service is rendered.

DOMESTIC AND HOUSE HEATING GAS SERVICE RATE "B"

Elective by any Domestic Consumer by Contract.

Available: to any gas consumer located along existing gas lines of the Company and subject to the minimum charge set forth and subject to the service regulations of the Company. Subscribers to this rate will be required to enter into a standard service agreement of not less than 12 months period.

First	1,000 cu. ft. or less per meter per mo	$2.00	
Next	1,000 cu. ft. per meter per mo.	1.50	per M cu. ft.
Next	8,000 cu. ft. per meter per mo.	.75	per M cu. ft.
Next	30,000 cu. ft. per meter per mo.	.50	per M cu. ft.
All over	40,000 cu. ft. per meter per mo.	.45	per M cu. ft.

Discount: None. The above rate is net. If bills are not paid by the 10th of the month succeeding that in which service was rendered, 10 per cent of the bill will be added, and in no event less than 20c for any bill, as a collection charge.

Minimum Charge: The minimum monthly charge under this rate is $2.00 per month.

Meter Deposit: A meter deposit of $5.00 or more to be determined by the Gas Company based upon estimated consumption of the patron will be required of every consumer not owning the property on which service is rendered.

INDUSTRIAL GAS SERVICE RATE

Elective by any Consumer by Contract.

Available: to any consumer located along existing gas lines of the Company, or who install their own lines, in manner satisfactory to the Company, to the mains of the Company. This rate is subject to the service regulations of the Company and to the stipulated minimum monthly charge and meter rentals. Subscribers to this rate will be required to enter into a standard service agreement of not less than 12 months period.

First	10,000 cu. ft. or less per month	$10.00 per month
Next	10,000 cu. ft. per meter per month	.65 per M cu. ft.
Next	20,000 cu. ft. per meter per month	.50 per M cu. ft.
Next	60,000 cu. ft. per meter per month	.45 per M cu. ft.
Over	100,000 cu. ft. per meter per month	.40 per M cu. ft.

Meter Charge: The Company will install the minimum proper size meter, and to bills computed at the above rate will be added a meter rental per month as follows:

5 Light Meter.....	No. Charge
10 Light Meter.....	$ .50
20 Light Meter.....	.75
30 Light Meter.....	1.00
60 Light Meter.....	1.50
100 Light Meter.....	2.00
200 Light Meter.....	3.00
300 Light Meter.....	4.50

Discount: None. The above rate is net. If bills are not paid by the 10th of the month succeeding that in which service was rendered 10 per cent of the bill will be added as a collection charge.

Minimum Charge: The minimum monthly charge under this rate is $10.00 per month in addition to the meter rental charge applicable.

OFFICERS' AND EMPLOYEES' RATE

(Optional)

Available: To all officers of the corporation and to all employees after six months continuous service.

For all gas used for domestic or/and house heating at 50c per M cu. ft.

Meter Charge: None.

Discount: None. The above rate is net.

Minimum Charge: For such service requiring nothing larger than a five-light meter a minimum monthly charge of $2.00 per month will be made.

For such service requiring anything larger than or additional to one five-light meter a

minimum monthly charge of $3.00 per month will be made.

Elective: Any officer or qualified employee of the corporation may elect this rate in lieu of any other offered by the Company.

That the rates in effect at the present time are as follows:

SERVICE FOR LIGHTING, HEATING, COOKING OR POWER

Per 100 cu. ft. per Month	Gross	Discount	Net
First 300 cu. ft.	$ .21	$ .01	$ .20
Next 1,700 cu. ft.	.18½	.01	.17½
Next 3,000 cu. ft.	.16½	.01	.15½
Next 10,000 cu. ft.	.15½	.01	.14½
Over 15,000 cu. ft.	.14½	.01	.13½

RULES AND REGULATIONS

Charge for lay service from Curb to Meter, Cost of Pipe and Fittings, Labor and Overhead:

Minimum Charge $12.00

Charge Cost of Material, Labor and Overhead for connecting Consumer's Appliance, also for Disconnecting and Re-connecting.

Charge Cost of Material, Labor and Overhead for piping for Lighting or heating, Minimum Charge per Outlet $2.50

The matter came on regularly for hearing before the Commission, at Provo, Utah, May 20, 1927, at 10 o'clock a. m., due notice thereof having been given the public for the time and in the manner required by law.

From the evidence adduced at said hearing, the following facts are found by the Commission:

That applicant, Utah Valley Gas & Coke Company, is a corporation, duly organized and existing under and by virtue of the laws of the State of Utah, and is a "gas corporation" and "public utility," owning and operating a gas system as defined by and subject to the provisions of the Public Utilities Commission Law of Utah.

That the main part of applicant's plant and system was constructed during the year 1914, and that the original promoters were unable to finance the Company after it had been partially constructed and same was taken over by the construction engineer. Later, the property passed through purchase to its present owners. That up to December, 1924, applicant conducted a coal-gas manufacturing plant and distribution system, serving at first the City of Provo with gas, and later the Cities of Springville and Spanish Fork. During such period, coal-gas residuals, consisting of coke, tar, and ammonia, were also sold and somewhat relieved the burden of expense in the cost of the manufacture of coal-gas.

That during December, 1924, the Utah Valley Gas & Coke Company entered into a contract with the Columbia Steel Corporation for the purchase of gas to be purified and delivered at applicant's mains at a prescribed B. T. U. That since said date, applicant has been operating under said contract with the Columbia Steel Corporation.

That since the commencement of operation under and by reason of the existing contract with the Columbia Steel Corporation, applicant has had no coal-gas residuals to sell, and consequently has been deprived of this source of revenue which it formerly had. That considering the present volume of gas sold by applicant, the contract which it is operating under with the Columbia Steel Corporation, is not a great advantage or saving to applicant over its former gas-manufacturing system, except that applicant is not under the necessity of providing the same storage facilities to meet peak demands.

That at the time applicant entered into its existing contract with the Columbia Steel Corporation, it anticipated that its gas sales would increase with the natural growth of the utility, and thereby inure to its benefit by reason of its being able to secure a more favorable rate for gas, as said contract with the Columbia Steel Corporation provides for a decreasing rate to the gas utility on a graduated scale, with increased consumption.

That applicant estimates that the rates hereinabove applied for, which result in rate reductions to all users in excess of 1,000 cubic feet per month, applied to the present volume of business, will cause a decrease in its gross revenues for the first year of approximately $2,500 to $3,000; but that the attractiveness of the proposed rates will encourage additional use of gas and thereby permit the Gas

Company to eventually increase its revenues and decrease its cost of gas, per cubic foot, purchased from the Columbia Steel Corporation.

That applicant's proposed schedule under "Rate A" would result in an increase in its charges to customers who consume less than one thousand cubic feet of gas per month. That the proposed schedule provides for a marked reduction in rates for all consumers using over one thousand cubic feet of gas per month.

That applicant's annual financial reports on file with the Commission covering its operations for the years 1925 and 1926 show earnings on the value of its plant and system as follows:

	1925	1926
Total Investment in Plant and Equipment	$531,995.53	$554,889.82
Operating Revenues	$ 70,835.61	$ 68,979.15
Operating Expenses, Uncollectable Bills and Taxes	41,069.96	40,532.19
Operating Income available for return	$ 29,765.65	$ 28,446.96
Return on investment	5.5%	5.1%

From the above results of operation, applicant finds that it is impossible to pay heavy interest burdens on its long term debt and pay a return to its stockholders, to say nothing of creating a sinking fund for the retirement of its bonds.

The Commission, after carefully reviewing the rates which applicant proposes, believes that same, in some instances, should be modified to the extent that discount for prompt payment of bills be allowed, and that a meter deposit of $5.00 should be predicated, on a sixty-day estimated consumption of gas. Accordingly, the following rates will be authorized by the Commission, and an appropriate order will issue:

DOMESTIC GAS SERVICE

Available: To any gas consumer located along existing gas lines of the Company and subject to the service regulations of the Company.

	Gross	Discount	Net
First 500 cu ft. or less per meter per month ..	$1.00	$ .05	$ .95
Next 500 cu. ft. per meter per mo. per C cu. ft.	.18	.01	.17
Next 1,000 cu. ft. per meter per mo. per C cu. ft.	.16	.01	.15
Next 3,000 cu. ft. per meter per mo. per C cu. ft.	.13½	.01	.12½
All Over 5,000 cu. ft. per meter per mo. per C cu. ft.	.11	.01	.10

Meter Charge: None.

Discount: The above discount, covering the month applicable, will apply if bills are paid within the discount period.

Minimum Charge: The minimum monthly charge under this rate is $1.00 gross, or $ .95 net if paid within discount period, for the first 500 cu. ft. or less of gas consumed per meter per month.

Meter Deposit: A meter deposit of $5.00 minimum will be required from each customer under the above rate. Where the customer does not own the premises upon which the service is being furnished the Gas Company may require a meter deposit equal to a sixty-day estimate of gas consumption from such customer.

Interest: The Gas Company will pay interest to each customer at the rate of 6 per cent per annum during the time it is in possession of meter deposits. At the option of the Gas Company, such interest may be credited periodically to the customer's account.

DOMESTIC AND HOUSE HEATING GAS SERVICE RATE

Elective by any Domestic Consumer by Contract.

Available: To any gas consumer located along existing gas lines of the Company and subject to the minimum charge set forth and subject to the service regulations of the Company. Subscribers to this rate will be required to enter into a standard service agreement of not less than 12 months.

	Gross	Discount	Net
First 1,000 cu. ft. or less per meter per mo.	$2.00	$ .10	$1.90
Next 1,000 cu. ft. per meter per mo. per M cu. ft.	1.60	.10	1.50
Next 8,000 cu ft. per meter per mo. per M cu. ft.	.85	.10	.75
Next 30,000 cu. ft. per meter per mo. per M cu. ft.	.60	.10	.50
All Over 40,000 cu. ft. per meter per mo. per M cu. ft.	.55	.10	.45

Discount: The above discount, covering the month applicable, will apply if bills are paid within discount period.

Minimum Charge: The minimum monthly charge under this rate is $2.00 gross, or $1.90 net if paid within discount period, for the first 1,000 cu. ft. or less per meter per month.

Meter Deposit: A meter deposit of $5.00 minimum will be required from each customer under the above rate. Where the customer does not own the premises upon which the service is being furnished, the Gas Company may require a meter deposit equal to a sixty-day estimate of gas consumption from such customer.

Interest: The Gas Company will pay interest to each customer at the rate of 6 per cent per annum during the time it is in possession of meter deposits. At the option of the Gas Company, such interest may be credited periodically to the customer's account.

INDUSTRIAL GAS SERVICE RATE

Elective by any Gas Consumer by Contract

Available: To any consumer located along existing gas lines of the Company, or who install their own lines, in manner satisfactory to the Company, to the mains of the Company. This rate is subject to the service regulations of the Company and to stipulated minimum monthly charge and meter rentals. Subscribers to this rate will be required to enter into a standard service agreement of not less than 12 months period.

	Gross	Discount	Net
First 10,000 cu. ft. or less per month	$11.00	$1.00	$10.00
Next 10,000 cu. ft. per meter per mo. per M cu. ft.	.75	.10	.65
Next 20,000 cu. ft. per meter per mo. per M cu. ft.	.60	.10	.50
Next 60,000 cu. ft. per meter per mo. per M cu. ft.	.55	.10	.45
All Over 100,000 cu. ft. per meter per mo. per M cu. ft.	.50	.10	.40

Meter Charge: The Company will install the minimum proper size meter, and to bills computed at the above rate will be added a meter rental per month as follows:

5 Light Meter	No Charge
10 Light Meter	$ .50
20 Light Meter	.75
30 Light Meter	1.00
60 Light Meter	1.50
100 Light Meter	2.00
200 Light Meter	3.00
300 Light Meter	4.50

Discount: The above discount for gas service, covering the month applicable, will apply if bills are paid within discount period. No discount will apply on the above meter rental charges.

Minimum Charge: The minimum monthly charge under this rate is $11.00 gross, or $10.00 net, covering the first 10,000 cu. ft. or less per month, if paid within discount period, in addition to such meter rental charge as may apply which is net.

After a careful study of the above rate covering industrial Gas Service, the Commission is of the opinion that same should apply for a test period of six months.

OFFICERS' AND EMPLOYEES' RATE

(Optional)

Available: To all officers of the corporation and to all employees after six months continuous service.

For all gas used for domestic or and house heating at $.50 per M cu. ft.

Meter Charge: None.

Discount: None. The above rate is net.

Minimum Charge: For such service requiring nothing larger than a five-light meter, a minimum monthly charge of $2.50 per month will be made.

For such service requiring anything larger than or additional to one five-light meter a

minimum monthly charge of $3.00 per month will be made.

Elective: Any officer or qualified employee of the corporation may elect this rate in lieu of any other offered by the Company.

That rates should become effective on five days' notice to the Commission and the public.

(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 26th day of July, 1927.

In the Matter of the Application of the UTAH VALLEY GAS & COKE COMPANY, for permission to put in effect revised schedule of rates for gas. } CASE No. 968

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 Utah Valley Gas & Coke Company be, and it is hereby, authorized to publish and put into effect the rates for gas as outlined on Pages 8, 9, and 10 of the Report of the Commission herein.

ORDERED FURTHER, That the new schedule of rates herein for Industrial Gas service shall apply for a test period of six months.

ORDERED FURTHER, That the schedule of rates as

outlined in the Report herein shall become effective on five days' notice to the Commission and the public.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

UTAH COPPER COMPANY,
Complainant,
vs.
THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY,
Defendant.
} CASE No. 969

Submitted May 31, 1927. Decided September 9, 1927.

Appearances:

R. G. Lucas, Attorney of Salt Lake City, Utah, } for Complainant.

VanCott, Riter & Farnsworth, Attorneys of Salt Lake City, Utah, } for Defendant.

REPORT OF THE COMMISSION

By the Commission:

Complainant, Utah Copper Company, is a New Jersey corporation, duly authorized to and is extensively engaged in the business of mining and smelting of copper ores within the State of Utah, with its principal offices at Salt Lake City. September 23, 1926, it filed with the Public Utilities Commission of Utah an informal complaint, charging that between September 17, 1924, and May 13, 1926, both dates inclusive, it caused to be shipped from points in Utah, over the lines of The Denver & Rio Grande Western Railroad Company, a railroad corporation, under

the laws of the State of Delaware, which is authorized to do and is doing business as a common carrier of passengers and freight in the State of Utah, 346 carloads of freight to its smelting plant at Magna, Utah, for which the defendant exacted and the complainant paid switching charges in the aggregate amounting to $1,211.00 over and above that which was lawfully provided for in its regularly published tariff sheets on file with the Public Utilities Commission.

Subsequently, by stipulation of the parties, filed with the Commission, March 28, 1927, it was agreed to that the informal complaint filed against the defendant, September 23, 1926, should be regarded and accepted by the Commission as a formal complaint on the part of the complainant, filed as of that date. It was further agreed to by said stipulation that if the answer of the defendant raised no issue of fact, the case would be submitted merely upon questions of law, without formal hearing or taking of testimony before the Commission.

The answer filed with the Commission admits that the shipments were made under the defendant's tariffs applicable thereto and that charges were exacted therefor by the defendant and paid by complainant as alleged in its complaint. The complainant filed a general demurrer to the answer, and the case as submitted is therefore before the Commission for report and decision upon the admitted facts of the parties.

The admitted facts, as shown by the pleadings in the case, insofar as the same may be material or necessary for proper determination of the case, are:

That the 346 cars of freight heretofore mentioned consisted largely of lime rock, shipped from a point or station known as Saddle, located exclusively upon a branch of the defendant's railroad extending from Eureka, Utah, to Springville, Utah, where it connects with the main line of defendant's railroad, from Salt Lake City, Utah, to Denver, Colorado. No railroad other than defendant's branch line serves Saddle, and shipments of freight originating at that point can be delivered there for transportation to no other railroad than the defendant's.

The shipments moved from Saddle over defendant's branch line to Springville, thence over defendant's main line to Midvale, Utah, and thence over another branch line of the defendant to Magna, where they were delivered to the Bingham & Garfield Railroad Company for switch-

ing to delivery point, the complainant's smelter plant at that place. All of the switching was done by the Bingham & Garfield Railroad Company, within the switching limits of the Town of Magna, in accordance with regularly published switching tariffs.

The shipments of freight in question might have been moved from Saddle to Provo, a point on defendant's main line approximately two miles beyond Springville, via the defendant's railroad, thence from Provo to Garfield Junction, near Magna, via the Los Angeles & Salt Lake Railroad, and thence to Magna via the Bingham & Garfield Railroad. The shipments might also have been moved from Saddle to Provo via defendant's railroad, from Provo to Salt Lake City via Los Angeles & Salt Lake Railroad, and from Salt Lake City to Magna via the Salt Lake & Utah railroad, at which point it would have been delivered to the Bingham & Garfield Railroad for switching to the complainant's smelting plant, in the manner before mentioned.

That during the period of time over which the 346 cars of freight moved, the defendant had not joined with the Los Angeles & Salt Lake Railroad Company, nor the Bingham & Garfield Railroad Company, nor the Salt Lake & Utah Railroad Company, in making rates as favorable or low as were the rates provided for in defendant's regularly published tariff under which the shipments complained of herein by complainant moved.

The defendant's published rate applicable for a line haul at the times the shipments in question moved, was 10½ cents per hundred pounds. The only rate applicable to these shipments at the time they moved, via defendant's railroad in connection with the other railroads, aforementioned, was a combination of local rates which aggregated 17 cents per hundred pounds.

Illustrative of the tariffs under which the shipments moved were the following: Item No. 60-A, Supplement No. 1 of defendant's Joint Freight Tariff G. F. D. No. 4289-U (P. U. C. U. No. 71, I. C. C. No. 162), applicable alike to both interstate and intrastate shipments, effective June 26, 1924, provided that:

> "A. On competitive (see Note) carload traffic transported by the D. & R. G. W. when it is necessary to use the tracks of other railroads to reach warehouses or industries not located on the tracks

> of the D. & R. G. W., or to reach tracks of other lines, the D. & R. G. W. will absorb and pay to the railroad or railroads performing the service its switching charge lawfully on file with the Interstate Commerce Commission.
>
> "NOTE: The term 'competitive' means traffic *which may be handled from origin to destination by two or more routes.*"

Defendant's Joint Freight Tariff G. F. D. No. 4289-U (I. C. C. No. 162, Utah P. U. C. No. 71, Supplement No. 5) effective December 5, 1924, while it contained the same provisions with respect to absorbing switching charges, changed the wording of the note defining "competitive" traffic to read:

> "NOTE: Competitive Point is that which could be handled from and to the same point via a line other than the Denver & Rio Grande Western Railroad Co."

The question presented by the record in this case requires interpretation of the defendant's tariffs under which the shipments moved. If the wording or language of the tariffs is plain and certain as to meaning, the tariffs are absolutely controlling. If the language used is uncertain, ambiguous, or doubtful as to meaning, the interpretation should be one most favorable to the shipper. What may have been the intention of the parties or either of them, or what the usual custom of railroad carriers is with respect to short hauling themselves or in making switching charges, is beside the question, unless, of course, the charges made are shown to be unreasonable or would result in gross discrimination. However, the reasonableness of the switching charges made is not questioned, nor is it claimed that they might in any way result in discrimination.

The only question involved here is the meaning of the provisions contained in defendant's tariffs with respect to "competitive carload traffic" over its lines of railroad. The defendant undertook to define "competitive traffic," first as "traffic which may be handled from origin to destination by two or more lines or routes," then again as traffic that may be "handled from and to the same point via a line other than" the defendant's railroad.

It is conceded that shipments involved in this case

might have been routed from point of origin to point of destination more than one way, that is to say, over lines other than defendant's railroad. We have so found.

Complainant contends that because of the fact that the shipments might have been routed to pass over two or more lines between points of origin and destination, the wording of defendant's tariff defining "competitive traffic" as traffic "handled from origin to destination by two or more lines or routes" or "handled from and to the same point via other than" the defendant's railroad, applies.

It is the contention of the defendant that because the traffic could not be handled by two or more lines extending from the same point of origin directly through to the point of destination, a situation was created within the meaning of defendant's tariff definition which precluded the shipments being regarded as competitive traffic. The difficulty lies in the fact that defendant's tariff does not expressly say what it now contends for. We think the defendant's tariff is susceptible of more than one meaning or interpretation. If that be true, under the well established rule the complainant as a shipper is entitled to the benefit of the most favorable interpretation that can reasonably be placed upon the words the defendant used in its tariff defining competitive traffic.

Therefore, under the stipulation of the parties hereto, we cannot otherwise conclude than that the complainant is entitled to reparation from the defendant, Denver & Rio Grande Western Railroad Company, in the sum of $1,211.00, with interest as prayed for in the complaint herein.

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 9th day of September, 1927.

UTAH COPPER COMPANY,
Complainant,
vs.
THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY,
Defendant.
} CASE No. 969

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

IT IS ORDERED, That defendant, Denver & Rio Grande Western Railroad Company, be, and it is hereby, authorized, directed, and required to refund to complainant, Utah Copper Company, the sum of $1,211.00, with interest at the rate of six per cent (6%) per annum, from date of over-collections to date of payment of said reparation.

ORDERED FURTHER, That reparation shall be completed on or before October 1, 1927.

ORDERED FURTHER, That defendant, Denver & Rio Grande Western Railroad Company, after it has made reparation to the Utah Copper Company, shall advise the Commission the date of said refund and 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 the UTAH PARKS COMPANY, a Corporation, for permission to assume all the right, title, and interest of C. G. Parry in automobile bus line between Zion National Park and Grand Canyon National Park (North Rim), and between Bryce Canyon and Grand Canyon National Park (North Rim), in the State of Utah. } CASE No. 970

Submitted May 28, 1927. Decided June 18, 1927.

Appearances:

Dana T. Smith, Attorney, of Salt Lake City, Utah, } for Utah Parks Company.

REPORT OF THE COMMISSION

By the Commission:

Under date of May 16, 1927, application was filed by the Utah Parks Company for permission to operate an automobile passenger, freight, and express service between Bryce Canyon and Zion National Park, on the one hand, and the North Rim of the Grand Canyon of the Colorado River, on the other hand.

This matter came on for hearing, May, 26, 1927, after due and legal notice had been given. No protests to the granting of said application were filed or made. Now, after due investigation and consideration of all material facts adduced by and in behalf of the applicant, the Commission finds, concludes, and reports as follows:

1. That the 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 in 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 owned and controlled by the Los Angeles & Salt Lake Railroad Company, a corporation of the State of Utah, operating its main line of railroad through the States of Utah, Nevada, and California, with terminals at Salt Lake City, Utah, and Los Angeles, California.

3. That the Los Angeles & Salt Lake Railroad Company is a corporation, organized and existing under and by virtue of the laws of the State of Utah, and is jointly owned and controlled by the Union Pacific Railroad Company and the Oregon Short Line Railroad Company, both being railroad corporations organized under the laws of the State of Utah; that these three railroad companies, together with the Oregon-Washington Railroad & Navigation Company, constitute a railroad line 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 was organized are, among other things, to own, lease, establish, maintain, operate, and conduct an automobile transportation line or system for the carriage of passengers and property.

6. That Cedar Breaks, Bryce Canyon, Zion National Park, and the Grand Canyon of the Colorado River are localities in Southern Utah and Northern Arizona which have many natural scenic attractions; that these scenic points are visited by thousands of tourists annually.

7. That on the 30th day of March, 1925, Certificate of Convenience and Necessity No. 225 was issued to the Utah Parks Company to operate 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; and that during each of the years 1925 and 1926, applicant operated said automobile lines in accordance with the terms and conditions of said certificate; that in order to provide facilities for entertaining the tourists at Cedar City and Bryce Canyon, the Los Angeles & Salt Lake Railroad Company acquired certain

lands and constructed thereon hotel, lodge buildings, and cabins, and equipped and furnished the same in accordance with their previous application.

8. That during the years 1925 and 1926, the Union Pacific System conducted, and intends to conduct during the year 1927, a comprehensive advertising campaign to induce tourists to visit these scenic points.

9. That on the 17th day of April, 1922, Certificate of Convenience and Necessity No. 135 was issued to C. G. Parry, and on June 5, 1922, Certificate of Convenience and Necessity No. 146 was issued to C. G. Parry, authorizing him to operate automobile stage lines between Lund and Zion National Park, Grand Canyon (North Rim), Bryce Canyon, and Cedar Breaks, and from Marysvale to the same destinations; that the preceding certificates were modified by the terms of Certificate of Convenience and Necessity No. 225, issued to the Utah Parks Company, and that during the years 1925 and 1926, the Utah & Grand Canyon Transportation Company, a corporation of the State of Utah, operating under and by virtue of the said certificates issued to C. G. Parry, maintained and operated an automobile line between Bryce Canyon, Zion National Park, and the North Rim of the Grand Canyon of the Colorado River.

10. That on the 15th day of February, 1927, applicant, Utah Parks Company, purchased from C. G. Parry, all of his rights to operate an automobile line between Bryce Canyon, Zion National Park, and the North Rim of the Grand Canyon of the Colorado River, and that he has relinquished, unto the fullest extent that he may, assigned, transferred, and set over unto the Utah Parks Company all of his rights and interests under and by virtue of said certificates of convenience and necessity.

11. That the Utah Parks Company has been granted by the National Park Service, Department of the Interior of the United States Government, an exclusive contract for the term of twenty years, for the construction, operation, and maintenance of tourist facilities at the North Rim of the Grand Canyon of the Colorado River; and that contract was awarded to the Utah Parks Company upon condition that said Company purchase from C. G. Parry and the Utah & Grand Canyon Transportation Company all property and business used and employed by them in conducting the operation of their automobile

line between Zion National Park and Bryce Canyon, on the one hand, and the North Rim of the Grand Canyon of the Colorado River, on the other hand, and upon the further condition that the Utah Parks Company engage in its own name and for its own account in the transportation of passengers, freight and express to the North Rim of the Grand Canyon of the Colorado River.

12. That the Utah Parks Company has entered into a contract with the Los Angeles & Salt Lake Railroad Company, whereby the Los Angeles & Salt Lake Railroad Company agrees to furnish applicant all the necessary capital for finances reasonably required for the construction of lodges, cabins, stores, etc., and all equipment for same.

13. That the Utah Parks Company is the owner of approximately fifty automobile stages, each one of which is capable of carrying aproximately twelve passengers, and that these automobiles together with approximately ten seven-passenger touring cars, also owned by applicant, are sufficient to take care of the business reasonably anticipated for the year 1927; that the Utah Parks Company is financially capable of purchasing all of the automobiles and other things requisite and necessary for conducting the automobile line applied for.

From the foregoing facts, the Commission concludes and decides that the interests of the public will be advanced and its convenience and necessity subserved by the issuance of a certificate of convenience and necessity authorizing the Utah Parks Company to operate passenger, freight, and express transportation service for hire over and upon the public highway between Bryce Canyon, Zion National Park, and Grand Canyon National Park; that the Commission has previously determined convenience and necessity for this service, and finds that the present conditions create even greater demand for this service.

The Commission also finds that Certificates of Convenience and Necessity Nos. 135 and 146, issued to C. G. Parry, as modified by Certificate of Convenience and Necessity No. 225, issued to the Utah Parks Company, should be cancelled, and all of the rights of C. G. Parry

under the foregoing certificate be transferred to the Utah Parks Company, to all of which C. G. Parry consents.

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. 302.

Cancels Certificates of Convenience and Necessity Nos. 135 and 146.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of June, 1927.

In the Matter of the Application of the UTAH PARKS COMPANY, a Corporation, for permission to assume all the right, title, and interest of C. G. Parry in automobile bus line between Zion National Park and Grand Canyon National Park (North Rim), and between Bryce Canyon and Grand Canyon National Park (North Rim), in the State of Utah.	CASE No. 970

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 herein, be, and it is hereby, granted; that Certificates of Convenience

and Necessity Nos. 135 (Case 492) and 146 (Case 507), issued to C. G. Parry, be, and they are hereby, cancelled and annulled; that the Utah Parks Company, a Corporation, be, and it is hereby, authorized to assume all the right, title, and interest of C. G. Parry in automobile passenger, freight, and express bus line between Zion National Park and Grand Canyon National Park (North Rim), and between Bryce Canyon and Grand Canyon National Park (North Rim), in the State of Utah.

ORDERED FURTHER, That the 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,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 19th day of May, 1927.

UTAH LAKE DISTRIBUTING COMPANY, et al., *Complaintants,* vs. UTAH POWER & LIGHT COMPANY, a Corporation, *Defendant.*	CASE No. 971

ORDER

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, 1927:

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, 1927.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the ARROW AUTO LINE, a Corporation, for permission to operate an automobile passenger and express line between Hiawatha and Mohrland, Utah.	CASE No. 972

Submitted September 27, 1927. Decided October 31, 1927.

Appearance:

Henry Ruggeri, Attorney, of Price, Utah, for Applicant.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This matter came on regularly for hearing, before the Public Utilities Commission of Utah, September 27, 1927, at Price, Utah, upon the application of the Arrow Auto Line for a certificate of convenience and necessity for permission to operate an automobile passenger and express line between Hiawatha and Mohrland, Utah. There were no protests.

From the evidence presented at the hearing, and after due investigation made, the Commission finds and reports as follows:

1. That the Arrow Auto Line is a corporation, organized and existing under and by virtue of the laws of the State of Utah, and is the owner and holder of a certificate of convenience and necessity to operate an automobile stage line between Price and Hiawatha, Carbon County, Utah, the said certificate being in Case No. 675, before this Commission, issued October 23, 1923.

2. That there is no train service of any kind or stage service now existing between Hiawatha and Mohrland, Utah, except as said service has been offered to the public by the petitioner herein.

3. That the daily stage schedule of the said Arrow Auto Line at the present time is:

Leaves Price for Hiawatha 9 a. m. and 3 p. m.
Leaves Hiawatha for Price 11 a. m. and 6 p. m.

4. That petitioner, if granted a certificate of convenience and necessity to carry passengers and express from Price to Mohrland, via Hiawatha, Utah, proposes to make the following schedule of rates:

From Price to Mohrland, via Hiawatha....$2.50
From Price to Mohrland, via Hiawatha and return 4.25
From Hiawatha to Mohrland..... .75
From Hiawatha to Mohrland and return... 1.25

The proposed schedule is:

Leave Hiawatha for Mohrland .....4:15 p. m. daily
Leave Mohrland for Hiawatha and Price 5:15 p. m. daily

5. That the applicant, Arrow Auto Line, is equipped with all necessary automobiles and stage equipment to properly conduct said service, and has, since the 23rd day of October, 1923, been engaged in the stage line business, operating between Price and Hiawatha, Utah.

From the foregoing facts, the Commission concludes and decides that the applicant, Arrow Auto Line, a Corporation, should be granted a certificate of convenience and necessity to operate an automobile passenger and express line between Hiawatha and Mohrland, Utah.

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. 308.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 31st day of October, 1927.

In the Matter of the Application of the ARROW AUTO LINE, a Corporation, for permission to operate an automobile passenger and express line between Hiawatha and Mohrland, Utah.	CASE No. 972

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 Arrow Auto Line, a Corporation, be, and it is hereby, authorized to operate an automobile passenger and express line between Hiawatha and Mohrland, Utah.

ORDERED FURTHER, That applicant, Arrow Auto Line, 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 Investigation of Railroad Rates on Edible Livestock applicable to intrastate traffic in Utah. } CASE No. 973

PENDING.

In the Matter of the Application of TONY BONACCIE, for permission to operate an automobile bus line, for the transportation of passengers, between Park City and Heber City, Utah, and intermediate points. } CASE No. 974

PENDING.

In the Matter of the Application of M. C. WEST and R. A. NEILSON, for permission to operate an automobile freight and express line between Richfield and Milford, Utah. } CASE No. 975

PENDING.

In the Matter of the Application of the SALINA TELEPHONE COMPANY, for permission to increase telephone rates at Salina, Redmond, and Aurora, Utah. } CASE No. 976

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue street car service and remove its tracks on its North Yard Line, between North Temple Street and West Ninth North Street, all in Salt Lake City, Utah.	CASE No. 977

Submitted August 15, 1927. Decided September 14, 1927.

Appearances:

John F. MacLane, Attorney, of Salt Lake City, Utah,	for Applicant.
J. F. Cameron, of Salt Lake City, Utah,	for Shop Employees of Oregon Short Line Railroad Co.
John Berry, of Sandy, Utah,	for S. E. Association and certain employees of Oregon Short Line Railroad Co.
W. H. Folland, Attorney, of Salt Lake City, Utah,	for Salt Lake City.
C. T. Stoney, of Salt Lake City, Utah,	for Users of the Street Cars.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 18, 1927, the Utah Light & Traction Company filed an application with the Public Utilities Commission of Utah, in substance alleging:

That applicant is a corporation of the State of Utah; that it owns and operates an electric street railway system in Salt Lake City, Utah; and as a part of said street railway system, owns and operates a section of line extending from its connection with the said system at the intersection of North Temple Street and Third West

Street, thence northerly along said Third West Street to Fifth North Street, thence westerly along said Fifth North Street to Fourth West Street, thence northerly along said Fourth West Street to Ninth North Street, said section of line being hereinafter referred to as "North Yard Line;" that said line was constructed about the year 1907, by applicant's predecessor in interest, and ever since has been lawfully maintained and operated under and pursuant to the provisions of franchises duly granted to said applicant and/or its said predecessors in interest, by said Salt Lake City.

That applicant also owns and operates as a part of its said street railway system a double track line known as "Warm Springs Line," extending from its connection with said system at the intersection of South Temple Street and West Temple Street, thence northerly along said West Temple Street to First North Street, thence west two blocks to North Second West Street, thence north along said Second West Street to Beck Street, thence northwesterly along Beck Street to the north limits of Salt Lake City; also a line, part double track and part single track, known as the "North Fifth West Line," extending from its connection with said system at the intersection of North Temple Street and North Third West Street, thence westerly two blocks to Fifth West Street, thence northerly along said Fifth West Street to its terminus at West Fourth North Street; that applicant operates street cars over each of said lines at frequent intervals and renders street car service thereon adequate to fully and conveniently serve the public now served by the said North Yard Line.

That applicant desires to discontinue service upon and remove its tracks from the said North Yard Line for the following reasons:

(a) The average monthly gross revenue of said North Yard Line amounts to approximately $680.00 per month, whereas the bare cost of operation, exclusive of any allowance for depreciation or interest on investment, amounts to $920.00 per month.

(b) Deferred maintenance on said North Yard Line amounts to approximately $24,000.00, which must be made up in the immediate future if the operation of the said line is continued. The expenditure required for this pur-

pose will increase the present losses by the amounts so expended.

(c) The public now served by said North Yard Line can be adequately and conveniently served by the Warm Springs Line and the North Fifth West Line hereinbefore mentioned.

(d) The operation of this line can be continued only at a loss to the applicant, which will greatly and unnecessarily burden the operation of the remainder of applicant's street railway system.

(e) The continued operation of this line is not necessary or required in the service of the public.

Applicant prays that this Commission issue its order authorizing said applicant to stop and discontinue rendering service upon and remove its tracks from the said North Yard Line, between North Temple Street and West Ninth North Street.

This matter came on regularly for hearing, before the Commission, at its office in Salt Lake City, Utah, August 15, 1927.

At the hearing, Salt Lake City, through the City Attorney, stated that the City Commission had no objection to the granting of applicant's petition and would not take part in the proceedings.

Representatives of the shop employes of the Union Pacific System at Salt Lake City protested the granting of the application, on the ground that there are five hundred shop employes who would be inconvenienced if said car line was removed.

Applicant testified that said North Yard Line, operating on a thirty minute headway, was paralleled on the east by the Warm Springs line, with a ten minute headway, and that the distance between the two lines was from one to two blocks. It was shown that based on the system average cost per car mile and with no allowance for depreciation, taxes or overheads, an actual operating loss of $240.00 per month was being incurred by the operation of this line.

After a full consideration of the evidence, the Commission finds as follows:

That the applicant, Utah Light & Traction Company, is a corporation and as such is operating approximately 136 miles of street railroad in Salt Lake City and Salt Lake County.

That the fair value for rate-making purposes of the applicant's street railroad system as fixed by the Public Utilities Commission, June 30, 1918, including additions and betterments to December 31, 1926, was $9,328,579.25.

That the rate of return for the year 1926, with no allowance for depreciation, was 4.16%, and with a proper depreciation allowance, was 2.08%.

That the revenues derived through the operation of said North Yard Line are not sufficient to defray the bare operating costs, and that public necessity does not require the operation of said line.

That applicant should be permitted to withdraw its said street car service as applied for herein, and abandon and remove its tracks from North Temple and Third West Streets to Fourth West and Ninth North Streets, as applied for.

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 14th day of September, 1927.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue street car service and remove its tracks on its North Yard Line, between North Temple Street and West Ninth North Street, all in Salt Lake City, Utah.	CASE No. 977

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 be, and it is hereby, granted, that the Utah Light & Traction Company be, and it is hereby, authorized to discontinue service upon and remove its tracks from North Temple and Third West Streets to Fourth West and Ninth North Streets, in Salt Lake City, Utah.

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 LIGHT & TRACTION COMPANY, for permission to discontinue street car service and remove its tracks on 7th South Street between West Temple and Eighth West Street, all in Salt Lake City, Utah. } CASE No. 978

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue street car service and remove its tracks on the Holliday Line, south of Thirty-third South Street, in Salt Lake County, Utah. } CASE No. 979

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to operate and maintain an automobile bus line between 33rd South Street and Holliday, in Salt Lake County, Utah. } CASE No. 981

Submitted September 6, 1927. Decided October 15, 1927.

Appearances:

John F. MacLane and George R. Corey, Attorneys, of Salt Lake, } for Applicant.

Dr. Heber J. Sears, of Holliday, Utah, } for Holliday Civic Betterment League.

REPORT OF THE COMMISSION

By the Commission:

These matters came on regularly for hearing before the Public Utilities Commission of Utah, at its office in the State Capitol, Salt Lake City, Utah, after due notice given for the time and in the manner required by law.

After the opening statement had been presented by applicant in Case No. 979, August 16, 1927, Dr. Heber J. Sears, appearing for the Holliday Civic Betterment League, requested that hearings in Cases Nos. 979 and 981 be continued for sixty days, so that a better understanding of the sentiment of the citizens of Holliday who are vitally interested in these cases, may be obtained, and also that Case No. 979, which is application for permission to discontinue street car service and remove the tracks, and Case No. 981, to operate and maintain an automobile bus line, be jointly considered.

After some discussion, it was decided to proceed with the cases as per the published notices, permitting the applicant to present its evidence, and then continue both cases for thirty days. This conclusion was concurred in and was satisfactory to all parties concerned.

Therefore, Case No. 979, which is the application of the Utah Light & Traction Company for permission to discontinue street car service and remove its tracks on the Holliday Line south of Thirty-third South Street, in Salt Lake County, Utah, was heard at Ten a. m., August 16, 1927.

Case No. 981, application of the Utah Light & Traction Company for permission to operate and maintain an automobile bus line between 33rd South Street and Holliday, in Salt Lake County, Utah, was heard at Ten a. m., August 17, 1927.

Further hearing in both cases was resumed, September 6, 1927, at Ten a. m.

From the admitted facts and the evidence presented at the hearings for and in behalf of the respective parties, the Commission finds:

1. That the applicant, Utah Light & Traction Company, is a corporation of the State of Utah; that it owns and operates an electric street railway system in Salt Lake City and Salt Lake County, Utah, and, as a part of such system, owns and operates a section of line extending from its connection with the system at the intersection of Twenty-first South and Eleventh East Streets, in Salt Lake City, southeasterly along Highland Drive, crossing the City limits at or near Twenty-eighth South Street, crossing Thirty-third South Street at its intersection with Highland Drive, thence continuing southeasterly along said Highland Drive to Forty-eighth South Street, thence continuing easterly along said Forty-eighth South Street to its terminus in Holliday; that portion of the said line extending southeasterly from the intersection of Highland Drive and Thirty-third South Street to Holliday, being hereinafter referred to as the "Holliday Line," being located in Salt Lake County, Utah; that the said Holliday Line consists of a single track, together with necessary passing tracks, is located on and along the east side of Highland Drive and on and along the north side of Forty-eighth South Street, was constructed about the year 1912, and ever since has been lawfully maintained and operated under and pursuant to the provision of a franchise granted by Salt Lake County to the predecessors in interest of the applicant herein.

2. That applicant desires to discontinue street car service upon and remove its tracks from said Holliday Line.

3. That a substantial number of the people living in the territory served by said Holliday Line are desirous of widening, repaving, and otherwise improving Highland Drive; such widening, repaving, and other improvements can be better accomplished if the car tracks are removed from said street, thus permitting the use of the space now occupied by the car tracks for highway purposes.

4. That the existing service is being maintained at a loss; except for one or two cars in the morning and one or two in the evening, the service is practically unused by the public. The average gross revenue received from the operation of said line amounts to approximately $2,050.00 per month, while the bare cost of operation, exclusive of any allowance for depreciation or interest on investment, amounts to $2,945.00 per month.

5. That deferred maintenance on said line amounts to approximately $51,000.00, which must be made up within the next two years, and the expenditure necessary to rehabilitate said line will increase the existing losses now being sustained by the operation thereof.

6. That the operation of this line can be continued only at a loss to the applicant, which will greatly and unnecessarily burden the operation of applicant's street railway system as a whole.

7. That besides its electric street and interurban railway system, located in Salt Lake City, and Salt Lake and Davis Counties, in the State of Utah, said Utah Light & Traction Company owns and operates two auto bus lines, known as the "Mill Creek Bus Line" and the "Centerville Bus Line," operating respectively between Sugar House, in Salt Lake City, and Mill Creek, in Salt Lake County, and between North Salt Lake and Centerville, in Davis County; that applicant also filed with the Commission, July 18, 1927, its application (Case No. 980), seeking permission to stop and discontinue rendering auto bus service on its Mill Creek Bus Line between Sugar House, in Salt Lake City, and Mill Creek, in Salt Lake County, Utah.

8. That applicant alleges, upon information and belief, that, if it be permitted to remove the tracks on its said Holliday Line, and to discontinue service on its said Mill Creek Bus Line, the public convenience and necessity will require the operation of auto bus service over and along the route described as follows:

> Beginning at the intersection of 33rd South Street and Highland Drive; thence southeasterly along said Highland Drive to 48th South Street; thence easterly along 48th South Street to the intersection of said 48th South Street and 23rd East Street in Holliday; thence returning along the said route to the point of beginning.

9. That conditioned upon being permitted to remove its tracks from said Holliday Line and to discontinue service on its said Mill Creek bus line, applicant is willing to institute auto bus service over and along said route; such buses to operate on a schedule as may be best suited to the requirements of such service; the fare charged to be the same as the existing street car fare; such service to be continued and such fares to be charged, so long as the service shall be self-supporting.

10. That the committee appointed by the Holliday Civic Betterment League, with Dr. Heber J. Sears as chairman, represents the citizens and tax-payers of Holliday, Cottonwood, and all districts now served by the street car line known as the Holliday Line.

11. That said committee protests the granting of application No. 979, to discontinue car service, unless an adequate bus service is substituted in lieu thereof.

12. That the bus service, if substituted for the street car service:

(a) Will follow the same streets now used by the street car lines south of 33rd South Street, and be extended to other streets as soon as patronage will justify such extension.

(b) That the bus service will be of frequency at least equal to the present street car service.

(c) That it will be of sufficient capacity to handle the traffic.

(d) That the bus service will be at the same fares that are now being charged for street car service.

13. The committee further particularly petitions that the bus service run from Holliday to the center of Salt Lake City, instead of terminating, as contemplated, at 33rd South Street, where passengers would have to transfer, and, in all conditions of weather, await connections with street cars at that point, and that the same transfer privileges obtain from bus and car line, and vice versa, as now obtain from car line to car line; and further, that the said Utah Light & Traction Company be required to keep the roads over which the buses operate, clear of snow during the winter season.

14. Said committee further alleges that land has been bought, homes built, schools provided, and business interests established on the faith that the transportation system would be operated and maintained to serve them; that a discontinuance of an adequate transportation system would spell disaster to many, and would retard this section of the country many years in its development; that the district through which the Holliday car line runs is building up very rapidly and gives promise of being thickly populated in the near future. (An exhibit was introduced showing that 144 new homes had been erected in Holliday during the past three years.)

From the foregoing findings, the Commission concludes that the applicant, Utah Light & Traction Company, should be permitted to stop and discontinue rendering street car service upon and remove its tracks and equipment from the said Holliday Line, south of Thirty-third South Street, in Salt Lake County, Utah; and that automobile bus service be substituted therefor in lieu of applicant's present street car service, at the same rates and with the same frequency as is now being accorded the public by the applicant, said automobile bus service to operate over and along the route described as follows:

> Beginning at the intersection of 33rd South Street and Highland Drive; thence southeasterly along said Highland Drive to 48th South Street; thence easterly along 48th South Street to the intersection of said 48th South Street and 23rd East Street, in Holliday; thence returning along the said route to the point of beginning; this route to be

extended to other districts as soon as patronage will justify such extension.

That a comfortable and convenient passenger depot should be provided by the applicant at or conveniently near its terminal at the intersection of 33rd South Street and Highland Drive.

Due to the ever-increasing competition of the privately owned automobiles, the street and interurban railroads, at least in the more sparsely settled sections of the country, are finding more difficulty in earning a fair rate of return on the value of their properties; and, as is shown in the present case, the applicant, Utah Light & Traction Company, is no exception to this general condition that prevails, the return on its investment being, without allowing for depreciation, about four per cent, and, allowing for depreciation, but two and one-half per cent. Therefore, the Commission does not feel justified in requiring the applicant to route its auto buses from Holliday to the center of Salt Lake City. Such a service would be very convenient and desirable, it is true; but would only tend to further decrease the number of street car passengers and, therefore, the already very low rate of return of the capital investment.

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. 306.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 15th day of October, 1927.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue street car service and remove its tracks on the Holliday Line, south of Thirty-third South Street, in Salt Lake County, Utah.	CASE No. 979

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to operate and maintain an automobile bus line between 33rd South Street and Holliday, in Salt Lake County, Utah.	CASE No. 981

These cases being at issue upon applications 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 Utah Light & Traction Company be, and it is hereby, granted permission to discontinue rendering street car service upon and remove its tracks and equipment from the Holliday Line, south of Thirty-third South Street, in Salt Lake County, Utah.

ORDERED FURTHER, That the Utah Light & Traction Company be, and it is hereby, authorized to operate and maintain an automobile bus line, for the transportation of passengers, between 33rd South Street and Holliday, in Salt Lake County, Utah, said automobile bus service to operate over and along the route described as follows:

> Beginning at the intersection of 33rd South Street and Highland Drive; thence southeasterly along said Highland Drive to 48th South Street; thence easterly along 48th South Street to the intersection of said 48th South Street and 23rd East Street, in Holliday; thence returning along the said route to the point of beginning.

ORDERED FURTHER, That the said automobile bus service shall be rendered at the same rates and with the same frequency as is now being accorded the public by the applicant.

ORDERED FURTHER, That a comfortable and convenient passenger depot shall be provided by the applicant at or conveniently near its terminal at the intersection of 33rd South Street and Highland Drive.

ORDERED FURTHER, That applicant, Utah Light & Traction Company, before beginning operation of said automobile bus line, shall file with the Commission 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 termini 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.

ORDERED FURTHER, That the said street car service be not discontinued until the applicant, Utah Light & Traction Company, inaugurate said bus service and provides a passenger depot as herein provided.

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 LIGHT & TRACTION COMPANY, to discontinue the operation of its Mill Creek Bus Line.	CASE No. 980

ORDER

By the Commission:

It appearing that the application herein of the Utah Light & Traction Company to discontinue the operation of its Mill Creek Bus Line, should be granted; and

It further appearing that the applicant and representative citizens of the territory affected, have entered into a stipulation, which is filed herein, providing that said service may be discontinued and, in lieu thereof, applicant shall substitute bus service over certain streets and highways therein mentioned; and

It further appearing that the applicant desires to forthwith commence bus operations in accordance with said stipulation, pending the report of the Commission;

Now, therefore, for the reasons and premises stated herein;

IT IS HEREBY ORDERED, That the applicant forthwith discontinue said Mill Creek Bus Line as heretofore operated, and commence the operation of the said bus line as agreed upon and in accordance with said stipulation, pending the preparation and filing herein of the Commission's findings and report and its formal order herein.

Dated at Salt Lake City, Utah, this 29th day of October, 1927.

(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 LIGHT & TRACTION COMPANY, for permission to discontinue its street car service and remove its tracks from its Murray-Midvale-Sandy Line, south of 48th South Street, Murray City, Utah.	CASE No. 982
In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for a Certificate of Convenience and Necessity to maintain and operate an auto bus line in and between Murray City, Midvale, and Sandy, in Salt Lake County, Utah.	CASE No. 983

Submitted:

Case No. 982, Aug. 17, 1927.

Case No. 983, Aug. 18, 1927. Decided Sept. 21, 1927.

Appearances:

John F. MacLane, George R. Corey,	for Applicant, Utah Light & Traction Co.
Fred R. Morgan, Attorney,	for Murray City, Utah.
William Waters, Attorney,	for Midvale, Utah.
H. T. Matthews,	for Fraternal Hall Association, Murray, Utah.
J. E. Wahlquist, Murray,	for Citizens of South Murray and vicinity.
C. E. Gaufin, Murray, James Sabino, Murray,	for Murray City School District.
John Berry, Sandy,	for certain Citizens of Sandy.

REPORT OF THE COMMISSION

By the Commission:

These matters came on regularly to be heard before the Public Utilities Commission of Utah, at its office in the State Capitol, Salt Lake City, Utah, after due notice given for the time, and in the manner required by law.

Case No. 982, having been partially heard on August 17, 1927, was continued until August 18, 1927, at which time by consent of all interested parties and upon order of the Commission, the two Cases No. 982 and No. 983

were combined as one for hearing before and determination by the Commission. In Case No. 982, applicant seeks the discontinuance of rail service over certain lines, because of insufficient resources earned therefrom to enable it to pay operating costs and deferred maintenance. In Case No. 983, the applicant proposes to substitute bus service for street car service over these lines or routes, under similar time and rate schedules now accorded the public in its street car service.

From the admitted facts and the evidence adduced at the hearing for and in behalf of the respective parties, the Commission finds:

1. That the applicant, Utah Light & Traction Company, is a corporation duly organized and existing under and by virtue of the laws of the State of Utah, and is a "street railroad corporation," and as such, a "common carrier" and a "public utility" owning and operating a "street railroad," all as defined, and within the meaning, and subject to the provisions of Title 91 of the Compiled Laws of Utah, 1917, and acts amendatory thereto, commonly known as the Public Utilities Commission Act of Utah.

2. That the applicant owns and operates an electric street and interurban railway system in Salt Lake City, Murray, Midvale, Sandy, and Salt Lake County, all in the State of Utah. As a part of said system, applicant owns and operates as a part of its street car system, a street car line, commonly known as the "State Street Line," extending from its main street car system in Salt Lake City, and connecting with its said main system at the intersection of State Street and Ninth South Street in Salt Lake City; thence continuing southerly along said State Street to 48th South Street in Murray City; thence continuing southerly along said State Street to 88th South Street in Salt Lake County, where the said line divides; one branch thereof, continuing westerly along 88th South Street, to the Denver & Rio Grande Western Railroad tracks in Midvale; the other continuing southerly along said State Street to 97th South Street; thence easterly along said 97th South Street to Second West Street in Sandy, Utah.

3. That the present operation of said street car lines is being conducted at a loss; that for several years last

past, the gross revenue earned has been approximately $46,000.00 per year; that the bare cost of their operation and maintenance has amounted to approximately $54,-000.00 per year, leaving a yearly loss of over $7,000.00; that deferred maintenance on this line, which will have to be made up within the next two years in order to make the track serviceable, will be about $92,000.00, or $46,-000.00 annually.

4. That for many years last past, the operation of applicant's entire street car system has failed to earn a fair return on its property or capital investment, amounting to $9,328,579.25; that its total operating revenues for the twelve months ending May 31, 1927, were $1,-911,818.34; that the total operating expenses for the same period were $1,483,933.03; that the net earnings for this period were $427,885.31; its depreciation was $193,945.34; that its return on capital investment without allowing for depreciation was about 4 per cent, allowing for depreciation but 2½ per cent.

5. That public convenience and necessity requires some efficient and dependable passenger transportation over the route its said street car lines are now operated.

6. That the applicant proposes herein to abandon its street car service over its said lines at the intersection of 33rd South Street with State Street, and afford connecting automobile bus service in lieu thereof, with the same frequency and at the same rates as now afforded the public by its present street car service.

7. That the City Commissioners of Murray City desire that the proposed bus line connect with the street car line in Murray City, at the intersection of Second Avenue of Murray City with State Street, a point within the principal business section of Murray City.

8. Others desire the terminal of the street car line and the connecting bus line to be made at various points beyond Second Avenue in Murray City, to better subserve the interests of South Murray, in which is located a High School and a Smelting Plant.

From the foregoing findings, the Commission concludes that the applicant, Utah Light & Traction Company, should be permitted to abandon its street car service on the lines applied for, and remove its tracks beyond

a point designated as the intersection of Second Avenue with State Street in Murray City, and that automobile bus service be substituted therefor, in lieu of applicant's present street car service, at the same rates and with the same frequency as is now being accorded the public by the applicant.

While no protest has been made to the abandonment of the street car service, and to the substitution of the bus service on the part of any interested party, some opposition has developed on the part of residents of South Murray to the connection terminals being fixed at Second Avenue and State Street in Murray City. The Commission feels that the public will be better convenienced, all things considered, by the terminal of the street railroad being placed at Second Avenue in Murray City, Utah. That point better subserves the business section of Murray City, which is well lighted, and will have better police protection than the other points proposed. Again it is anticipated that the use of buses to serve the territory affected by the removal of the street car tracks, will prove just as efficient and dependable, and even more desirable in their service than the street cars now being operated by applicant, and without any added expense to patrons. A comfortable and convenient passenger depot should be provided by the applicant at, or conveniently near its terminals on State Street.

An appropriate order will follow in each case.

(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. 305.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of September, 1927.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue its street car service and remove its tracks from its Murray-Midvale-Sandy Line, south of 48th South Street, Murray City, Utah. } CASE No. 982

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for a Certificate of Convenience and Necessity to maintain and operate an auto bus line in and between Murray City, Midvale, and Sandy, in Salt Lake County, Utah. } CASE No. 983

This case being at issue upon application, 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 applications herein be, and they are hereby, granted, that the Utah Light & Traction Company, be, and it is hereby authorized to discontinue street car service upon and remove its tracks from its Murray-Midvale-Sandy Line, beyond the intersection of Second Avenue in Murray City with State Street, in Salt Lake County, Utah; and in lieu thereof, to afford connecting bus service, with the same frequency and at the same rates as now afforded the public by its present street car service.

ORDERED FURTHER, That a comfortable and con-

venient passenger depot be provided by the applicant at, or conveniently near its terminals on State Street.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

LOGAN CITY, a Municipal Corporation, *Complainant,*
vs.
UTAH POWER & LIGHT COMPANY, a Corporation, *Defendant.*
} CASE No. 984

Submitted Sept. 16, 1927. Decided Dec. 23, 1927.

Appearances:

Leon Fonnesbeck, City Attorney, of Logan, Utah, } for Complainant, Logan City.

John F. MacLane and George R. Corey, Attorneys, of Salt Lake, } for Defendant, Utah Power & Light Company.

Ernest T. Young, Attorney, of Logan, Utah, } for Individual Protestants, as Citizens and Taxpayers of Logan City (Interveners).

Individual Complainants, as Citizens and Taxpayers of Logan City, (Interveners).

REPORT OF THE COMMISSION

By the Commission:

On the 4th day of August, 1927, Logan City, a Municipal Corporation, filed with the Public Utilities Commission a complaint, in substance and effect alleging that it

is the owner of and engaged in the operation of electrical power plant and distribution system, for the supplying of electrical energy and power to its citizens and customers for hire; that the defendant, Utah Power & Light Company, is the owner of an electric power system, operating for hire throughout the States of Utah and Idaho, and supplying its customers with electrical energy, among which is included a large number of the citizens of Logan City; that the distribution systems of the complainant and defendant, within Logan City, parallel each other and are in constant competition with each other, the result of which has been that the rates accorded the consuming public have not been predicated on the amount of electrical power and energy used and consumed by their respective customers, but are based on what is commonly known as "flat rates," or unmeasured service, resulting in loss of revenues and operating costs to both parties serving electrical energy under said flat rate system at the prices charged therefor.

That in March, 1927, after a conference held between the officials of Logan City and representatives of the Utah Power & Light Company, an understanding was reached that both the plaintiff and the defendant should abandon their flat rate service in Logan City and proceed to install meters and serve their respective customers on meter rates; that thereupon the complainant, Logan City, proceeded to install meters, with the purpose in view of commencing, on September 1, 1927, to serve its patrons with electrical energy at rates based on measured service; but the defendant, Utah Power & Light Company, has since failed to install meters and continues to serve its patrons at flat rate charges for electrical energy, which are alleged by the plaintiff to be unjust, unreasonable, discriminatory, and unlawful and in violation of the provisions of the Public Utilities Act of the State of Utah.

Plaintiff prays that the defendant be required by order of the Commission to install meters and serve its customers in Logan City with electrical energy at rates charged on a basis of metered service, and for general relief.

On the 9th day of August, 1927, the defendant entered its appearance in the case and filed objections to the complaint, to the effect that the purpose of the complainant, as shown by its complaint, was not to procure reasonable rates to be charged by plaintiff and the defendant in

Logan City, for electrical service, but to compel the defendant to establish a schedule of rates higher than those established by plaintiff and at a resultant loss to defendant of its property and business in Logan City; that the complaint failed to show that complainant had taken the proper steps to make its metered rates legally effective under the statutes of Utah, and that the order applied for by complainant would, if granted by the Commission, deny the defendant equal protection of the law and its constitutional rights, and further, that the complaint of the complainant is insufficient, in that it fails to show the amount of the operating revenues, estimated or otherwise to be derived from complainant's proposed meter rates.

On August 13, 1927, certain citizens and taxpayers of Logan City filed with the Commission a petition in intervention, alleging in substance and to the effect that they as taxpayers of Logan City, for many years have been taxed large sums, to maintain the Logan City plant, and to make up the deficit caused by the complainant's operation thereof. They allege that the proposed meter rates of the complainant will, if permitted by the Commission, continue to result in a large deficit, for which they will be continually taxed for the operation of the electric plant of Logan City. They pray that the meter rates proposed to be charged by Logan City be investigated by the Commission, and, after such investigation, the Commission establish rates for Logan City that will be adequate to pay for proper and economical operation of its plant, together with the payment of interest, sinking funds, and such other proper allowances as may seem meet and proper.

On August 22, 1927, certain other citizens and taxpayers of Logan City filed a "counter" petition in intervention, they also alleging, as did the complainant, that the flat rate system of the complainant, Logan City, and the defendant, Utah Power & Light Company, is improper and proving "wasteful, extravagant, and against the public interest." These petitioners joined with the complainant in praying that the defendant be required to install meters and serve its customers on a metered basis.

On August 25, 1927, the defendant, Utah Power & Light Company, filed its answer in the case. Its answer admits that the flat rate system of charging for electric service in Logan City, is unreasonable and wasteful; but affirmatively alleges that the metered rates proposed by

the complainant are equally unreasonable, low and improper. It concurs in the complaint of Logan City that flat rates should be abolished and service rendered on a meter basis, provided reasonable meter rates be established in lieu of the prevailing flat rates. It also affirmatively alleges that it is not the purpose of complainant by its proposed rates for meter service to meet the cost of operating and properly maintaining its system, but to require the defendant, as a competitior, to establish materially higher rates for its service in Logan City, in order that complainant may acquire its business and destroy its property in Logan City; that any order of the Commission which would require the defendant to render electric service in Logan City at rates higher than those charged by Logan City, its competitor, or which would fix rates less than reasonable for service, would deprive the defendant of its property, without due process of law, and deny to it equal protection of the laws in violation of the Fourteenth Amendment of the Constitution of the United States, and of Section 7, Article 1 of the Constitution of Utah, and would further be unjust and unreasonable, and in violation of the Public Utilities Act of Utah.

It prays that the Commission investigate the matter of rates to be charged for electric service in Logan City, and fix reasonable rates to be charged therefor.

To the answer of the defendant, the complainant filed its demurrer or objections as to the sufficiency of the answer, and also its reply in effect denying the insufficiency of the proposed rates of Logan City, in view of the flat rate system being charged in Logan City.

The objections of the parties, respectively to the complaint and answer, were after being heard and argued, taken under advisement by the Commission, to be considered, passed upon, and determined in connection with hearing and determination of the case upon its merits. The petitions of intervention of citizens and taxpayers of Logan City, were allowed.

The case came on regularly for hearing, before the Commission, at Logan City, Utah, September 15, 1927, and the hearing was concluded on the 16th day of September, 1927, when the case was taken under advisement.

From the admitted facts and the testimony taken at the hearing, the Commission finds:

1. That the complainant, Logan City, is a municipal corporation, organized and created under the laws of the State of Utah; that since about the month of May, 1904, it has owned and has been engaged in operating an electrical power plant, with transmission lines and distribution system, for the purpose of lighting its streets and public buildings and supplying, for hire, consumers with electric energy for lighting, heating and general power purposes.

2. That complainant's present power plant or system was first constructed in 1903, at first as a hydro-electric plant, at a cost of approximately $80,000, since when additions and betterments have been made, more especially in recent years, by rebuilding and enlarging its hydro-electric plant and the installation of a Diesel engine, and it now represents a capital expenditure of approximately $618,000.00. That at the present time the complainant has an outstanding interest-bearing bonded indebtedness of $530,000, created for and used in establishing its present power plant and distributing system.

3. That the defendant, Utah Power & Light Company, is a corporation, duly organized and existing under the laws of the State of Maine, qualified to and doing business in the State of Utah; that it is the owner of and engaged in operating a number of extensive hydro-electric interconnected generating plants and transmission and distribution systems in Utah, among which is its Logan City plant, constructed about the year 1896 on Logan River, near Logan City, Utah, by its predecessor, Hercules Power Company. That in 1896 said Hercules Power Company was granted a franchise by the complainant, Logan City, whereby it and its successors and assigns were given the right and privilege to use the streets, lanes, and alleys of Logan City for the purpose of serving citizens and residents of said City with electrical energy for heating, lighting, and general power purposes, for a term of forty years. That ever since the construction of said power plant in 1896, the defendant and its predecessors in interest have continued uninterruptedly to generate, distribute, and sell electrical energy to consumers in Logan City, for said purposes, and ever since the construction of the Logan City plant in 1903, in competition with the complainant, Logan City, generally upon a flat rate basis.

4. That the rates charged consumers of electrical energy in Logan City by the respective parties, complain-

ant, Logan City, and defendant, Utah Power & Light Company, under said competitive situation, for several years last past and at the time of the filing of the complaint herein, were for the most part identical and based upon the following schedules, respectively:

UTAH POWER & LIGHT COMPANY

Power: One Dollar and Fifty Cents ($1.50) per connected horse power per month.

Lighting: Ten (10) cents per month for a 40 Watt Lamp and larger lamps in direct proportion—continuous burning.

Fuel: Grills—500 Watts—fifty (50) cents per month. Air heaters, twenty (20) cents per ampere per month. Vacuums, washer, motors, etc., twenty-five (25) cents per month. Ranges, three (3) cents per K. W. H. (metered).

LOGAN CITY, A MUNICIPAL CORPORATION

Power: One Dollar and Fifty Cents ($1.50) per connected horse power per month.

Lighting: Ten (10) cents per month for a 40 watt lamp and larger lamps in direct proportion—continuous burning.

Fuel: Grills—500 watts—twenty-five (25) cents per month. Air heaters, twenty (20) cents per ampere per month. Vacuums, washer, motors, etc., twenty-five (25) cents per month. Ranges, three (3) cents per K. W. H. (metered).

5. That for many years prior to March, 1925, Logan City had been charging consumers under said flat rate system for a forty watt lamp, fifteen cents; the Utah Power & Light Company, ten cents. That the flat rates charged both before and since said rate reduction proved inadequate in varying amounts from year to year to meet the necessary operating expenses of complainant's Logan City, plant, interest and the principal of its bonded indebtedness, created for the construction of its power sys-

tem, said flat rates having also proved wasteful, by reason of consumers using more power than needed.

6. That more especially for the last three years, in order to meet the deficit created in the operations of the Logan City plant, and in meeting payments on bonded indebtedness for the plant, complainant, under said flat rate system of charging for electrical energy, has had to tax the property owners in Logan City approximately $25,000 each year, the larger portion of which has been borne by about six hundred taxpayers of Logan City, among whom are included the protesting citizens and taxpayers herein.

7. That on the 11th day of January, 1927, the City Commissioners of Logan City passed a resolution to the effect that Logan City could no longer continue to operate its electric power plant and serve its customers for the flat rates then being charged; that it would install meters and charge its customers for electric service upon a meter basis, and at the following rates, to become effective, September 1, 1927:

5c per K. W. H. for first 50 K. W. H. consumed per mo.
4c per K. W. H. for next 150 K. W. H. consumed per mo.
3c per K. W. H. for all electricity used over and above 200 K. W. H. per month, for lighting purposes.

Minimum rate, 50c per month.

10% discount to be allowed on prompt payments.

General Heating and Cooking Meter Rate.

2c per K. W. H. for all monthly consumption.
5% discount to be allowed for prompt payment.

General Power Meter Rate

5c per K. W. H. for first 30 K. W. H.
4c per K. W. H. for next 90 K. W. H.
3c per K. W. H. for next 270 K. W. H.
2c per K. W. H. for next 810 K. W. H.

1c per K. W. H. for all in excess of 1200 K. W. H. each monthly consumption.

Minimum monthly charge per month per contract H. P. $1.00.

5% discount for prompt payment, if paid within discount period.

Said resolution further authorized the Mayor of Logan City to enter into contracts with consumers at said rates, which said contract, among other things, provided:

> "It is the aim and purpose of the parties hereto, that all users of electric energy within Logan City shall receive and pay for the same on meter rates; and to this end the City agrees, if necessary, to apply to the State Utilities Commission or to the Supreme Court for an Order directing and requiring the Utah Power & Light Company to comply with the statute in this regard and to serve its patrons in this City on the same uniform meter rates as said Company now serves and provides its patrons outside of Logan City."

7-A. That on the 7th day of April, 1927, the defendant, Utah Power & Light Company met with the City Commissioners of Logan City in the city offices of Logan City, Utah, and then and there, informed the City Commission that the defendant would voluntarily abandon its said "flat" rate system then and theretofore maintained in Logan City, Utah, and would proceed to install meters preparatory to serving its customers in Logan City on meter rates, at the same time as complainant would commence serving its customers on meter rates, at a date to be fixed by the complainant, Logan City; that on the 22nd day of April, 1927, in pursuance to said understanding the City Commissioners of Logan City passed a resolution to the effect that it would proceed to serve its patrons under a metered system on and after September 1, 1927.

8. That, generally, speaking, in the same territory at the uniform meter rates now charged for electric service in Utah by the defendant, Utah Power & Light Company, outside of Logan City, are as follows:

RESIDENTIAL AND COMMERCIAL LIGHTING—
METER RATE

Charges

10c per K. W. H. first 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. next 250 K. W. H. of monthly consumption.

7c per K. W. H. next 250 K. W. H. of monthly consumption.
6c per K. W. H. next 250 K. W. H. of monthly consumption.
5c per K. W. H. for all K. W. H. of monthly consumption in excess of 1250 K. W. H.

GENERAL HEATING AND COOKING—METER RATE

Charges

3c per K. W. H. for all monthly consumption.

COMMERCIAL HEATING AND COOKING—METER RATE

Charges

(a) Demand: $1.00 per month per kilowatt of monthly maximum demand which charge includes thirty hours use per month for each kilowatt of monthly maximum demand.

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

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

¾c per K. W. H. all monthly consumption in excess of 120 hours use per month of monthly maximum demand.

GENERAL POWER—OPTIONAL METER RATE LOW VOLTAGE

Charges

8.00c per K. W. H. for the first 30 K. W. H. used per month per contract H. P.

7.00c per K. W. H. for the next 50 K. W. H. of monthly consumption.

5.50c per K. W. H. for the next 200 K. W. H. of monthly consumption.

4.00c 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.

MINIMUM MONTHLY CHARGES

$2.25 gross per month for the first contract H. P.
1.50 gross per month per contract H. P. for each additional contract H. P.

RESIDENTIAL LIGHTING AND COOKING—METER RATE

Net Charges

$2.00 per month for four rooms or less, including 28 K. W. H.

35c per month for each additional room, including 5. K. W. H. per room.

2¾c per K. W. H. for all excess.

RESIDENTIAL LIGHTING AND REFRIGERATION—METER RATE

Net Charges

$2.00 per month for four rooms or less, including 28 K. W. H.

35c per month for each additional room, including 5. K. W. H. per room.

4.5c per K. W. H. for all excess.

RESIDENTIAL LIGHTING, REFRIGERATION AND COOKING—METER RATE

Net Charges

$3.00 per month for four rooms or less, including 42 K. W. H.

35c per month for each additional room, including 5 K. W. H. per room.

2¾c per K. W. H. for all excess.

RESIDENTIAL LIGHTING, COOKING AND WATER HEATING—METER RATE

Net Charges

$3.50 per month for four rooms or less, including 49 K. W. H.

35c per month for each additional room, including 5 K. W. H. per room.

2¾c for the next 150 K. W. H. per month.

2¼c per K. W. H. for all excess.

RESIDENTIAL LIGHTING, COOKING, REFRIGERATION AND WATER HEATING—METER RATE

Net Charges

$4.00 per month for four rooms or less, including 56 K. W. H.

35c per month for each additional room, including 5 K. W. H. per room.

2¾c for the next 150 K. W. H. per month.

2¼c per K. W. H. for all excess.

GENERAL POWER—METER RATE

Low Voltage—1 H. P. to 50 H. P.

Charges

(a) Demand: $2.50 per month per contract H. P., which charge entitles consumer to use during said month 30 K. W. H. for each H. P. of contract power.

(b) Energy: 7.5c per K. W. H. for next 50 K. W. H. of monthly consumption.

5.5c per K. W. H. for next 250 K. W. H. of monthly consumption.

3.5c per K. W. H. for next 750 K. W. H. of monthly consumption.

1.2c per K. W. H. for all excess monthly consumption.

GENERAL POWER—METER RATE

Low Voltage—50 H. P. or Over.

Charges

(a) Demand: $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.

(b) Energy: 7.0c per K. W. H. for next 50 K. W. H. of monthly consumption.

5.0c per K. W. H. for next 250 K. W. H. of monthly consumption.

3.0c per K. W. H. for next 750 K. W. H. of monthly consumption.

1.0c per K. W. H. for all excess monthly consumption.

The foregoing schedules are for alternating current service supplied at 110, 220, and 440 volts.

9. That Logan City, with a population of approximately 10,000 people, had, as of September 1, 1927, 3,361 consumers of electric energy, including the street lighting of Logan City,—when classified as follows:

Residential Lighting	2,600
Commercial Lighting	324
Residential Fuel	336
Commercial Fuel	14
Power	86
Street Lighting	1
	3,361

10. That the relative number of customers and the estimated yearly K. W. H. consumption in Logan City of the 3,361 consumers of electric energy purchased of the complainant and the defendant, respectively, was, as of September 1, 1927, as follows:

Classification	U. P. & L. Co. No. Customers	Logan City No. of Customers	Total No. of Customers	Estimated K. W. H. per Customer
Residence Light	1,046	1,554	2,600	245
Commercial Light	181	143	324	1,500
Residence Fuel	250	86	336	1,046
Commercial Fuel	14	....	14	3,312
Power	50	36	86	....
Street Lighting	..	1	1	....

11. That the estimated yearly revenue based on the number of customers of the Logan City plant, as of September 1, 1927, and its proposed meter rates, to become effective as of September 1, 1927, would be as follows:

Classification	No. of Customers	Total Billing Per Customer	Possible Discount	Total Minimum Net Revenue
Residence Light	1,554	$ 12.25	$1.22	$17,140.62
Commercial Light	143	66.00	6.60	8,494.20
Residence Fuel	86	20.80	1.04	1,699.36
Commercial Fuel	...	.....	...	.....
Power	36	175.00	8.75	5,985.00
Street Lighting	1	8,500.00	...	8,500.00
Total				$41,819.18

12. It is estimated that the yearly operating expenses of complainant's, Logan City, power plant, including distribution system, will be aproximately $37,642.16, allowing nothing on power plant values for depreciation nor for interest on bonded indebtedness, nor to meet any contingencies that may arise. Allowing 5 per cent for depreciation on power plant values alone, $420,000, an additional expense would be incurred of $21,000.00.

The foregoing findings of fact the Commission believes to be as conservatively and fairly found and stated as is possible to do, in view of the conflicting testimony of witnesses who testified in this case and who are shown to be experienced and familiar with the management of public

utilities, both privately and municipally owned and operated.

Throughout the hearing and investigation of this case, the complainant has contended that the Public Utilities Commission has had no jurisdiction to receive testimony bearing upon the question of the reasonableness of the rates of its Logan City plant, as fixed and determined by the City Commissioners of Logan City, while at the same time it has contended that it is the duty of the Utilities Commission under the provisions of the Public Utilities Act to require the defendant to serve its customers at reasonable rates, to be fixed and determined by us, upon a metered basis.

As the record herein shows, the complainant, on the first day of September, 1927, proceeded to serve its customers in Logan City upon a metered basis, at rates fixed and determined by the City Commissioners. These rates are challenged, not only by the defendant but also on the part and in behalf of a large number of citizens and heavy taxpayers of Logan City, as being insufficient to meet the financial requirements of the Logan City plant. They contended that the rates sought to be now charged by complainant under its metered system, are equally unjust and unreasonable, if not more so, than were the uniform flat rates charged by complainant and the defendant in recent years, which resulted in operating losses, to be borne, necessarily, on the one hand by the tax-payers of Logan City and on the other hand by the rate-payers generally of the Utah Power & Light Company.

That the Public Utilities Commission is charged with the duty of regulating the practices, rates, and charges of municipally owned as well as privately owned public utilities operating for hire in this State, is so clearly expressed in the provisions of our Public Utilities Act and so explicitly confirmed by our Supreme Court decisions, that it would seem the position taken by Logan City with respect to its City Commissioners having the right to arbitrarily fix and maintain rates after their reasonableness has been challenged in proper proceedings under the Public Utilities Act, irrespective of any action taken on the part of the Utilities Commission, is hardly worthy of even passing notice. However, the question has been here again raised, and we will, before proceeding to discuss and rule upon the merits of this case, point out the more perti-

nent provisions of our statute or act that are, as we believe, absolutely controlling.

Section 4782, Compiled Laws of Utah, 1917, provides:

"3. The term 'corporation,' when used in this title includes a corporation, an association, a municipal corporation, and a joint stock company, having any powers or privilege not possessed by individuals or partnerships.

"4. The term 'municipal corporation,' when used in this title, shall include all cities, counties, or towns, or other governmental units created or organized under any general or special law of this state.

"19. The term 'electric plant,' when used in this title, includes all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate the production, generation, transmission, delivery, or furnishing of electricity for light, heat, or power, and all conduits, ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying conductors used or to be used for the transmission of electricity for light, heat, or power."

"20. The term 'electrical corporation,' when used in this title, includes every corporation or person, their lessees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any electric plant, or in anywise furnishing electric power for public use within this state, except where electricity is generated on or distributed by the producer through private property alone, solely for his own use or the use of his tenants and not for sale to others."

"28. The term 'public utility,' when used in this title, includes every common carrier, gas corporation, automobile corporation, electric corporation, telephone corporation, telegraph corporation, water corporation, heat corporation, and warehouseman where the service is perfomed for or the commodity delivered to the public or any portion thereof. The term 'public or any portion thereof,' as herein used, means the public generally, or any limited portion of the public including a person, private corporation,

municipality, or other political subdivision of the state, to which the service is performed or to which the commodity is delivered, and whenever any common carrier, gas corporation, automobile corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, heat corporation, or warehouseman performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, gas corporation, automobile corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, heat corporation, and warehouseman is hereby declared to be a public utility subject to the jurisdiction and regulation of the commission and the provision of this title. Furthermore, when any person or corporation performs any such service or delivers any such commodity to any public utility herein defined, such person or corporation and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction and regulation of the commission, and to the provisions of this title. Any corporation or person not being engaged in business exclusively as a 'public utility,' as hereinbefore defined, shall be governed by the provisions of this title in respect only of the 'public utility' or 'public utilities' owned, controlled, operated, or managed by it or by him, and not in respect of any other business or pursuit."

Section 4783:

"1. All charges made, demanded, or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded, or received for such product or commodity or service is hereby prohibited and declared unlawful."

"2. Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public and shall be in all respects adequate, efficient, just and reasonable."

Section 4784:

"2. Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, charges, classifications, or service. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals, or charges, from time to time, in excess of or less than those shown by said schedule."

"3. The commission shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this section as it may find expedient, and to modify the requirements of any of its orders, rules, or regulations in respect to any matters in this section referred to."

Section 4789:

"No public utility shall establish or maintain any unreasonable difference as to rates, charges, service facilities, or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section."

Section 4798:

"Jurisdiction. The commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in this state, as defined in this title, and to supervise all of the business of every public utility in this state, and to do all things whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction."

Section 4800:

"Commission may make classification and fix rates. 1. Whenever the Commission shall find after

hearing that the rates, fares, tolls, rentals, charges, or classifications, or any of them demanded, observed, charged, or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, practices, or contracts, or any of them, affecting such rates, fares, tolls, rentals, charges, or classifications, or any of them, are unjust, unreasonable, discriminatory, or preferential, or in anywise in violation of any provisions of law, or that such rates, fares, tolls, rentals, charges, or classifications are insufficient, the Commission shall determine the just, reasonable, or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

"2. The Commission shall have the power to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract, or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts, and practices, or any number thereof, of any public utility, and to establish, after hearing, new rates fares, tolls, rentals, charges, classifications, rules, regulations, contracts, or practices, or schedule or schedules, in lieu thereof."

In the case of the City of St. George vs. Public Utilities Commission of Utah, et al., (62 Utah, 453, 220 Pac., 720), where the question was raised, our own Supreme Court said:

"Municipal corporations, in express terms, are included in the Act and they are there treated precisely the same as all other corporations or persons that are affected or controlled by the Act."

But, says the complainant, since the St. George case was under consideration and decided, our legislature passed an act amending Section 794, Compiled Laws of Utah, 1917, as amended by Chapter 19, Session Laws of Utah, 1921, and this act, Chapter 63, Laws of Utah, 1925, by implication at least repealed the provisions of the Public Utilities Act, above quoted, with respect to the Utilities

Commission having jurisdiction over rates and charges of public utilities, municipally owned and operated, and moreover, conferred jurisdiction upon their local authorities to establish such rates as they might deem proper and advisable.

The statute relied upon by complainant, as amended, reads:

> "The board of commissioners, city council, or board of trustees, as the case may be, shall provide by ordinance for the issuance and disposal of such bonds, provided that no such bonds shall be sold for less than their face value. The board of commissioners, city council, or board of trustees, as the case may be, shall annually levy a sufficient tax to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof within the time for which such bonds are issued; provided that whenever bonds shall have been issued for the purpose of supplying any city or town with artificial light, water or other public utility, the rate or charges from the operation of the system or plant constructed 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 deficiences. Water or sewer bonds may be issued for a term not exceeding forty years. All other bonds may be issued for a period not exceeding twenty years. Such bonds may be either serial or term bonds."

There is not a word in the statute relied upon by complainant, as we read it, that refers to the regulatory powers of the Public Utilities Commission, much less expressly or by implication confers upon municipal authorities the power to fix rates for public utility service. Of course, it provides for the issuance and disposal of bonds and confers certain taxing powers upon the city authorities, matters which, by any stretch of imagination, cannot be construed as having to do with the determination of rates applicable to the service of a public utility.

It should be kept in mind, in this connection, that the right to regulate rates and change them from time to time, as the public welfare may demand, is essentially a police power, an inherent element of sovereignty that

is never delegated or surrendered by the state by implication, but only upon terms that are so clearly expressed that there can be no doubt. This doctrine, we think, is so firmly established and thoroughly understood in this State, after the many pronouncements of our Supreme Court, that citations of court decisions here would subserve no good purpose whatever.

The objections, therefore, of the complainant to the jurisdiction of the Commission to rule and pass upon the reasonableness of the rates as sought to be established by its City Commissioners, cannot be sustained. Further, without going into detail, the several objections and motions of the respective parties to the pleadings and to the taking of testimony before the Commission in the course of the proceedings herein, we think should be, and the same are, insofar as they are not sustained by our conclusions herein, hereby overruled and denied. Rules of pleading and practice and the technical rules of evidence that are to be observed by the trial courts, do not apply to hearings before the Utilities Commission. (Section 4820, Chapter 5, Compiled Laws of Utah, 1917.)

Coming now more directly to the consideration of this case upon its merits, it should never be lost sight of that the Public Utilities Commission is a fact-finding body, made so by statute, and therefore its findings and conclusions must be predicated upon the evidence in the record, regardless of what might otherwise be the views or inclinations of its individual members. Further, it should be kept in mind, as a matter of law, that when a city or other municipal corporation goes into a commercial business, and the maintenance and operation of an electric plant for furnishing electric energy for hire affords an apt illustration, it takes upon itself the character of the ordinary commercial concern, and to that extent ceases to function in its governmental capacity, that is to say, just to the extent it engages in a commercial enterprise or business, it acts in a proprietary capacity as distinguished from a governmental one. Such we believe to be the generally accepted doctrine, as promulgated by the American courts, state and federal throughout the country.

In the consideration of this case upon its merits, we are met at the threshold with a competitive situation. It appears that Logan City has two power plants, either one of which is capable of serving the present needs of

consumers of electric energy, efficiently and well, one privately, the other municipally owned and operated. The privately owned plant of the defendant was first in point of time. Whether its service charges to begin with, were so excessive or its service so inefficient as to justify the complainant, Logan City, in constructing a power plant to be municipally owned and operated as a commercial enterprise, in competition with the defendant's privately owned plant, we need not express an opinion. Anyway, it must be conceded that the complainant had a lawful, legal right to construct and operate a power plant in competition with the defendant's, and it still has the right to continue to do so. The difficult task lies in determining the proper rates to be established in view of the competitive situation that is presented and the infallibly economic laws that are insurmountable in all such cases. However, it is admitted that the flat rate service heretofore rendered in Logan City by the public utilities now under consideration, has proven wasteful and resulted in heavy losses of operating revenues to both parties. For years the taxpaying citizens of Logan City have been heavily assessed and taxed, to meet the maintenance and operating requirements of the complainant's, Logan City, power plant. That so long as these taxpayers will be required to continue to pay taxes in Logan City to maintain and operate the complainant's plant, in order that its patrons may be served with electric energy below cost to it, the rates of complainant will remain unjust, unreasonable, and in violation of law. Consumers of electric energy have neither moral nor legal right to be served at unreasonable rates by a public utility, it matters not whether it be municipally or privately owned. The intervening taxpayers of Logan City, who in this case pray that the reasonableness of the proposed meter rates as adopted by the City Commissioners of Logan City be investigated, and, if found unreasonable, that just and reasonable rates be established as near as may be and as the laws of this State require, are justly entitled to the consideration they ask. The equities of this case are with them.

In all fairness to the Mayor and the City Commissioners of Logan City, it should be here said that they have placed themselves on record in this case as desiring complainant's, Logan City, power plant rates to be sufficiently high to make its plant self-sustaining. With that in mind, they passed the resolution providing for the

abandonment of the flat rate system of charging on the part of the City plant. They further sought to provide by their resolution that from and after September 1, 1927, the City plant should proceed to serve its patrons not only on a meter basis, but at fixed rates which they conceived to be, and now contend are, adequate to meet the plant's financial requirements, provided, of course, it receives all the patronage of consumers of electric energy in Logan City.

Expert witnesses, testifying in this case, who were shown to be schooled and experienced in the management and the revenues ordinarily to be earned in the operation of electric power plants under quite similar conditions and circumstances and that are fairly comparable with the complainant's plant, do not lend much support to the complainant's contention that its rates as proposed would prove sufficient to earn the revenues required to make its plant self-supporting. Although the estimates of these witnesses were somewhat at variance with each other, with respect to what the earnings of the complainant's plant might be if it gets all of the business, not one of them agreed with the complainant's contention that it would even then be self-supporting, after taking into consideration all the factors that must necessarily enter into every just and reasonable rate-base.

Moreover, we have no right to assume, in the face of this record and the facts it discloses, that the complainant is to be the recipient of all the patronage for electric service in Logan City. For years the patronage has been and is now about evenly divided between the complainant and the defendant. Consumers of electric energy have a perfect right, under competitive situations, to choose their own competitor. If we are to indulge in presumptions rather than facts in the consideration of this case, then we prefer to indulge in the presumption that consumers of power will do as they always have done in Logan City, choose and patronize whichever plant they please.

Under the express provisions of our Public Utilities Act, we are enjoined to establish just and reasonable rates for a public utility in all cases where the reasonableness of its rates are brought into question and are shown to be otherwise. Section 4800, before quoted, directs that "whenever the Commission shall find after hearing that the * * * rates charged or collected by

any public utility for any service * * * are insufficient, the Commission shall determine the * * * sufficient rates * * * charges or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided."

The rates as fixed and determined for the complainant's power plant by the City Commission are clearly shown by the evidence in the record of this case to be insufficient even to meet what the complainant concedes to be the financial requirements of its power plant. The flat rates continued to be charged by the defendant likewise are shown to be insufficient and unreasonable and a burden not only upon itself but discriminatory as to its rate-payers generally throughout the State.

The reasonableness of the rates uniformly charged consumers throughout the State on a meter basis by the defendant for electric service, as set forth in our findings herein, are not challenged in these proceedings. No good reason in our judgment has been nor can be assigned at this time why these rates, on a metered basis, should not be made applicable to the service of both the complainant and the defendant in Logan City, and the defendant required to cease serving upon a flat rate basis. Under such rates and system of charging, the results cannot be guaranteed but must of necessity remain somewhat problematical, in view not only of the competitive situation which exists in Logan City, but because the record here does not in any satisfactory degree show what the consumption of electrical energy may be in Logan City under a meter system. Until the flat rate system is abandoned and the metered system of serving consumers is adopted in Logan City by both parties, the consumption of electric energy will remain as it is, largely a matter of conjecture.

As to which of these competing public utilities may receive the greater patronage under a metered system of charging, that is a matter to be more properly taken care of by their selling agents, and with which this Commission should not be concerned.

With respect to the provisions of the public utility laws of the State, the utilities now under consideration are to them, as we believe, amenable alike.

Therefore, for the present, at least, under the facts

found in this case, we think they should be placed on equal footing, both as to the matter of their charges and as to rules applicable to service. Further, by reason of the competitive situation and the uncertainty of consumption which exists in Logan City, we feel that the orders of the Public Utilities Commission herein with respect to rates for electric service should not be at this time made permanent, nor so regarded by any interested party, but as merely temporary and for a test period of one year, only. If at the end of the one year period it has been demonstrated and a proper showing is made by either party that it is capable, under the laws of the State, of serving consumers of electric energy in Logan City at lower rates than those which are now thought to be just and reasonable under present conditions, it may be expected the Utilities Commission will make further findings and enter its order in accordance therewith. Meanwhile, both the complainant and the defendant should be required to keep accurate books of account and report with respect to public utility affairs, in accordance with the rules of this Commission.

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 23rd day of December, 1927.

LOGAN CITY, a Municipal Corporation,
Complainant,
vs.
UTAH POWER & LIGHT COMPANY,
a Corporation,
Defendant.
} CASE No. 984

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

Now, therefore, in accordance with said report, IT IS HEREBY ORDERED, That the complainant, Logan City, a municipal corporation, and the defendant, Utah Power & Light Company, a corporation, respectively, be, and they and each of them are hereby, ordered and required to serve their respective patrons in Logan City, Utah, with electrical energy upon a meter basis, from the effective date of this order, for a test period of one year, at the following charges or rates, to wit:

RESIDENTIAL AND COMMERCIAL LIGHTING—METER RATE

Charges

10c per K. W. H. first 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. next 250 K. W. H. of monthly consumption.
7c per K. W. H. next 250 K. W. H. of monthly consumption.
6c per K. W. H. next 250 K. W. H. of monthly consumption.
5c per K. W. H. for all K. W. H. of monthly consumption in excess of 1,250 K. W. H.

GENERAL HEATING AND COOKING—METER RATE

Charges

3c per K. W. H. for all monthly consumption.

COMMERCIAL HEATING AND COOKING—METER RATE

Charges

(a) Demand: $1.00 per month per kilowatt of monthly maximum demand which charge includes thirty

hours use per month for each kilowatt of monthly maximum demand.

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

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

¾c per K. W. H. all monthly consumption in excess of 120 hours use per month of monthly maximum demand.

GENERAL POWER—OPTIONAL METER RATE LOW VOLTAGE

Charges

8.00c per K. W. H. for first 30 K. W. H. used per mo. per contract H. P.

7.00c per K. W. H. for next 50 K. W. H. of monthly consumption.

5.50c per K. W. H. for next 200 K. W. H. of monthly consumption.

4.00c per K. W. H. for next 800 K. W. H. of monthly consumption.

1.75c per K. W. H. for all excess monthly consumption.

MINIMUM MONTHLY CHARGES

$2.25 gross per month for the first contract H. P.
1.50 gross per month per contract H. P. for each additional contract H. P.

RESIDENTIAL LIGHTING AND COOKING—METER RATE

Net Charges

$2.00 per month for four rooms or less, including 28 K. W. H.

35c per month for each additional room, including 5. K. W. H. per room.

2¾c per K. W. H. for all excess.

RESIDENTIAL LIGHTING AND REFRIGERATION—METER RATE

Net Charges

$2.00 per month for four rooms or less, including 28 K. W. H.

35c per month for each additional room, including 5 K. W. H. per room.

4.5c per K. W. H. for all excess.

RESIDENTIAL LIGHTING, REFRIGERATION AND COOKING—METER RATES

Net Charges

$3.00 per month for four rooms or less, including 42 K. W. H.

35c per month for each additional room, including 5 K. W. H. per room.

2¾c per K. W. H. for all excess.

RESIDENTIAL LIGHTING, COOKING AND WATER HEATING—METER RATE

Net Charges

$3.50 per month for four rooms or less, including 49 K. W. H.

35c per month for each additional room, including 5 K. W. H. per room.

2¾c for the next 150 K. W. H. per month.

2¼c per K. W. H. for all excess.

RESIDENTIAL LIGHTING, COOKING, REFRIGERATION AND WATER HEATING—METER RATE

Net Charges

$4.00 per month for four rooms or less, including 56 K. W. H.

35c per month for each additional room, including 5 K. W. H. per room.

2¾c for the next 150 K. W. H. per month.

2¼c per K. W. H. for all excess.

GENERAL POWER—METER RATE
Low Voltage—1 H. P. to 50 H. P.

Charges

(a) Demand: $2.50 per month per contract H. P., which charge entitles consumer to use during said month 30 K. W. H. for each H. P. of contract power.

(b) Energy: 7.5c per K. W. H. for next 50 K. W. H. of monthly consumption.

5.5c per K. W. H. for next 250 K. W. H. of monthly consumption.

3.5c per K. W. H. for next 750 K. W. H. of monthly consumption.

1.2c per K. W. H. for all excess monthly consumption.

GENERAL POWER—METER RATE

Low Voltage—50 H. P. or Over

Charges

(a) Demand: $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.

(b) Energy: 7.0c per K. W. H. for next 50 K. W. H. of monthly consumption.

5.0c per K. W. H. for next 250 K. W. H. of monthly consumption.

3.0c per K. W. H. for next 750 K. W. H. of monthly consumption.

1.0c per K. W. H. for all excess monthly consumption.

The foregoing schedules are for alternating current service supplied at 110, 220, and 440 volts.

IT IS FURTHER ORDERED, That the defendant, Utah Power & Light Company, forthwith proceed to install meters as a part of its distribution system within Logan City, Utah, for the serving of its patrons, and that on or before the First day of March, 1928, it shall proceed to serve all of its customers or patrons in Logan City, Utah, upon a meter basis, in accordance with the rate schedule hereinbefore provided, and thereupon discontinue its service within Logan City, Utah, upon a "flat rate" basis.

IT IS FURTHER ORDERED AND REQUIRED, That both the complainant and the defendant, from and after the effective date of this order, keep accurate books of accounts with respect to electric light service in Logan City, Utah, in accordance with General Order No. 7 of the Public Utilities Commission of Utah, dated December 29, 1921.

ORDERED FURTHER, That all contracts, rules and regulations of the respective parties in conflict with the schedule of rates herein prescribed, be, and they are hereby, vacated and annulled.

ORDERED FURTHER, That this order shall become effective on and after the First day of March, 1928.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of R. A. NEILSON, M. C. WEST and JACK MILLER, for permission to operate an automobile freight and express line between Monroe and Salt Lake City, Utah, and certain designated intermediate points.	CASE No. 985

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, for permission to close its station agency at Goshen, Utah.	CASE No. 986

Submitted September 12, 1927. Decided October 28, 1927.

Appearances:

B. R. Howell, Attorney, of VanCott, Riter & Farnsworth,	for Applicant.
Jacob Coleman, Attorney, of Provo, Utah,	for Town of Goshen.
Charles Waterberry, of Elberta, Utah,	for Town of Elberta and Elberta Fruit Growers' Association.

REPORT OF THE COMMISSION

CORFMAN, Commissioner:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Goshen, Utah, September 12, 1927, upon the application of the Denver & Rio Grande Western Railroad Company for permission to close and discontinue its station agency at Goshen, Utah, and the protests filed thereto for and on behalf of the Town of Goshen, the Town of Elberta, and the Elberta Fruit Growers' Association, and divers business men, citizens, and residents of the towns and territory affected.

The application of the Denver & Rio Grande Western Railroad Company sets forth that it is an interstate common carrier of freight and passengers for hire; that it desires to close said agency at Goshen, Utah, in order to save the expense of maintaining the same; and that the closing thereof will not be detrimental to the interests of the citizens and residents of Goshen and surrounding territory.

The protestants make the claim that public convenience and necessity requires the continuance of the agency service.

From the evidence adduced for and in behalf of the respective parties, the Commission finds the following facts:

1. That the Denver & Rio Grande Western Railroad Company is a railroad corporation, duly authorized to and is now operating a steam railroad, carrying passengers and freight for hire within the State of Utah; that its main line extends from Denver, Colorado, to Salt Lake City; that, as a part of its railroad system, it operates a branch line running from Springville to Eureka City, in Utah, which branch line serves the intermediate points or towns of Payson, Santaquin, Goshen, and Elberta, none of which have agency stations, except Payson and Goshen; that the distance from Payson to Goshen is about twelve miles and from Goshen to Eureka, about seventeen miles; that the Town of Goshen has a population of approximately 800, and, including the territory tributary thereto and affected by the application herein, approximately 2,000 people; that the Town of Goshen has four stores, two garages, two hotels; it is a shipping point for all kinds of farm and orchard products; that Elberta, somewhat three miles distant has a population of approximately 500 people; that it is principally a fruit-growing section, and at certain seasons of the year large consignments of fruit are made over the applicant's railroad from this point.

2. That the cost of maintaining an agency station at the Town of Goshen is approximately $1,585.65 per annum; that the applicant's gross revenue received at Goshen station, covering the period from September 1, 1926, to September 1, 1927, amounts to $6,263.90; that the monthly revenues covering said period average approximately $520.00 per month, against which the applicant paid for the maintenance of an agency, $135.00 per month.

3. That the traffic originating at Goshen during the aforesaid period, including the shipments from the Town of Elberta, was below the average, because of the failure of crops from farm and orchard; that ordinarily shipments would be considerably larger; that shipments originating at Elberta are billed over the applicant's railroad at Goshen; that without an agency station at Goshen, all shipments originating at Goshen and at Elberta would have to be billed at Payson; that these points are served by no other railroad; and that the territory adjacent thereto is highly productive, in farm and orchard products, which require prompt shipment, and care and attention on the part of an agency.

From the foregoing facts, the Commission concludes that public convenience and necessity requires the maintenance of an agency station at Goshen, and that its application herein to discontinue said agency, should be denied.

It has been argued in this case that the applicant, in the conduct and operation of its railroad system, as a whole, is not earning a fair return on its capital investment, and, in the interest of economical operation of its railroad, the cost of maintaining an agency station at the Town of Goshen is an unnecessary expense and not commensurate with the earnings derived from the maintenance of its railroad system. No showing has been made that applicant's branch line from Springville to Eureka in and of itself is not paying a fair return. This branch line serves the Town of Eureka and the Tintic Mining District. A large tonnage of mine products for shipment originates at the Tintic Mining District. A heavy tonnage of mine supplies is shipped into that district over this branch road, and, on the whole, it must be presumed, until at least the contrary is shown, that this branch of applicant's railroad pays well.

Further, it has been conclusively shown in this case that the Town of Goshen, where the agency is sought to be discontinued, is greatly in need of agency service and that the same could not be dispensed with, without great inconvenience not only to the town but to the surrounding territory which contributes heavily to the traffic of the applicant's branch line.

While it may be true that a few hundred dollars could be saved by the applicant in the discontinuance of an agency at Goshen, it should be remembered that the public

is entitled to consideration in the way of service from the utilities that purport to serve it. In fact, it is to be doubted if anything would be saved by discontinuance of the agency service at Goshen; and, in our judgment, to do so would be highly discriminatory, unjust, and unfair to the complaining protestants.

An appropriate order will be issued.

(Signed) E. E. CORFMAN,
Commissioner.

I concur:

(Signed) G. F. McGONAGLE,
[SEAL] Commissioner.

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 October, 1927.

In the Matter of the Application of THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, for permission to close its station agency at Goshen, Utah.	CASE No. 986

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 The Denver & Rio Grande Western Railroad Company, for permission to close its station agency at Goshen, Utah, be, and it is hereby, denied.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the MORONI TELEPHONE COMPANY, for permission to increase its rates for telephone service. } CASE No. 987

PENDING.

In the Matter of the Application of GEORGE F. PRINCE, for permission to purchase and operate the telephone line between New Harmony and Kanarra, Utah. } CASE No. 988

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the TELLURIDE POWER COMPANY and DIXIE POWER COMPANY, for a certificate of convenience and necessity authorizing interconnection of systems. } CASE No. 989

Submitted October 14, 1927. Decided October 28, 1927.

Appearances:

C. G. Douglas, Attorney, of Salt Lake City, Utah, } for Dixie Power Company.

H. R. Waldo, Attorney, of Salt Lake City, Utah, } for Telluride Power Co.

REPORT AND ORDER OF THE COMMISSION

McGONAGLE, Commissioner:

The Telluride Power Company, an electrical corporation, serving the territory comprising Garfield, Piute, Sevier, Sanpete, Millard and Beaver Counties, Utah, and the Dixie Power Company, an electrical corporation,

serving the territory comprising Washington and Iron Counties, Utah, having applied for permission to interconnect the respective systems, and a public hearing in the matter having been held; and

It appearing that because of the difference in elevation and climatic conditions at the generating plants of said systems, each will be enabled to furnish standby power to the other, thus subserving the public interest; and

It further apearing that said Power Companies have heretofore entered into a contract with each other providing for the financing and construction of said line;

IT IS HEREBY ORDERED, That said Power Companies proceed with the construction of a transmission line from the Telluride Power Company's present Lower Beaver station, in Beaver County, to the northern terminus of the Dixie Power Company's present transmission system near Paragonah, Iron County, a distance of about thirty-five miles; said line to be constructed in accordance with approved standards, on cedar poles, with three number six copper wires, to operate at 33,000 volts.

IT IS FURTHER ORDERED, That each of said Companies file with this Commission a schedule of rates proposed to be charged for the furnishing of said high tension, interchange, non-continuous electric service.

(Signed) G. F. McCONAGLE,
Commissioner.

I concur:

(Signed) E. E. CORFMAN,
Commissioner.

[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 and the COUNTY COMMISSIONERS OF JUAB COUNTY, UTAH, for permission to abandon two railroad grade crossings over the main line of the Los Angeles & Salt Lake Railroad near Jericho, in Juab County, Utah.	CASE No. 990

Submitted October 18, 1927. Decided November 8, 1927.

Appearance:

H. S. Kerr, Chief Engineer, for State Road Commission of Utah.

REPORT OF THE COMMISSION

By the Commission:

Under date of August 23, 1927, a joint application was filed with the Public Utilities Commission of Utah by the State Road Commission of Utah and the County Commissioners of Juab County, Utah.

Said application sets forth:

That applicants are governmental agencies, authorized by the State law to cooperate in changing, relocation, construction, and maintenance of highways in Juab County.

That applicants desire to abandon two grade crossings existing at Mile Post 681.52 and Mile Post 683.89, on the main line of the Los Angeles & Salt Lake Railroad Company, in the vicinity of Jericho, Juab County, Utah.

That the State Highway, in general, parallels said main line through Juab County; that applicants have constructed a new highway along the east side of said railroad between said crossings, and have eliminated the necessity for continuance of the grade crossings which are hazardous to highway traffic.

That the abandonment of that portion of the high-

way extending along the west side of said railroad will in no way inconvenience local highway traffic.

This case came on for hearing, at Salt Lake City, October 14, 1927, after due notice had been given to interested parties.

The Commission finds that the evidence is substantially the same as outlined in the application; that to grant the application would be in the interest of public safety; that the application should therefore be granted.

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 8th day of November, 1927.

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH and the COUNTY COMMISSIONERS OF JUAB COUNTY, UTAH, for permission to abandon two railroad grade crossings over the main line of the Los Angeles & Salt Lake Railroad near Jericho, in Juab County, Utah.	CASE No. 990

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 State Road Commission of Utah and the County Commissioners of Juab County be, and

they are hereby, authorized to abandon two grade crossings existing at Mile Post 681.52 and Mile Post 683.89, on the main line of the Los Angeles & Salt Lake Railroad Company, in the vicinity of Jericho, Juab County, Utah.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

[SEAL]

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the DIXIE POWER COMPANY, for permission to construct a transmission line from Leeds, in Washington County, Utah, to substation of the Nevada Contracting Company in Zion National Park, Utah.	CASE No. 991

Submitted October 8, 1927. Decided October 22, 1927.

Appearance:

C. G. Douglas, Attorney, of Salt Lake City, Utah, for Applicant.

REPORT OF THE COMMISSION

McGONAGLE, Commissioner:

This matter came on for hearing, at Salt Lake City, on the Eighth day of October, 1927.

The application herein sets forth that the applicant proposes, if granted a certificate of convenience and necessity, to construct and operate an electric transmission line from Leeds, Washington County, to a point near the entrance to Zion National Park, said line passing through the villages of Virgin, Rockville, and Springdale, a distance of twenty-four miles, thence to a point within the said Park, for the purpose of supplying electrical energy

to a contracting company now engaged in the construction of a highway from said Park to Mt. Carmel, in said Washington County.

After a full investigation and from the evidence adduced at the hearing, the Commission concludes and finds as follows:

That the Dixie Power Company is a corporation, organized and existing under and by virtue of the laws of the State of Utah; that its principal place of business is at Cedar City, Utah; that the character of its business is the generation, distribution and sale of electric energy; and that its business extends throughout Washington County and the southern and eastern parts of Iron County, State of Utah.

That the Dixie Power Company owns and operates electric generating plants on the Santa Clara River, about eighteen miles northwest of St. George, Utah; that from said generating plants it has distribution lines extending to St. George, Hurricane, Washington and other towns in Washington County, and to Cedar City, and other points in eastern and southern Iron County.

That the construction of a highway known as the Zion Park-Mt. Carmel Highway, running in an easterly direction from Zion National Park to the vicinity of Mt. Carmel, in Kane County, Utah, is about to be commenced by the Nevada Contracting Company, under a contract with the United States Government; that a large amount of electric power will be required for use in the construction of said highway, and that Dixie Power Company is about to enter into an agreement with said Nevada Contracting Company for the sale and delivery to it by the Dixie Power Company of such electric energy as shall be required by it in the construction of said highway.

That the said Zion Park-Mt. Carmel Highway will pass through a large number of tunnels and, on the completion of said highway, electric energy will be required for lighting service in such tunnels.

That the villages of Virgin, Rockville, and Springdale, in Washington County, are without electric light and power service at the present time, and it would be for the convenience of the inhabitants of such villages to have such service.

That in order to supply the power requirements of

said Nevada Contracting Company and other contractors in the construction of said Zion Park-Mt. Carmel Highway, to supply lighting service within the tunnels on said highway, to make available lighting service to the lodges, hotels, and camps which are or may be hereafter established within Zion National Park, and also to supply lighting service to the villages of Virgin, Rockville, and Springdale, public convenience and necessity require that the Dixie Power Company extend its present distribution system by the construction of a standard 33,000 volt branch transmission line aproximately twenty-four miles extending from its present switching station at the town of Leeds, in Washington County, Utah, in an easterly direction to the entrance to Zion National Park.

An appropriate order will be issued.

(Signed) G. F. McCONAGLE,
Commissioner.

I concur:

(Signed) E. E. CORFMAN,
[SEAL] Commissioner.

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 307.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 22nd day of October, 1927.

In the Matter of the Application of the DIXIE POWER COMPANY, for permission to construct a transmission line from Leeds, in Washington County, Utah, to substation of the Nevada Contracting Company in Zion National Park, Utah.	CASE No. 991

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 hav-

ing 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 Dixie Power Company be, and it is hereby, granted permission to extend its present distribution system by the construction of a standard 33,000 volt branch transmission line approximately twenty-four miles, from its present switching station at the Town of Leeds, in Washington County, Utah, in an easterly direction, to the entrance of Zion National Park, Utah.

ORDERED FURTHER, That in the construction of such transmission line, applicant, Dixie Power Company, shall conform to the rules and regulations heretofore issued by the Commission governing such construction.

ORDERED FURTHER, That before this order shall become effective, the necessary franchises or permits shall be filed in the office of the Public Utilities Commission of Utah.

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 PARKS COMPANY, a Corporation, for permission to operate an automobile passenger and express bus line between Lund and Cedar City, Utah. } CASE No. 992

Submitted October 5, 1927. Decided October 31, 1927.

Appearance:

Robert B. Porter, Attorney, of Salt Lake City, Utah, } for Applicant.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This case was heard at Cedar City, Utah, October 5, 1927, upon the application of the Utah Parks Company, a Corporation, for a certificate of convenience and necessity, authorizing it to establish, maintain, and operate an automobile passenger and express bus line between Lund and Cedar City, Utah.

No formal protests thereto were filed; but a committee appointed by the Board of Governors of the Chamber of Commerce made inquiry as to the policy of the applicant with reference to bus transportation at the opening of the tourist season next year, and also as to the consideration, if any, that had been given by the Union Pacific Railroad Company or by the applicant, Utah Parks Company, to Mr. Ben Knell, who is operating a seven passenger automobile between Cedar City and Lund, as the service demands.

From the admitted facts and the evidence presented at the hearing, the Commission finds and reports as follows:

1. That the Utah Parks Company is a corporation duly organized and existing under and by virtue of the laws of the State of Utah; that it was organized in the interest of and is owned and controlled by the Los Angeles & Salt Lake Railroad Company, also a corporation of the State of Utah, which owns and operates a line of railroad from Salt Lake City to Los Angeles and San Pedro, in the State of California, with various branch lines; that it is jointly owned by the Union Pacific Railroad Company and the Oregon Short Line Railroad Company, both being railroad corporations organized under the laws of the State of Utah; that it operates a branch railroad line from Lund, a point on its main line in Utah, to Cedar City; that, except during the summer or tourist season, there is not sufficient business to justify it in operating a through passenger train service from Salt Lake City to Cedar City or a full passenger train from Lund to Cedar City; that, therefore, except during such summer or tourist season, it operates only a mixed train service between Lund and Cedar City, making one round-trip daily from Lund to Cedar City; that it does, however, operate a number of through trains from Salt Lake City to Los Angeles and from Los Angeles to Salt Lake City, which trains pass through the town of Lund, and that

it is for the purpose of meeting these trains that this additional and supplemental service is asked for between Lund and Cedar City.

2. That applicant is the owner of and in possession of a great many motor cars of various kinds, and is now engaged in transportation service by motor vehicle from Cedar City to Zion National Park, Cedar Breaks, and Bryce Canyon; and that it is financially able to furnish proper equipment and service between Lund and Cedar City.

3. That the schedule of the service which applicant intends to and will render, together with the rates, fares, and charges therefor, is as follows:

Leave Lund ..... 9:15 a. m. and 4:00 p. m.
Arrive Cedar City .....10:30 a. m. and 5:15 p. m.
Leave Cedar City .....11:45 a. m. and 7:10 p. m.
Arrive Lund ..... 1:00 p. m. and 8:25 p. m.
Fare—$1.56 each way.

4. That B. F. Knell, in whose behalf the committee from the Chamber of Commerce appeared, has no certificate of convenience and necessity at the present time, and has not been operating by permission of the Commission since May 14, 1925, when, upon application, said B. F. Knell was granted permission to discontinue operation of his automobile stage line between Lund and Cedar City. Since that time, no per-passenger-mile tax or reports of any kind as required by Session Laws of Utah, 1927, have been received by the Commission from Mr. Knell.

From the foregoing findings, the Commission concludes that the applicant, Utah Parks Company, should be permitted to operate an automobile passenger and express bus line between Lund and Cedar City, Utah.

The proposed bus schedule meets all trains, both east and west, a very complete service; and will enable those who desire to make a "daylight" trip from Cedar City to Salt Lake City, and vice versa.

An appropriate order will be issued.

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

ORDER

Certificate of Convenience and Necessity
No. 309.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 31st day of October, 1927.

In the Matter of the Application of the UTAH PARKS COMPANY, a Corporation, for permission to operate an automobile passenger and express bus line between Lund and Cedar City, Utah. } CASE No. 992

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 Parks Company, a Corporation, be, and it is hereby, authorized to operate an automobile passenger and express bus line between Lund and Cedar City, Utah.

ORDERED FURTHER, That applicant, Utah Parks Company, a Corporation, 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 JAMES S. GREEN, for permission to operate an automobile passenger bus line between Parowan and Salt Lake City, Utah. } CASE No. 993

PENDING.

In the Matter of the Application of GREAT WESTERN MOTORWAYS, INCORPORATED, for permission to operate an automobile passenger bus line between Salt Lake City and St. George, Utah, and intermediate points, excluding intermediate points between Salt Lake City and Cove Fort, Utah. } CASE No. 994

PENDING.

In the Matter of the Application of the LION COAL COMPANY, for permission to operate an automobile passenger and freight line between Wattis and Price, Utah. } CASE No. 995

PENDING.

In the Matter of the Application of E. J. DUKE, for permission to operate an automobile passenger stage line between Heber City and Park City, Utah. } CASE No. 996

PENDING.

In the Matter of the Application of THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY, for permission to adjust telephone rates at its Logan Exchange. } CASE No. 997

PENDING.

SPRING CANYON COAL COMPANY,
Complainant,
vs.
THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY, and UTAH RAILWAY COMPANY,
Defendants.
CASE No. 998
PENDING.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue the maintenance of a station agent and agency station at Beryl, Iron County, Utah.
CASE No. 999
PENDING.

In the Matter of the Application of W. H. LINCK, CLARENCE PEHRSON and W. L. SCHOENFELD, for permission to operate an automobile freight line between Salt Lake City and Monroe, Utah, and intermediate points, excluding intermediate points between Salt Lake City and Nephi, Utah.
CASE No. 1000
PENDING.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue agency station at Frisco, Utah, and to reduce train service between Milford and Frisco to one train per week.
CASE No. 1001
PENDING.

In the Matter of the Application of PICKWICK STAGE LINES, INCORPORATED, for permission to operate an automobile passenger bus line between Salt Lake City and the Utah-Arizona State Line, and intermediate points.
CASE No. 1002
PENDING.

SPECIAL DOCKETS—REPARATION

Number		Amount	
210	Thomas Muir, vs. Utah Idaho Central Railroad Company	$ 7.00	
211	Standard Coal Company, vs. Denver & Rio Grande Western Railroad Company, and Los Angeles & Salt Lake Railroad Company.	51.86	
212	Spring Canyon Coal Company, vs. Denver & Rio Grande Western Railroad Company, and Los Angeles & Salt Lake Railroad Company	18.34	
213	Stan B. Decker, vs. Utah Gas & Coke Company	10.00	(1)
214	Perry Canning Company vs. Oregon Short Line Railroad Company	139.46	
215	King Brothers vs. Denver & Rio Grande Western Railroad Company	12.90	(2)
216	Chesterfield Coal Company vs. Denver & Rio Grande Western Railroad Company	6.83	
217	Utah Power & Light Company vs. Utah Idaho Central Railroad Company, and Bamberger Electric Railroad Company	9.10	
218	Mrs. S. S. Fox vs. Utah Gas & Coke Company	26.50	(1)
219	Sigma Pi Fraternity vs. Utah Gas & Coke Company	33.00	(1)
220	Sweet Candy Company vs. Denver & Rio Grande Western Railroad Company	1.35	(2)
221	J. H. Hames vs. Los Angeles & Salt Lake Railroad Company, and Denver & Rio Grande Western Railroad Company	17.12	(2)
222	Ellis Fuel Company vs. Denver & Rio Grande Western Railroad Company	36.45	(2)
223	Union Fuel Company vs. Denver & Rio Grande Western Railroad Company	8.45	(2)

SPECIAL DOCKETS—REPARATION

Number		Amount	
224	Ashton Fire Brick & Tile Company vs. Denver & Rio Grande Western Railroad Company	1.35	(2)
225	Manti Livestock Company vs. Denver & Rio Grande Western Railroad Company	3.65	
226	Hall Brothers vs. Los Angeles & Salt Lake Railroad Company...	206.80	
227	Utah Power & Light Company vs. Utah Idaho Central Railroad Company, and Bamberger Electric Railroad Company	87.04	
228	Mrs. C. L. Thompson vs. Utah Gas & Coke Company	1.50	(1)
229	Standard Coal Company, by Traffic Service Bureau of Utah vs. Denver & Rio Grande Western Railroad Company, and Los Angeles & Salt Lake Railroad Company	19.24	
230	Bailey & Sons Company vs. Utah Idaho Central Railroad Company, and Denver & Rio Grande Western Railroad Company	21.56	
231	California Packing Corporation vs. Oregon Short Line Railroad Company, and Los Angeles & Salt Lake Railroad Company	143.73	
232	Bingham Mines Company vs. Denver & Rio Grande Western Railroad Company, Tooele Valley Railway Company, and Western Pacific Railroad Company	413.59	
233	C. H. Cutting vs. Utah Gas & Coke Company	4.70	(1)
234	John Bittner vs. Utah Gas & Coke Company	6.10	(1)
235	Bowman Mercantile Company vs. Los Angeles & Salt Lake Railroad Company	43.75	
236	Gordon Creek Coal Company vs. Denver & Rio Grande Western Railroad Company, and Utah Railway Company	284.85	

SPECIAL DOCKETS—REPARATION

Number		Amount	
237	Union Portland Cement Company vs. Denver & Rio Grande Western Railroad Company	369.11	
238	Utah Idaho Cement Company vs. Denver & Rio Grande Western Railroad Company	522.69	
239	Christensen, Jacobs, & Gardner vs. Bamberger Electric Railroad Company	10.84	
240	Union Portland Cement Company vs. Denver & Rio Grande Western Railroad Company	276.56	
241	Union Portland Cement Company vs. Denver & Rio Grande Western Railroad Company	1,602.95	
242	Bird Murphy vs. Utah Gas & Coke Company	10.00	(1)
243	E. R. McCoy vs. Utah Gas & Coke Company	3.05	(1)
244	Bingham Mines Company vs. Denver & Rio Grande Western Railroad Company, Western Pacific Railroad Company, Tooele Valley Railway Company	286.56	
	TOTAL	$ 4,697.98	

(1) Credit to Account.

(2) Waive collection of undercharge.

SPECIAL PERMISSIONS ISSUED DURING YEAR 1927.

Name	Number
Bamberger Electric Railroad Company	5
Bingham & Garfield Railway Company	1
Bolinder, Lester A.	1
Denver & Rio Grande Western Railroad Company	57
Eastern Utah Transportation Company	1
Ferrin & White Transfer Company	1
Jones, B. T., Agent	1
Local Utah Freight Tariff Bureau	23
Los Angeles & Salt Lake Railroad Company	22
Mountain States Telephone & Telegraph Company	2
National Perishable Freight Committee	3
O'Driscoll, Isaac	1
Oregon Short Line Railroad Company	39
Pacific Freight Tariff Bureau	12
Price Transportation Company	1
Salt Lake & Utah Railroad Company	4
Southern Pacific Company	2
Streeper, Wells R.	1
Tooele Valley Railway Company	1
Union Pacific System	3
Utah Idaho Central Railroad Company	20
Utah Power & Light Company	1
Utah Railway Company	2
Western Pacific Railroad Company	5
TOTAL	209

GRADE CROSSING PERMITS ISSUED DURING YEAR 1927

Number	Issued To	Location
115	Denver & Rio Grande Western Railroad Co.	Murray City
116	Oregon Short Line Railroad Co.	Murray City
117	Oregon Short Line Railroad Co.	Salt Lake City
118	Denver & Rio Grande Western Railroad Co.	Salt Lake City
119	Utah Light & Traction Co.	Salt Lake City
120	Denver & Rio Grande Western Railroad Co.	Heber City

CERTIFICATES OF CONVENIENCE AND NECESSITY WERE ISSUED AS FOLLOWS:

Certificate No.	Case No.	Classification	Between	*At	And	To Whom Issued
284	917	Truck Line	Sigurd		Notom	Elmer B. Taylor
285	940	Light & Power Lines	*Ferron			Utah Power & Light Co.
286	946	Passenger & Express Line	Salt Lake City		Fillmore	T. W. Boyer, Trustee
287	947	Passenger Line	St. George		Cedar City	Chester A. Whitehead
288	823	Passenger Line	Salt Lake City		Ogden	Bamberger Transportation Co.
289	951	Light & Power Lines	*Tooele			Utah Power & Light Co.
290	938	Truck Line	Provo		Eureka	Utah Central Transfer Co.
291	936	Passenger Line	Salt Lake City		Coalville	J. C. Wilson
292	934	Passenger Line	Price		Emery	Ray Ralphs
293	749	Truck Line	St. George		Cedar City	Joseph J. Milne
294	749	Truck Line	St. George		Cedar City	E. O. Hamblin
295	749	Truck Line	St. George		Cedar City	A. R. Barton & L. R. Lund
296	963	Truck Line	Salt Lake City		Bingham	Salt Lake & Bingham Freight Line
297	949	Truck Line	Ogden		Kamas	Virgil L. Ferrin & Willis P. White
298	957	Passenger Line	Dividend		Eureka	N. S. Sanderson
299	931	Passenger Line	Provo		American Fork	E. B. Parry
300	958	Passenger Line	Milford		Beaver	Thomas Mastros
301	960	Railroad & Auto	Ogden		Utah-Idaho State Line	Utah Idaho Central Railroad Co.
302	970	Passenger Line	Zion's Nat'l Park		Grand Canyon	
			Bryce Canyon		Grand Canyon	Utah Parks Co.
303	961	Passenger Line	Tooele		Bauer	D. H. Charles
304	967	Passenger Line	Tooele		Saltair Beach	D. H. Charles
305	983	Passenger Line	Murray		Midvale & Sandy	Utah Light & Traction Co.
306	981	Passenger Line	33rd South S. L. C.		Holliday	Utah Light & Traction Co.
307	991	Light & Power Line	Leeds		Zion National Park	Dixie Power Co.
308	972	Passenger & Express Line	Hiawatha		Mohrland	Arrow Auto Line
309	992	Passenger & Express Line	Lund		Cedar City	Utah Parks Co.

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, AND TAXES ASSESSED AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927.

Certificate Holders	ROUTE		Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
	Between	And						
Arrow Auto Line	Price	Sunnyside	5,253	21	$ .05	155,033	$ 155.03	$ 155.08
Bamberger Transportation Co.	Salt Lake City	Ogden	9,014	285,104	712.77	3,768	3.77	716.54
Bartholomew, Jesse L.	Centerfield	Gunnison R. R. Sta.	597	447	1.13	1,402	1.41	2.54
Barton, J. Lowe	Paragonah	Cedar City	961	.....	.....	22,103	22.11	22.11
Bingham Stage Lines	Salt Lake City	Bingham	48,125	1,159,856	2,899.63	220,622	220.62	3,120.25
Bolinder, Lester A.	Grantsville	Salt Lake City	1,389	33,342	83.36	26,082	26.07	109.43
Boyer, T. W.	Eureka	Payson	4,490	23,690	59.22	52,074	52.09	111.31
Boyer, T. W.	Salt Lake City	Fillmore	195	14,891	37.21	8,609	8.62	45.83
Coleman, Alva L.	Salt Lake City	Heber City	3,173	74,765	186.89	84,034	84.06	270.94
Charles, L. G.	Tooele	Bauer	22,825	.....	.....	91,220	91.22	91.22
Despain Elbert G.	Sandy	Alta	461	2,910	7.27	3,536	3.55	10.82
Dodge Stage Lines	Duchesne	Heber City	4,131	18,634	46.58	308,728	308.73	355.31
Hadley & Peterson	Tremonton	Dewey	1,881	5,261	13.17	7,524	7.52	20.69
Hout, Howard	Salt Lake City	Park City	21,544	153,053	382.61	536,965	536.96	919.57
Mill Creek Bus Line	Salt Lake City	East Mill Creek	25,280	89,609	224.04	.....	.....	224.04
Moab Garage Co.	Moab	Thompson	1,417	.....	.....	61,187	61.21	61.21
Mastros, Thomas J.	Milford	Beaver	536	.....	.....	14,850	14.85	14.85
Nielson, Ernest & Nephi	Salt Lake City	Brighton	1,275	8,925	22.32	26,775	26.78	49.10
O'Driscoll, Isaac	Coalville	Ogden	791	4,494	11.24	27,932	27.94	39.18
Pierce-Arrow Sight Seeing Co.	Salt Lake City	Various points	1,181	73,043	182.61	9,295	9.30	191.91
Price Transportation Co.	Price, Helper	Gibson, etc.	17,109	97,678	244.19	13,817	23.82	268.01
Ralphs, Ray	Price	Emery	383	.....	.....	12,878	12.88	12.88
Salt Lake Transportation Co.	Salt Lake City	Various points	2,176	98,118	245.82	20,834	20.84	266.66
Spencer, Howard J.	Salt Lake City	Tooele	16,185	353,128	882.81	149,872	149.89	1,032.70
Spring Canyon Stage Line	Helper	Mutual	6,856	12	.03	46,165	46.17	46.20
Utah Idaho Central R. R. Co.	Ogden	Logan	55,166	978,988	2,447.46	435,397	435.41	2,882.86
Utah Parks Company	Cedar City	Scenic Points	15,766	.....	.....	871,460	871.47	871.47
Utah Light & Traction Co.	Salt Lake City	Bountiful	319,719	1,049,093	2,622.75	412,328	412.33	3,035.08
Wilson, J. C.	Salt Lake City	Coalville	459	2,744	6.87	16,532	16.55	23.42
Whitehead, Chester A.	St. George	Cedar City	1,178	.....	.....	52,008	52.02	52.02
Totals			589,516	4,527,806	$ 11,320.02	3,693,020	$ 3,703.21	$ 15,023.23

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, AND TAXES ASSESSED AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH, FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927.

Non-Certificate Holders	ROUTE		Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
	Between	And						
Adamson, Hyrum	Salt Lake City	Ely	121	2,904	$ 7.26	13,552	$ 13.55	$ 20.81
Adams, Dee	Bingham	Copperfield	2,133	532	1.34	4,504	4.50	5.84
American Motor Travel Line	Salt Lake City	Various points	249	16,902	42.26	49,238	49.24	91.50
Amery, H W.	Salt Lake City	California	72	1,168	2.92	6,784	6.78	9.70
Baker, O. W.	Salt Lake City	Various points	112	7,939	19.84	25,615	25.62	45.46
Biederman, R.	Salt Lake City	Various points	125	875	2.19	8,773	8.77	10.96
Birchell, R. J.	Bingham	Copperfield	1,272	.....	.....	2,544	2.54	2.54
Bilton, J. H.	Salt Lake City	Various points	64	2,622	6.55	270	.27	6.82
Bonnacie, Tony	Park City	Various points	483	303	.78	5,076	5.09	5.87
Brochlebonh, James B.	Bingham	Copperfield	945	.....	.....	1,890	1.89	1.89
Bursh, Roy	Salt Lake City	Denver	106	4,028	10.07	8,480	8.48	18.55
Bingham, G. A.	Salt Lake City	Los Angeles	86	7,740	19.35	22,704	22.70	42.05
Bunce, Robert W.	Salt Lake City	Various points	12	1,488	3.72	4,020	4.02	7.74
Bocker, C. D.	Salt Lake City	Ely	105	2,520	6.30	11,445	11.44	17.74
Chopp, Gus	Salt Lake City	Various points	1,826	60,327	150.82	17,154	17.15	167.97
Cox, Henderson E.	St. George	Enterprise	76	.....	.....	3,370	3.38	3.38
Christen, Geo. T.	Salt Lake City	Various points	200	9,274	24.31	30,741	30.75	55.06
Canham, Robert A.	Salt Lake City	Various points	5	384	.96	1,166	1.17	2.13
Crosby, C. E.	Salt Lake City	Los Angeles	20	1,800	4.50	5,280	5.28	9.78
Cashill, Wm.	Salt Lake City	Los Angeles	57	3,553	8.88	11,419	11.42	20.30
Crowder, Otto S. (Pickwick Stages)	Salt Lake City	San Francisco	3,981	185,982	464.96	652,608	652.60	1,117.56
Cavitt, J. H.	Salt Lake City	Los Angeles	198	17,820	44.55	52,272	52.27	96.82
Cross, O. J.	Salt Lake City	Denver	84	588	1.47	6,132	6.13	7.60
Camp, E. A.	Salt Lake City	Denver	58	1,972	4.93	4,118	4.12	9.05
Chamberlain, R. A.	Salt Lake City	Los Angeles	164	14,760	36.90	43,296	43.29	80.19
Davis, David	Salt Lake City	Various points	428	34,302	85.76	102,067	102.07	187.83
Duncan, Chas. E.	Meadow	Fillmore	190	8,632	21.58	39,158	39.16	60.74
Duke, Elisha J.	Heber	Park City	201	.....	.....	3,920	3.92	3.92
DeManlin & Jordan	Salt Lake City	Denver	303	12,580	31.46	26,270	26.26	57.72
Dunham, L. B.	Salt Lake City	Denver	79	5,262	13.16	14,487	14.49	27.65
Duncan, R. T.	Salt Lake City	Denver	73	889	2.22	5,065	5.06	7.28
Demary, H. T.	Salt Lake City	Denver	80	714	1.79	7,446	7.45	9.24
Facones, George	Price	Helper	14	194	.49	368	.37	.86
Fleming, Lewis R.	Salt Lake City	Various points	942	47,954	119.88	20,498	20.49	140.37

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, AND TAXES ASSESSED AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH, FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927—Continued.

Non-Certificate Holders	ROUTE		Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
	Between	And						
Franks, William	Salt Lake City	Denver	55	2,133	5.33	5,813	5.82	11.15
Flowers, M. Vernon	Salt Lake City	Los Angeles	39	3,510	8.78	10,296	10.30	19.08
Fonis & Jensen	Salt Lake City	Denver	144	4,896	12.25	10,224	10.23	22.48
Ferris, S. T.	Salt Lake City	Denver	56	1,904	4.76	3,976	3.98	8.74
Green, J. S.	Parowan	Various points	282	12,555	31.39	28,286	28.28	59.67
Garvich, M. S.	Bingham	Copperfield	650	.....	.....	1,300	1.30	1.30
Goldsworthy, Harry	Bingham	Copperfield	866	.....	.....	1,753	1.75	1.75
Green, Jim	Salt Lake City	Los Angeles	85	7,650	19.13	22,440	22.44	41.57
Graham, Walter	Salt Lake City	Los Angeles	48	2,808	7.02	7,461	7.46	14.48
Great Western Motor Ways	Salt Lake City	Los Angeles	800	72,000	180.00	211,200	211.20	391.20
Henderson Auto Travel Agency	Salt Lake City	Various points	371	29,453	73.64	85,421	85.42	159.06
Higginson, Robt. H.	Grantsville	Tooele	193	.....	.....	2,201	2.20	2.20
Howarth, George	Salt Lake City	Various points	47	1,175	2.94	705	.71	3.65
Holmes, Ray	Salt Lake City	Pocatello	171	11,093	27.73	6,302	6.30	34.03
Harvey, George	Salt Lake City	Los Angeles	118	10,620	26.56	31,152	31.15	57.71
Hamilton, D. T.	Salt Lake City	Los Angeles	897	80,730	201.82	236,808	236.81	438.63
J. & M. Transfer Co.	Salt Lake City	Various points	214	2,872	7.18	1,568	1.57	8.75
Johnson Taxi Co.	Logan	Various points	210	1,189	2.97	1,844	1.85	4.82
Jordan, C. R.	Salt Lake City	Denver	293	10,052	25.14	21,433	21.44	46.58
Kapp, H. M.	Salt Lake City	Los Angeles	146	13,140	32.85	38,544	38.55	71.40
Kampros, George	Bingham	Copperfield	290	8	.02	580	.58	.60
Kumarilas, Gust	Bingham	Copperfield	307	63	.16	614	.61	.77
Lent & Bush	Salt Lake City	Various points	1,281	85,392	213.47	262,725	262.74	476.21
Lowrich, Peter	Bingham	Copperfield	712	250	.63	1,424	1.43	2.06
Lovely, N. V.	Salt Lake City	Denver	68	1,389	3.47	5,837	5.84	9.31
Marchant & Willard	Peoa	Various points	122	.....	.....	2,272	2.28	2.28
Morton Salt Co.	Grantsville	Salt Lake City	5,662	.....	.....	67,938	67.93	67.93
Miga, Sata	Bingham	Various points	1,320	3,677	9.21	2,650	2.65	11.86
Merritt, George E.	Salt Lake City	Los Angeles	4	360	.90	1,056	1.06	1.96
Motor Bus Terminal	Salt Lake City	Various points	177	12,568	28.92	32,057	32.06	60.98
Nuttall, Wm.	Salt Lake City	Various points	33	2,140	5.35	6,672	6.67	12.02
Nelson, Wm.	Salt Lake City	Denver	57	399	1.00	4,161	4.16	5.16
Panas, Louis H.	Bingham	Various points	2,956	1,053	2.64	5,977	5.97	8.61

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, AND TAXES ASSESSED AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH, FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927—Continued.

Non-Certificate Holders	ROUTE		Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
	Between	And						
Peterson, George V.	Bingham	Copperfield	1,067	.....	.....	2,134	2.13	2.13
Paulson, A. G.	Salt Lake City	Los Angeles	69	6,210	15.53	18,252	18.25	33.78
Palfreyman, J. D.	Salt Lake City	Denver	135	4,590	11.48	9,535	9.59	21.07
Prosser, Chas. W.	Salt Lake City	Denver	66	462	1.16	4,818	4.82	5.98
Rudie, Guy C.	Park City	Park-Utah	25	.....	.....	172	.17	.17
Sanderson, G. S.	Eureka	Dividend	9,168	.....	.....	36,672	36.67	36.67
Stewart, Charles	Salt Lake City	Various points	73	4,256	10.64	12,239	12.24	22.88
Sweatfield, John	Park City	Park-Utah	36	56	.14	828	.83	.97
Shroeder, Arthur K.	Salt Lake City	Los Angeles	547	22,230	55.58	65,208	65.21	120.79
Shepard, W. L.	Salt Lake City	Denver	49	1,666	4.17	3,479	3.48	7.65
Stebbins, C. B.	Salt Lake City	Various points	42	2,610	6.52	6,600	6.60	13.12
Seward, Alvin	Salt Lake City	Denver	196	6,664	16.66	13,916	13.92	30.58
Seip, R. B.	Salt Lake City	Los Angeles	42	3,780	9.45	11,088	11.09	20.54
Sargeant, Harold	Salt Lake City	Los Angeles	26	2,340	5.85	6,864	6.86	12.71
Schack, W. B.	Salt Lake City	Denver	217	3,839	9.60	14,769	14.77	24.37
Turner, Walter	Salt Lake City	Various points	86	2,924	7.32	6,106	6.11	13.43
Utah-Idaho Motorway	Salt Lake City	Pocatello	470	25,634	64.08	16,635	16.64	80.72
Union Stage Line	Salt Lake City	Various points	252	6,048	15.12	28,134	28.14	43.26
Utah-Idaho Rapid Transit Co. (H. Hout)	Salt Lake City	Various points	2,556	144,361	360.90	55,740	55.74	416.64
Utah-Idaho Rapid Transit Co. (H. Spencer)	Salt Lake City	Various points	1,572	88,381	220.94	32,633	32.64	253.58
Utah-Idaho Rapid Transit Co. (E. G. Hout)	Salt Lake City	Various points	1,399	80,478	201.19	29,772	29.77	230.96
Utah-Idaho Rapid Transit Co. (L. R. Fleming)	Salt Lake City	Various points	284	16,109	40.27	6,086	6.08	46.35
Uth, Herbert	Salt Lake City	Los Angeles	66	2,706	6.77	9,976	9.98	16.75
Ungricht, W. F.	Castle Dale	Price	35	93	.62	1,041	2.61	3.23
Verburg, Joe	Salt Lake City	Various points	754	52,651	131.63	146,852	146.85	278.48
Violalakes, Spiro	Bingham	Copperfield	271	.....	.....	828	.83	.83
Van Corsten, E. D.	Salt Lake City	Los Angeles	101	9,090	22.73	26,664	26.66	49.39
Wiseman, J. J.	Salt Lake City	Various points	241	9,474	23.69	26,085	26.08	49.77
Yelloway Line	Salt Lake City	Various points	4,039	228,521	571.31	699,661	699.67	1,270.98
TOTAL			57,422	1,556,260	$ 3,889.81	3,627,257	$ 3,628.89	$ 7,518.70

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES, OPERATING IN THE STATE OF UTAH FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927.

Certificate Holders	ROUTE		Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Tax
	Between	And						
Arrow Auto Line	Price	Sunnyside	75	.....	$.....	2,109	$ 5.27	$ 5.27
B. & O. Transportation Co.	Salt Lake City	Sandy	925	9,187	61.25	.....	.....	61.25
Bartholomew Jesse L.	Centerfield	Gunnison R. R. Sta...	79	70	.44	234	.56	1.00
Barton, A. R. & Lund, L. R.	St. George	Cedar City	1,480	157	1.05	77,078	192.71	193.76
Barton, A. H.	Tooele	Salt Lake City	2,208	54,453	363.00	31,366	78.41	441.41
Barton, J. Lowe	Paragonah	Cedar City	145	.....	.....	5,422	13.56	13.56
Bateman, Burnell	Lehi	Salt Lake City	400	11,732	78.20	.....	.....	78.20
Bingham Stage Lines	Salt Lake City	Bingham	22	566	3.75	72	.18	3.93
Bolinder, Lester A.	Grantsville	Salt Lake City	194	4,059	27.06	3,626	9.06	36.12
Boyer, T. W.	Eureka	Payson	39	115	.80	500	1.26	2.06
Despain, Elbert G.	Sandy	Alta	79	694	4.63	616	1.54	6.17
Eastern Utah Transportation Co.	Price	Vernal	3,077	33,938	226.25	264,683	661.72	887.97
Ferren & White	Ogden	Kamas	275	2,815	18.76	11,941	29.85	48.61
Hamblin, E. O.	St. George	Cedar City	425	.....	.....	25,753	64.41	64.41
Hout, Howard	Salt Lake City	Park City	1	5	.03	19	.05	.08
Hurricane Truck Line	Hurricane	Cedar City	1,754	.....	.....	86,861	217.16	217.16
Madsen, Clarence T.	Gunnison	Centerfield	377	676	4.52	2,341	5.87	10.39
Magna-Garfield Truck Line	Salt Lake City	Garfield	1,267	21,558	143.73	.....	.....	143.73
Milne, J. J.	St. George	Cedar City	962	508	3.39	53,013	132.53	135.92
Moab Garage Co.	Moab	Thompson	2,861	.....	.....	136,942	342.36	342.36
Murdock, R. C.	Beaver	Milford	1,577	.....	.....	40,742	101.85	101.85
Neilson, Ernest & Nephi	Salt Lake City	Brighton	19	129	.86	388	.97	1.83
Price Transportation Co.	Price, Helper	Gibson	155	657	4.38	2,195	5.48	9.86
Ralphs, Ray	Price	Emery	4	.....	.....	128	.32	.32
Salt Lake-Ogden Transp. Co.	Salt Lake City	Ogden	8,916	283,864	1,892.42	.....	.....	1,892.42
Spencer, Howard J.	Salt Lake City	Tooele	93	2,257	15.05	1,133	2.85	17.90
Sterling Transportation Co.	Salt Lake City	Vernal	2,715	98,672	657.81	337,237	843.12	1,500.93
Streeper, Wells R.	Ogden	Garland	2,274	60,005	400.03	39,507	98.77	498.89
Salt Lake-Bingham Freight Line	Salt Lake City	Bingham	1,502	38,113	254.08	3,271	8.18	262.26
Taylor, Elmer B.	Loa	Sigurd	245	360	2.40	15,550	38.88	41.28
Utah Central Truck Line	Salt Lake City	Provo	2,943	126,933	846.22	.....	.....	846.22
Utah Central Transfer Co.	Provo	Eureka	1,550	26,873	179.15	17,179	42.94	222.09
Total			38,638	778,396	$ 5,189.26	1,159,906	$ 2,899.86	$ 8,089.12

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES, OPERATING IN THE STATE OF UTAH FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927—Continued.

Non-Certificate Holders	ROUTE		Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Tax
	Between	And						
Ashton & Sons	Price	Roosevelt	225	2,185	$ 14.58	19,439	$ 48.61	$ 63.19
Ballschweiler, O.	Salt Lake City	Bingham	351	8,290	55.29	714	1.79	57.08
Beck, Leland	Salt Lake City	Alpine	355	10,576	70.51	2,122	5.31	75.82
Berto, Joe O.	Helper	Price	39	.....	.....	838	2.11	2.11
Bracken, Harry L.	Knudsen	North Murray	7,520	21,619	144.13	21,619	54.06	198.19
Brinkerhoff, Wm.	Sigurd	Bicknell	33	.....	.....	1,798	4.50	4.50
Beal, Henry	Myton	Price	8	44	.29	520	1.30	1.59
Campbell, Wm.	Price	Various points	127	1,375	9.16	4,551	11.38	20.54
Clark, Stanley	Lehi	Salt Lake City	406	11,815	74.77	.....	.....	74.77
Cole Transfer Co.	Ogden	Various points	88	3,584	23.90	231	.58	24.48
Cope, Maurice	Marysvale	Tropic	78	.....	.....	6,317	15.80	15.80
Carroll, George	Price	Vernal	28	306	2.04	3,174	7.94	9.98
Cox, Frank L.	Cedar City	St. George	160	74	.49	8,006	20.02	20.51
Davis, Albert	Price	Duchesne	62	647	4.31	2,852	7.14	11.45
Davis, Clay	Moab	Various points	75	.....	.....	5,822	14.57	14.57
Duke, Elisha J.	Heber	Park City	13	.....	.....	245	.62	.62
Elliott, Fred W.	Moab	Various points	167	.....	.....	13,560	33.91	33.91
Empey Transfer Co.	Helper	Price	57	544	3.62	74	.18	3.80
Eldredge, Earl	Roosevelt	Salt Lake City	67	1,100	7.34	5,920	14.81	22.15
Fassbinder, Floyd P.	Salt Lake City	Hunter	43	262	1.75	199	.50	2.25
Gas Express & Transfer Co.	Salt Lake City	Various points	251	4,718	31.53	256	.65	32.18
Golden Transportation Co.	Cisco	Oil Fields	186	.....	.....	12,562	31.41	31.41
Gray, Alden	Cedar City	Santa Clara	3	.....	.....	167	.42	.42
Hay, A. F.	Salt Lake City	Various points	21	446	2.98	122	.32	3.30
Hair, Leland	Duchesne	Various points	99	394	2.63	6,529	16.32	18.95
Hardy Madsen Transfer Co.	Provo	Various points	32	1,234	8.23	169	.43	8.66
Hafen, Joseph	Cedar City	Washington	347	2,503	16.69	22,107	55.25	71.94
Higginson, Robt. H.	Grantsville	Tooele	69	.....	.....	817	2.06	2.06
Harmston, Floyd E.	Price	Roosevelt	127	1,356	9.04	10,886	27.22	36.26
Haynes, Bert	Price	Fort Duchesne	24	515	3.43	1,841	4.61	8.04
Haynes, Homer	Price	Moffatt	12	299	1.99	898	2.25	4.24

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES, OPERATING IN THE STATE OF UTAH FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927—Continued.

Non-Certificate Holders	ROUTE		Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Tax
	Between	And						
Highway Garage	Cedar City	Kanab	80	.....	.....	6,970	17.43	17.43
Interurban Trucking Co.	Ogden	Various points	994	39,514	263.43	13,954	34.89	298.32
J. & M. Transfer Co.	Salt Lake City	Various points	277	6,359	$ 42.38	2,510	$ 6.53	$ 48.91
Jepson, Jesse N.	Hurricane	Cedar City	44	.....	.....	1,892	4.73	4.73
Johnstun, Robert L.	Price	Vernal	214	2,355	15.70	23,176	57.95	73.65
Johnson Taxi Co.	Logan	Various points	13	131	.87	58	.15	1.02
Jones, James S.	Parowan	St. George	3	2	.01	104	.26	.27
Kanab Mail Line	Hurricane	Kanab	4	.....	.....	192	.49	.49
Lublin, Alfred	Roosevelt	Price	77	857	5.71	6,153	15.38	21.09
Loa Co-op	Loa	Various points	57	.....	.....	2,865	7.18	7.18
Linck, W. H.	Salt Lake City	Monroe	116	11,184	74.57	10,573	26.43	101.00
Lowe, Reginald J.	Cedar City	St. George	27	.....	.....	1,460	3.65	3.65
Laris, Louis	Roosevelt	Various points	17	611	4.07	2,093	5.24	9.31
Marchant & Willard	Peoa	Various points	9	.....	.....	181	.45	.45
Mitchell Van & Storage Co.	Salt Lake City	Various points	10	323	2.15	86	.23	2.38
Mollerup, J. A.	Salt Lake City	Various points	104	3,972	26.51	1,272	3.18	29.69
Messinger, Blake	Salt Lake City	Payson	1,467	9,517	63.46	.....	.....	63.46
Nelson, C. W.	Ogden	Various points	622	45,990	306.60	10,761	26.90	333.50
Neilson & West	Salt Lake City	Various points	82	7,364	49.09	6,410	13.53	62.62
Neilson, Harvey J.	Roosevelt	Various points	24	265	1.77	2,406	6.02	7.79
Olsen, Fred	Bingham	Various points	84	1,213	8.10	359	.92	9.02
Pagano, A. N.	Helper	Various points	20	105	.70	261	.66	1.36
Pilling, John	Heber	Various points	10	.....	.....	735	1.84	1.84
Perry, Thomas W.	Kamas	Salt Lake City	192	7,474	49.82	6,640	17.36	67.18
Pierson, H. A.	Duchesne	Price	72	787	5.25	3,149	7.87	13.12
Pulos, George	Roosevelt	Salt Lake City	80	3,131	20.88	10,152	25.38	46.26
Rogers, George	Mt. Emmons	Price	12	132	.88	896	2.24	3.12
Rolfe & Wilkins	Hunter	Salt Lake City	109	1,512	10.08	.....	.....	10.08
Robinson, Leo	Price	Roosevelt	38	287	1.91	2,628	6.57	8.48
Sargent, Norm	Panguitch	Various points	16	.....	.....	811	2.03	2.03
Soward & Evans	Vernal	Various points	445	4,917	32.79	51,506	128.77	161.56
Stork, A. F.	Moab	Various points	37	.....	.....	21,173	52.92	52.92

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES, OPERATING IN THE STATE OF UTAH FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927—Continued.

Non-Certificate Holders	ROUTE		Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
	Between	And						
Siddoway, John	Vernal	Various points	98	1,639	10.93	11,506	28.78	39.71
Sanders, William	LaVerkin	Various points	26	.....	.....	1,050	2.63	2.63
Salt Lake Transfer Co.	Salt Lake City	Various points	562	39,501	263.34	71	.19	263.53
Snyder, A. L.	Duchesne	Various points	22	226	$ 1.51	1,074	$ 2.69	$ 4.20
Timpson, H. E.	Price	Sunnyside	215	.....	.....	5,260	13.15	13.15
Utah Central Moving & Storage Co.	Provo	Various points	238	7,723	51.49	5,962	14.92	66.41
Vernon, Eddie	Salt Lake City	Oakley	55	389	2.59	2,106	5.27	7.86
Wardell, W. M.	Duchesne	Various points	267	2,939	19.59	21,472	53.69	73.28
Wood, J. A.	Hurricane	Various points	166	.....	.....	8,495	21.25	21.25
White, Elmer A.	Ranger	Castle Gate	48	.....	.....	1,187	2.97	2.97
Zirker, John E.	Myton	Price	35	388	2.59	2,698	6.75	9.34
TOTAL			18,161	274,693	$ 1,827.47	406,562	$ 1,015.54	$ 2,843.01

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE LINES OPERATING IN THE STATE OF UTAH, FROM DECEMBER 1, 1926, TO DECEMBER 1, 1927.

RECAPITULATION

	Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
Certificate Holders	589,516	4,527,806	$ 11,320.02	3,693,020	$ 3,703.21	$ 15,023.23
Non-Certificate Holders	57,422	1,556,260	3,889.81	3,627,257	3,628.89	7,518.70
Total Passenger Lines	646,938	6,084,066	$ 15,209.83	7,320,277	$ 7,332.10	$ 22,541.93

	Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Tax
Certificate Holders	38,638	778,396	$ 5,189.26	1,159,906	$ 2,899.86	$ 8,089.12
Non-Certificate Holders	18,161	274,693	1,827.47	405,562	1,015.54	2,843.01
Total Freight Lines	56,799	1,053,089	$ 7,016.73	1,565,468	$ 3,915.40	$ 10,932.13

TOTAL TAXES ASSESSED	
Total Passenger Lines	$22,541.93
Total Freight Lines	10,932.13
GRAND TOTAL TAXES ASSESSED	$33,474.06

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE PASSENGER AND FREIGHT CERTIFICATE HOLDERS OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1926.

NAME OF LINE OR OPERATOR	ROUTE Between	And	Nature*	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income	
Allen, W D.	Salt Lake City	Bingham	F	$ 10,725.00	$ 16,200.91	$ 14,721.28	$ 1,479.63	
Allsop Milk Line	Salt Lake City	Crescent	M	1,732.00	1,881.40	1,201.08	680.32	
Alta Stage & Truck Line	Salt Lake City	Alta	FP	6,000.00	6,413.92	6,133.71	280.21	
Arrow Auto Line	Price	Hiawatha	PE	6,050.00	13,890.64	13,880.53	10.11	
Bartholomew, Jesse L.	Centerfield	Gunnison	PFE	1,450.00	968.20	182.60	785.60	
Barton, A. H. Truck Line	Salt Lake City	Tooele	F	10,988.40	16,205.89	12,405.35	3,800.54	
Barton, A. R. Truck Line	Cedar City	St. George	F	10,448.00	8,208.50	7,066.27	1,142.23	
Barton, J. Lowe	Paragonah	Cedar City	P	2,600.00	1,362.75	1,083.70	279.05	
Bateman, Bernell	Lehi	Salt Lake City	M	355.20	2,546.57	2,074.39	472.18	
Bingham Stage Lines Co.	Salt Lake City	Bingham	PE	92,896.37	85,397.11	81,982.42	3,414.69	
Brighton Stage Line	Salt Lake City	Brighton	PF	3,000.00	1,631.20	1,585.36	45.84	
Coleman, A. L. (Salt Lake-Heber)	Salt Lake City	Heber City	P	2,710.00	9,192.70	8,492.18	700.52	
Denton, J. C.	Magna	Garfield	P	2,274.00	337.95	1,503.83	1,165.88	Red.
Dodge Stage Line	Price	Vernal	P	9,840.00	18,814.00	12,925.44	5,888.56	
Eureka-Payson Stage	Payson	Eureka	P	1,700.00	7,746.28	6,548.39	1,197.89	
Eastern Utah Transportation Co.	Price	Vernal	FE	25,368.58	10,521.86	11,701.80	1,179.94	Red.
Grantsville-Salt Lake Stage Co.	Grantsville	Salt Lake City	PF	2,735.00	1,289.55	1,472.92	192.37	Red.
Hadley & Peterson	Garland	Deweyville	P	1,250.00	3,651.75	2,051.57	1,600.18	
Hamblin, E. O.	Cedar City	St. George	F	5,000.00	4,292.49	4,089.94	202.55	
Hurricane Truck Line	Cedar City	Hurricane	F	9,345.00	7,629.85	4,296.94	3,332.91	
Madsen, Clarence T.	Centerfield	Gunnison	F	800.00	610.00	200.00	410.00	
Magna-Garfield Truck Line	Salt Lake City	Garfield	F	3,761.30	7,156.39	6,472.09	684.30	
Milne, Jos. J.	Cedar City	St. George	F	5,350.00	8,517.13	6,226.82	2,290.31	
Mill Creek Bus Line	Salt Lake City	E. Mill Creek	P	9,055.63	2,450.68	6,534.38	4,083.70	Red.
Moab Garage Company	Thompson	Monticello	PF	35,900.00	73,360.91	62,540.60	10,820.31	
Murdock, R. C.	Milford	Beaver	PF	6,072.51	7,724.29	6,525.13	1,199.07	
Price Transportation Co.	Price	Gibson	PE	5,500.00	10,800.39	9,608.26	1,192.13	
Rolfe & Wilkins Truck Line	Pleasant Grove	Salt Lake City	F	1,801.06	2,841.69	2,062.67	779.02	
Salt Lake-Fillmore Bus Line	Salt Lake City	Fillmore	PE	6,000.00	1,598.20	2,802.67	1,204.47	Red.
Salt Lake-Park City Stage Line	Salt Lake City	Park City	P	27,068.11	45,755.75	40,312.68	5,443.07	
Salt Lake-Tooele Stage Line	Salt Lake City	Tooele	P	13,615.88	25,369.11	21,300.73	4,059.38	
Spring Canyon Stage Line	Helper	Mutual	P	6,000.00	7,847.00	6,628.31	1,218.69	

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE PASSENGER AND FREIGHT CERTIFICATE HOLDERS OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1926—Continued

NAME OF LINE OR OPERATOR	ROUTE Between	ROUTE And	Nature	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income	
Sterling Transportation Co.	Salt Lake City	Vernal	F	$ 47,377.88	$ 34,382.25	$ 34,441.68	$ 59.43	Red
Utah Central Truck Line	Salt Lake City	Provo	F	18,608.40	21,426.05	20,808.33	617.72	
Utah Central Transfer Company	Provo	Silver City	F	4,260.11	13,663.54	13,534.85	128.69	
Utah & Grand Canyon Transp. Co.	Cedar City	Scenic Points	P	40,694.70	83,559.33	59,109.58	24,449.75	
Utah Parks Company	Cedar City	Scenic Points	P	415,377.59	125,343.91	131,972.53	6,628.62	Red.
TOTAL				$853,708.72	$690,572.05	$626,481.01	$ 64,091.04	

*P—Denotes Passenger Line. F—Denotes Freight Line. E—Denotes Express Line. M—Denotes Milk Line.

ELECTRIC LIGHT AND POWER UTILITIES OPERATING IN UTAH—OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1926.

	Utah Power & Light Co.	Telluride Power Co.	Dixie Power Co.	Big Spring Electric Co.	Bountiful Power and Light Co.
Operating Revenues:					
Sales of Current	$ 9,593,390.46	$ 188,797.70	$100,408.87	$ 15,081.46	$ 26,663.67
Other Revenues	261,418.00	15,460.01	3,675.82	9.09†	2,070.46
Total Operating Revenues	$ 9,854,808.46	$ 204,257.71	$104,084.69	$ 15,072.37	$ 28,734.13
Operating Expenses:					
Steam Power Generation	382,670.61				
Hydro Electric Generation	388,095.87	21,259.45	10,878.52	3,109.19	
Miscellaneous Production Expenses	105,383.51		2,395.84		
Electric Energy from Other Sources					9,723.96
Transmission Expenses	172,075.42	13,159.35	712.93	600.00	
Distribution Expenses	380,634.68	19,003.41	5,336.41	600.00	
Utilization Expenses	127,375.23	2,355.52	563.47		
Commercial Expenses	278,108.91	12,457.12	6,277.92		
New Business Expenses	112,258.51	4,819.66	545.03		
General & Miscellaneous Expenses	639,051.43	66,907.60	19,605.65	6,237.97	5,609.28
Gas Power Generation			3,473.98		
Other Operating Expenses	226,703.24*				
Total Operating Expenses	$ 2,812,357.41	$ 139,962.11	$ 49,789.75	$ 10,547.16	$ 15,333.24
Total Accounts Uncollectible	34,385.69	58.82	1,147.31		50.07
Taxes	1,323,386.85	16,200.00	7,769.51	2,007.35	369.58
Total Revenue Deductions	$ 4,170,129.95	$ 156,220.83	$ 58,706.57	$ 12,554.51	$ 15,752.89
Operating Income	$ 5,684,678.51	$ 48,036.78	$ 45,378.12	$ 2,517.86	$ 12,981.24
Plant Rental	538,110.14				
Operating Income, for return	$ 5,146,568.37	$ 48,036.78	$ 45,378.12	$ 2,517.86	$ 12,981.24
Investment in Fixed Capital	$71,547,316.79	$ 1,347,061.16	$668,387.96	$ 89,378.49	$ 99,631.42‡

*Auxiliary Operations. †Denotes deficit. ‡Appraisal as of October 19, 1927.

ELECTRIC LIGHT AND POWER UTILITIES OPERATING IN UTAH—OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1926

Operating Revenues	Western States Utilities Co.	Swan Creek Electric Co.	Electric Power & Milling Co.	Pahvant Power & Light Co
Sales of Current	$18,337.09	$ 5,478.35	$ 3,410.95	$31,209.35
Other Revenues	1,588.99			5,877.49
Total Operating Revenues	$19,926.08	$ 5,478.35	$ 3,410.95	$37,086.84
Operating Expenses:				
Hydro Electric Generation		2,396.24		
Miscellaneous Production Expenses				19,311.47
Electric Energy from Other Sources	5,267.23			
Transmission Expenses	1,560.60	781.74		3,019.12
Distribution Expenses		390.88		4,362.70
Utilization Expenses	86.82			634.89
Commercial Expenses	932.47			2,236.65
New Business Expenses	172.60			629.95
General and Miscellaneous	3,019.67	3,016.87	2,374.72	3,569.52
Total Operating Expenses	$11,039.39	$ 6,585.73	$ 2,374.72	$33,764.30
Total Accounts Uncollectible	41.79			
Taxes	490.00	86.92	491.69	
Total Revenue Deductions	$11,571.18	$ 6,672.65	$ 2,866.41	$33,764.30
Operating Income, for return	$ 8,354.90	$ 1,194.30R	$ 544.54	$ 3,322.54
Investment in Fixed Capital	$42,606.77	$31,000.00	$15,000.00	$*91,255.02

R Denotes Deficit.

*As of December 31, 1925, furnished by Telluride Power Co.

GAS UTILITIES OPERATING IN THE STATE OF UTAH—OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1926.

Operating Revenues:	Utah Gas & Coke Co. Salt Lake City	Utah Power & Light Co. Ogden	Utah Valley Gas & Coke Co., Provo
Metered Sales to General Consumers	$ 642,745.52	$ 93,983.79	$ 68,969.09
Merchandise and Miscellaneous	5,777.33	6,261.18	10.06
Total Operating Revenues	$ 648,522.85	$ 100,244.97	$ 68,979.15
Operating Expenses:			
Operation—Gas Production	$ 265,107.11	$ 84,193.99	$ 1,341.05
Maintenance—Gas Production	15,788.03	8,814.18	1,350.90
Residuals, Miscellaneous Production, etc.	103,208.99-Cr.	23,924.60-Cr.	
Transmission and Distribution Expenses	35,951.72	10,686.39	1,958.28
Commercial Expenses	38,218.38	6,988.12	
New Business Expenses	28,584.18	1,109.90	3,283.95
Depreciation			
General and Miscellaneous Expenses	61,700.78	17,047.83	8,979.06
Gas Purchased			20,198.95
Total Operating Expenses	$ 342,141.21	$ 104,915.81	$ 37,112.19
Uncollectible Accounts	1,875.76	323.51	120.00
Taxes	65,619.41	*	3,300.00
Total Revenue Deductions	$ 409,636.38	$ 105,239.32	$ 40,532.19
Operating Income	$ 238,886.47	$ †4,994.35	$ 28,446.96
Fixed Capital at End of Year	‡$6,289,970.63	*	$ 554,889.82

†Denotes Deficit, or loss from operation.
*Included in system report as a whole of Utah Power & Light Co. to the Commission. Gas Department valuation not separately made.
‡Book Value as shown by report of Utah Gas & Coke Co.

ELECTRIC RAILROAD UTILITIES—OPERATIONS WITHIN THE STATE OF UTAH YEAR ENDED DECEMBER 31, 1926.

	NAME OF ROAD			
Railway Operating Revenues:	Bamberger Electric Railroad Co.	Salt Lake & Utah R.R. Co.	Salt Lake Garfield & Western Ry. Co.	Utah-Idaho Central Railroad Co.
Total Revenue from Transportation	$566,865.20	$718,814.62	$187,105.33	$680,707.93
Total Revenue from Other Railway Operations	6,482.84	12,316.08	1,701.04	38,645.41
Total Operating Revenues	$573,348.04	$731,130.70	$188,806.37	$719,353.34
Railway Operating Expenses:				
Way and Structures	$ 83,920.70	$100,002.51	$ 17,717.55	$114,386.12
Equipment	57,545.18	64,988.13	30,653.65	70,550.52
Power	67,216.19	83,328.66	20,764.47	80,145.59
Conducting Transportation	72,283.77	133,580.17	27,030.21	172,618.14
Traffic	18,301.75	44,563.56	7,348.28	11,203.48
General and Miscellaneous	145,600.07	194,608.57	21,656.98	109,387.50
Transportation for Investment—Cr.		R13,975.50		
Total Operating Expenses	$444,867.66	$607,096.10	$125,171.14	$558,291.35
Operating Ratio, Oper. Exp. to Oper. Rev.	77.60%	83.04%	66.29%	77.60%*
Net Revenue—Railway Operations	$128,480.38	$124,034.60	$ 63,635.23	$161,061.99
Taxes assignable to Railway Operations	42,215.56	59,336.24	2,700.67	64,928.26
Operating Income	86,264.82	64,698.36	†38,228.71	96,133.73
Total Mileage Operated	36.25	76.10	16.73	114.55

*At November 20, 1926.

†After Auxiliary Operations.

BINGHAM AND GARFIELD RAILWAY COMPANY, YEAR ENDED DECEMBER 31, 1926.

Operations within the State of Utah

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$ 548,829.39		
Incidental Operating Revenues	14,733.45		
Joint Facility Operating Revenues			
Total Operating Revenues	$ 563,562.84		
RAILWAY OPERATING EXPENSES			
Maintenance of Way and Structures	$ 93,986.72		
Maintenance of Equipment	108,150.13		
Traffic	17,843.43		
Transportation Rail Line Expenses	125,791.36		
Miscellaneous Operating Expenses	1,707.80		
General Expenses	62,654.37		
Transportation for Investment—Cr.			
Total Operating Expenses	$ 410,133.81		
Operating Ratio			
Operating Exp. to Operating Rev.	72.78 Per Cent.		
Net Operating Revenues	$ 153,429.03		
Average Mileage of Road Operated	33.27		
Averages per Mile of Road:			
Operating Revenues	$ 16,939.07		
Operating Expenses	12,327.44		
Net Operating Revenues	4,611.63		
Utah Taxes Other than U. S. Government	$ 63,354.65		

THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, YEAR ENDED DECEMBER 31, 1926.

Operations within the State of Utah

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$11,026,138.08		
Incidental Operating Revenues	261,508.06		
Joint Facility Operating Revenues	39,928.01	Not Compiled	
Total Operating Revenues	$11,327,574.15		
RAILWAY OPERATING EXPENSES.			
Maintenance of Way and Structures	$ 1,876,118.88		
Maintenance of Equipment	1,952,646.02		
Traffic	223,340.80		
Transportation Rail Line Expenses	3,121,325.97		
Miscellaneous Operating Expenses	215,628.16		
General Expenses	344,891.46		
Transportation for Investment—Cr.	68,074.32	Red.	
Total Railway Operating Expenses	$ 7,665,876.97		
Operating Ratio, Operating Exp. to Operating Rev.	67.67	Per Cent.	
Net Operating Revenues	$ 3,661,697.18		
Average Mileage of Road Operated	678.89		
Averages per Mile of Road:			
Operating Revenues	$ 16,685.43		
Operating Expenses	11,291.78		
Net Operating Revenues	5,393.65		
Utah Taxes, Other than U. S. Government, 1926	$ 624,750.00		

LOS ANGELES & SALT LAKE RAILROAD COMPANY, YEAR ENDED DECEMBER 31, 1926.

Operations within the State of Utah

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$ 9,855,352.09	$ 7,541,186.02	$ 2,314,166.07
Incidental Operating Revenues	537,484.91	178,847.71	358,637.20
Joint Facility Operating Revenues	49,863.88		49,863.88
Total Operating Revenues	$10,442,700.88	$ 7,720,033.73	$ 2,722,667.15
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 1,716,085.13		
Maintenance of Equipment	1,811,669.12		
Traffic	346,126.88		
Transportation Rail Line Expenses	2,935,165.42		
Miscellaneous Operating Expenses	394,192.59		
General Expenses	347,125.91		
Transportation for Investment—Cr.			
Total Railway Operating Expenses	$ 7,550,365.05		
Operating Ratio, Operating Expenses to Operating Rev.	72.30 Per Cent		
Net Operating Revenues	$ 2,892,335.83		
Average Mileage of Road Operated	568.26		
Averages per Mile of Road:			
Operating Revenues	$ 18,376.62		
Operating Expenses	13,286.81		
Net Operating Revenues	5,089.81		
Utah Taxes, Other than U. S. Government, 1926	$ 453,311.16		

OREGON SHORT LINE RAILROAD COMPANY, YEAR ENDED DECEMBER 31, 1926

Operations within the State of Utah

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$ 9,100,383.01	$ 8,354,595.08	$ 745,787.93
Incidental Operating Revenues	79,635.17	79,635.17	
Joint Facility Operating Revenues	6,706.85	6,706.85	
Total Operating Revenues	$ 9,186,725.03	$ 8,440,937.10	$ 745,787.93
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 840,217.72		
Maintenance of Equipment	889,445.61		
Traffic	90,416.71		
Transportation Rail Line Expenses	1,555,416.21		
Miscellaneous Operating Expenses	102,215.64		
General Expenses	202,833.80		
Transportation for Investment—Cr.	1,403.26		
Total Railway Operating Expenses	$ 3,679,142.43		
Operating Ratio, Opr. Exp. to Oper. Rev.	40.05 Per Cent.		
Net Operating Revenues	$ 5,507,582.60		
Average Mileage of Road Operated	242.31		
Averages Per Mile of Road:			
Operating Revenues	$ 37,913.11		
Operating Expenses	15,183.62		
Net Operating Revenues	22,729.49		
Utah Taxes, Other than U. S. Government, 1926	$ 335,888.85		

SOUTHERN PACIFIC COMPANY, YEAR ENDED DECEMBER 31, 1926.

Operations within the State of Utah

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$ 5,974,333.95		
Incidental Operating Revenues	74,234.23		
Joint Facility Operating Revenues	1,227.57	Not Completed	
Total Operating Revenues	$ 6,049,795.75		
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 586,786.10		
Maintenance of Equipment	677,979.79		
Traffic	87,310.34		
Transportation Rail Line Expenses	1,373,522.09		
Miscellaneous Operating Expenses	87,429.32		
General Expenses	143,850.96		
Transportation for Investment—Cr.	32,518.60	Red.	
Total Railway Operating Expenses	$ 2,928,357.68		
Operating Ratio, Operating Exp. to Operating Rev.	48.40	Per Cent.	
Net Operating Revenues	$ 3,121,438.07		
Average Mileage of Road Operated	259.52		
Averages Per Mile of Road:			
Operating Revenues	$ 23,311.48		
Operating Expenses	11,283.74		
Net Operating Revenues	12,027.74		
Utah Taxes, Other than U. S. Government, 1926	$ 252,814.37		

UNION PACIFIC RAILROAD COMPANY, YEAR ENDED DECEMBER 31, 1926.

Operations within the State of Utah

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$ 4,495,168.04	$ 4,183,107.04	$ 312,061.00
Incidental Operating Revenues	81,029.58	81,029.58	
Joint Facility Operating Revenues	5,769.85	5,769.85	
Total Operating Revenues	$ 4,581,967.47	$ 4,269,906.47	$ 312,061.00
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 472,541.11		
Maintenance of Equipment	825,462.73		
Traffic	77,578.31		
Transportation, Rail Line Expenses	1,082,452.02		
Miscellaneous Operating Expenses	80,859.63		
General Expenses	128,166.48		
Transportation for Investment—Cr.	1,455.74		
Total Railway Operating Expenses	$ 2,665,604.54		
Operating Ratio, Operating Exp. to Operating Rev.	58.18 Per Cent.		
Net Operating Revenues	$ 1,916,362.93		
Average Mileage of Road Operated	110.17		
Averages Per Mile of Road:			
Operating Revenues	$ 41,589.97		
Operating Expenses	24,195.38		
Net Operating Revenues	17,394.59		
Utah Taxes, Other than U. S. Government, 1926	$ 203,009.46		

UTAH RAILWAY COMPANY, YEAR ENDED DECEMBER 31, 1926.

Operations within the State of Utah—Entire Line

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$ 1,642,152.86		
Incidental Operating Revenues	478.01		
Joint Facility Operating Revenues			
Total Operating Revenues	$ 1,642,630.87		
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 242,902.10		
Maintenance of Equipment	421,026.52		
Traffic	4,873.33		
Transportation Rail Line Expenses	346,750.31		
Miscellaneous Operating Expenses			
General Expenses	72,656.82		
Transportation for Investment—Cr.	69.17	Red.	
Total Operating Expenses	$ 1,088,139.91		
Operating Ratio, Operating Exp. to Operating Rev.	66.24	Per Cent	
Net Operating Revenues	$ 554,490.96		
Average Mileage of Road Operated	111.02		
Averages Per Mile of Road:			
Operating Revenues	$ 14,795.81		
Operating Expenses	9,801.30		
Net Operating Revenues	4,994.51		
Utah Taxes, Other than U. S. Government, 1926	$ 80,693.75		

THE WESTERN PACIFIC RAILROAD COMPANY, YEAR ENDED DECEMBER 31, 1926.

Operations within the State of Utah

	Total	On Interstate Traffic	On Intrastate Traffic
RAILWAY OPERATING REVENUES:			
Rail Line Transportation Revenues	$ 2,099,908.32	$ 1,945,099.60	$ 154,808.72
Incidental Operating Revenues	67,324.80	8,386.84	58,937.96
Joint Facility Operating Revenues	4,673.86		4,673.86
Total Operating Revenues	$ 2,171,906.98	$ 1,953,486.44	$ 218,420.54
RAILWAY OPERATING EXPENSES:			
Maintenance of Way and Structures	$ 348,838.56		
Maintenance of Equipment	315,726.15		
Traffic	57,840.51		
Transportation Rail Line Expenses	638,240.15		
Miscellaneous Operating Expenses	70,203.12		
General Expenses	56,370.46		
Transportation for Investment—Cr.	10,331.80	Red.	
Total Railway Operating Expenses	$ 1,476,887.15		
Operating Ratio, Operating Exp. to Operating Rev.	68.00	Per Cent.	
Net Operating Revenues	$ 695,019.83		
Average Mileage of Road Operated	143.72		
Averages Per Mile of Road:			
Operating Revenues	$ 15,112.07		
Operating Expenses	10,276.14		
Net Operating Revenues	4,835.93		
Utah Taxes, Other than U. S. Government, 1926	$ 124,833.62		

SMALL STEAM RAILROADS OPERATING IN THE STATE OF UTAH—OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1926.

	Deep Creek R. R. Co.	St. John & Ophir R. R. Co.	The Uintah Ry. Co.
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 16,924.12	$ 3,143.54	$422,447.37
Incidental Operating Revenues	1,173.21	673.53	22,820.02
Joint Facility Operating Revenues			
Total Railway Operating Revenues	$ 18,097.33	$ 3,817.07	$445,267.39
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 4,410.61	$ 11,296.74	$ 99,910.48
Maintenance of Equipment	5,883.53	5,166.36	83,671.40
Traffic	210.49		1,198.12
Transportation Rail Line Expenses	7,360.09	6,776.73	99,935.37
Miscellaneous Operating Expenses			23,822.86
General Expenses	2,347.48	1,294.82	69,255.71
Transportation for Investment—Cr.			
Total Railway Operating Expenses	$ 20,212.20	$ 24,534.65	$377,793.94
Net Revenue from Railway Operations	$ R2,114.87	$ R20,717.58	$ 67,473.45
Railway Tax Accruals	7,447.04	1,264.20	30,730.03
Railway Operating Income	$*R9,562.61	$ R21,981.78	$*36,687.90
Total Line Operated at end of Year (Miles)	47.15	8.92	(Utah) 17.72

R Denotes Deficit.

*Allowance made for Uncollectible Operating Revenues.

SMALL STEAM RAILROADS OPERATING IN THE STATE OF UTAH—OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1926.

Railway Operating Revenues:	Tooele Valley R. R. Co.	Eureka Hill Ry. Co.	Goshen Valley R. R. Co.	Carbon Co. Ry Co.
Rail Line Transportation Revenues	$281,784.66	$ 22,356.51	$ 63,589.62	$ 68,251.53
Incidental Operating Revenues	13,557.37		3.21	
Joint Facility Operating Revenues				
Total Railway Operating Revenues	$295,342.03	$ 22,356.51	$ 63,592.83	$ 68,251.53
Railway Operating Expenses:				
Maintenance of Way and Structures	$ 21,794.30	$ 4,177.71	$ 16,387.37	$ 9,327.42
Maintenance of Equipment	45,236.62	3,371.65	1,368.40	390.16
Traffic	3,578.80		205.55	2,060.89
Transportation Rail Line Expenses	145,528.33	12,300.87	12,220.06	5,717.50
Miscellaneous Operating Expenses				
General Expenses	11,711.10	4,834.01	7,397.20	10,544.53
Transportation for Investment—Cr.				
Total Railway Operating Expenses	$227,849.15	$ 24,684.24	$ 37,578.58	$ 28,040.50
Net Revenue from Railway Operations	$ 67,492.88	$ R2,327.73	$ 26,014.25	$ 40,211.03
Railway Tax Accruals	5,142.42		2,238.03	2,082.02
Railway Operating Income	$ 62,350.46	$ R2,327.73	$ 23,776.22	$ 38,129.01
Total Line Operated at close of Year (Miles)	8.70	7.00	11.44	6.10

R Denotes Deficit.

STREET RAILWAY UTILITIES—OPERATIONS WITHIN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1926.

	Utah Light & Traction Co.		Utah Rapid Transit Co.
Railway Operating Revenues:			
Revenue from Transportation	$1,859,764.22		$ 237,917.45
Revenue from Other Railway Operations	11,924.20		1,485.77
Total Operating Revenues	$1,871,688.42		$ 239,403.22
Railway Operating Expenses:			
Way and Structures	$ 189,430.71		$ 23,265.46
Equipment	185,046.28		35,489.60
Power	259,128.78		30,785.09
Conducting Transportation	515,689.26		81,312.81
Traffic	19,996.06		960.84
General and Miscellaneous	207,285.07		31,561.91
Transportation for Investment—Cr.	932.93	Red.	
Total Operating Expenses	$1,375,643.23		$ 203,375.71
Operating Ratio, Operating Expense to Operating Revenues	73.50	%	84.95%
Net Revenue, Railway Operations	$ 496,045.19		$ 36,027.51
Taxes Assignable to Railway Operations	107,807.15		10,247.26
Operating Income	388,238.04		25,780.25
Total Mileage of Road Operated at close of year	135.10		39.11

THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY.

OPERATIONS WITHIN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1926.

Revenues

Telephone Operating Revenues		$ 2,779,962.27

Operating Expenses and Deductions

Commercial Expenses	$ 223,329.97	
Insurance, Accidents and Damages, and Law Expenses connected with Damages	3,386.89	
Telephone Franchise Requirements	12.00	
Compensation Net	12,284.77	
Maintenance Expenses	799,010.32	
Traffic Expenses	673,017.49	
General Expense, Employes Benefit Fund, etc.	77,903.12	
Uncollectible Operating Revenues ..	10,396.61	
Taxes, Franchise, Occupation, Income and General	292,716.95	
Non-Operating Revenues	8,624.80*	
Rent and Other Deductions	17,983.15	
Amort. of Intangible Capital and Right of Way	2,644.42	
Total Operating Expenses and Deductions		$ 2,104,060.89
Operating Income		$ 675,901.38

FIXED CAPITAL ACCOUNTS

Tangible

Exchange Plant	$ 7,365,139.79	
Toll Plant	1,670,447.83	
Total Physical Plant		$ 9,035,587.62

Intangible and Miscellaneous

Going Value	$ 744,380.90	
Interest During Construction	373,126.43	
Estimated Working Capital	405,390.02	
Total Intangible and Miscellaneous.		$ 1,522,897.35
Total Fixed Capital Accounts		$10,558,484.97

*Denotes Credit.

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF SMALL TELEPHONE UTILITIES OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1926.

NAME OF TELEPHONE COMPANY	Location	No. Of Customers	Investment At End Of Year	Gross Revenues	Total Operating Deductions	Operating Income
Bear River Valley Telephone Co.	Tremonton, Utah	518	$ 48,975.53	$ 17,732.10	$ 14,609.93	$ 3,122.17
Big Spring Electric Company	Fountain Green, Utah	122	3,754.49	3,023.91	2,435.56	588.35
Castle Dale Telephone Company	Castle Dale, Utah	70	2,211.75	1,308.25	1,286.95	21.30
Escalante Telephone Co.	Escalante, Utah	73	2,500.00	1,535.45	1,354.45	181.00
Garfield County Telephone and Telegraph Co.	Panguitch, Utah	108	17,515.00	8,592.40	6,758.24	1,834.16
Grouse Creek Telephone Company	Grouse Creek, Utah	41	1,425.00	369.00	102.72	266.28
Gunnison Telephone Co.	Gunnison, Utah	236	5,000.00	5,113.26	3,884.53	1,228.73
Kamas-Woodland Telephone Co.	Kamas, Utah	96	10,000.00	2,904.00	3,212.00	308.00 Red.
Manti Telephone Company	Manti, Utah	400	15,000.00	8,895.62	8,935.82	40.20 Red.
Midland Telephone Company	Moab, Utah	199	20,284.84	13,427.93	9,039.46	4,388.47
Millard County Telephone and Telegraph Co.	Fillmore, Utah	166	33,636.62	9,197.26	7,920.40	1,276.86
Moroni Telephone Co.	Moroni, Utah	116	3,000.00	2,718.32	2,439.57	278.75
North Logan Telephone Co.	North Logan, Utah	35	3,500.00	2,209.74	1,631.01	578.73
Park Valley Rosette Telephone Co.	Rosette, Utah	28	3,767.03	307.20	63.50	243.70
Peoples' Telephone Company	Fillmore, Utah	283	43,403.58	14,670.62	12,155.98	2,514.64
Salina Telephone Co.	Salina, Utah	121	4,435.22	6,843.12	6,132.05	711.07
Southern Utah Telephone Co.	St. George, Utah	294	18,850.00	9,867.58	7,884.82	1,982.76
Uintah Tedephone Co.	Vernal, Utah	551	109,361.80	37,912.38	28,854.96	9,057.42
Utah-Wyo. Independent Telephone Co.	Randolph, Utah	106	5,405.00	3,020.00	2,884.15	135.85
TOTAL		3,563	$352,025.86	$149,684.14	$121,586.10	$ 28,062.04

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF SMALL PRIVATE WATER UTILITIES OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1926.

NAME OF WATER UTILITY	Location	No. Of Customers	Investment At End Of Year	Gross Revenues	Total Operating Deductions	Operating Income
Birch Creek Canyon Water Co.	Ogden, Utah	133	$ 20,000.00	$ 3,938.81	$ 596.18	$ 3,342.63
Echo Water System	Echo, Utah	19	2,125.00	164.00	121.57	42.43
Layton Water System	Layton, Utah	163	46,896.49	4,343.43	1,364.63	2,978.80
Mammoth Mining Company	Mammoth, Utah	224	31,423.94	14,431.17	20,061.86	5,630.69 Red.
Miller Ditch Company	Salt Lake County	101	10,631.31	1,193.07	724.13	468.94
Moab Pipe Line Company	Moab, Utah	162	15,383.77	2,811.00	1,983.12	827.88
Maeser Water Works Company	Maeser, Utah	.....	3,600.00	413.87	253.38	160.49
Pioneer Water Company	Manti, Utah	44	3,000.00	344.44	156.45	187.99
Pleasant Green Water Co.	Magna, Utah	746	57,053.42	13,228.25	8,702.92	4,525.33
Riverton Pipe Line Company	Riverton, Utah	206	33,346.42	6,222.63	3,292.57	2,930.06
Ukon Water Company	Garland, Utah	82	60,199.35	455.48	64.79	390.69
TOTAL		1,880	$283,659.70	$ 47,546.15	$ 37,321.60	$ 10,224.55

IN THE SUPREME COURT OF THE STATE OF UTAH

(Filed March 25, 1927, Supreme Court of Utah.)

GUNNISON SUGAR COMPANY, et al.,
Plaintiffs,
vs.
PUBLIC UTILITIES COMMISSION OF UTAH, et al.,
Defendants.

CHERRY, J.

This proceeding was commenced before the Public Utilities Commission, under Comp. Laws, Utah 1917, Sec. 4338, by the plaintiffs to recover reparation from the D. & R. G. W. R. R. Co., upon the allegation that the railroad company had charged the plaintiffs for transporting certain shipments of sugar an unlawful and excessive amount, and an amount $16,782.76 in excess of the schedules, rates and tariffs therefor, as published and on file with the Commission. After a hearing the Commission denied the relief sought and dismissed the complaint.

The plaintiffs have brought the case here by writ of review and contend that the Commission acted without and in excess of its authority in denying reparation and dismissing the complaint.

The controversy relates to the interpretation and effect to be given on the freight tariff on sugar contained on a certain sheet of the published rates of the railroad company, and in particular as to whether the rates are quoted in cents per ton of 2000 lbs., as contended by the plaintiffs, or in cents per 100 lbs. as contended by the railroad company.

When the shipments were made the rates were interpreted as being "in cents per 100 lbs.," and the freight was computed and paid upon that basis.

The rate sheet in question is page 243 of the Table of Commodity Rates. On this sheet the table of rates for stone concludes and the table for rates for sugar begins. The sheets in the table are ruled in five vertical columns, with headings printed at the top. In the first four columns is printed respectively the item number, description of commodity, place from which, and to which rates are quoted, and opposite and in the last column is printed in

figures the freight rate between the specified points upon the commodity described. So far as material here the particular rate sheet in question is as follows:

"TABLE OF COMMODITY RATES—Continued.

STONE—Concluded.

Item No.	Commodity	From	To	Rate in cents per ton of 2000 lbs.
		SUGAR		

The table of rates for sugar continues over and occupies all of sheet 244 and a portion of sheet 245. At the top of the rate column on both these sheets is printed the heading, "Rates in cents per 100 lbs. (except as noted)."

The claim of the plaintiffs for reparation is predicated solely upon the contention that the freight rate for sugar as contained in sheet 243 of the table, as above described, must be construed as a rate "per ton of 2000 lbs.," and that as they were required to and did pay the rate

computed as "per 100 lbs.," they were thus compelled to pay an unlawful and excessive rate.

The Commission took evidence and found as a fact "that it is the general custom of railroad transportation companies in the State of Utah and throughout the other Western states, as well, to quote rates for sugar in their tariff sheets in cents per 100 lbs. and shipments, generally speaking, have been made accordingly at such rates."

The conclusion of the Commission was that the rates in controversy were intended to and did mean "rates in cents per 100 lbs." A further reason given by the Commission for its denial of plaintiffs' claim was that to grant the reparation applied for would result in gross discrimination between shippers and localities.

We entertain no doubt as to the correctness of the conclusion arrived at by the Commission. The end and purpose of the statute concerning rates of public utilities is to prevent unjust and unreasonable rates, to secure uniform and equal rates for all persons, and to prohibit favoritism and discrimination. When a rate is once ascertained or fixed it must be adhered to. The purpose of the law is defeated if departures from the established rates are permitted. This principle is firmly settled by many cases. But in this case we do not reach that question. The inquiry here is not one of departure or variation, but the question of what is the lawful established rate.

Looking alone at sheet 243 of the published tariff there is some plausibility for the claim that the rates for sugar are quoted "in cents per ton of 2000 lbs." The printed heading in the rate column at the top of the sheet in the stone schedule indicates that it refers to and controls the entire column of the sheet. But when it is considered that the continuing and larger portion of the sugar schedule on the following sheets quotes rates otherwise proportionate "in cents per 100 lbs."; that no reason appears for such radical difference; that the recognition of such difference would result in consequences so mischievous and absurd as to plainiy defeat the spirit and purpose of the law, it becomes imperative to look beyond the one sheet in controversy and to consider the context and other relevant parts of the whole document and the nature of the subject matter and other competent facts, in order to arrive at a correct interpretation of the rate. See Jeremy Fuel & Grain Co. v. Public Utilities Comm., 63 Utah 392, 226 Pac. 456.

In the change from the schedule of stone wherein the rates are quoted in cents per ton, to the schedule of sugar wherein the rates quoted are appropriate and reasonable in amount if quoted in cents per 100 lbs., but absurdly unreasonable if quoted in cents per ton, it is plainly apparent that the appropriate change in the column heading was intended but omitted. From the facts and circumstances proper to be considered in the matter, the intent and purpose to quote the rates for sugar as in cents per 100 lbs., is so clearly and conclusively shown as to leave no room for controversy.

The authority of law for supplying manifest omissions in statutes in order to avoid absurd and mischievous consequences and to give effect to the legislative intent is found in many cases. See annotations on the subject, 3 A. L. R. 404, where the general rule is thus stated:

> "Where words have been omitted from a statute or an ordinance by inadvertance or through a clerical error, and the intent of the legislature is ascertainable from the context, the court will insert the words necessary to carry out that intent. Courts will not permit an act to be declared invalid for uncertainty, where reason demands the insertion of words therein."

This principle is equally applicable to the matter in controversy here.

The interpretation of the rate contended for by plaintiffs, by resulting in gross inequality between shippers, would frustrate and defeat the purpose of the law, and produce in an aggravated form the very evils and mischiefs which the law is intended to prevent. The construction placed upon the rate by the Commission avoids these consequences and results in consistency and equality. It gives effect to the general purpose and intent of the law, and manifestly interprets the freight rate as it was intended, in fact, to mean. Of this there can be no doubt.

An additional reason for denying the plaintiffs' claim is found in Comp. Laws Utah 1917, Sec. 4838, which authorizes the Commission to order reparations in certain cases "provided, no discrimination will result from such reparation." Under the facts as proved and found in this case this provision would defeat the plaintiffs' claim. Jeremy F. & G. Co. v. Publ. Util. Comm., supra.

The orders of the Comission are affirmed. Costs to defendants.

We concur:

Thurman, S. R.
Gideon, J.
Straup, J.

THE STATE OF UTAH

LEGAL DEPARTMENT

Salt Lake City, April 12, 1927.

Public Utilities Commission of Utah,
Building.

Gentlemen:

Pursuant to your verbal request under date of April 7th, I am submitting herewith, an interpretation of House Bill 103, passed by the recent legislature.

You will note that I have confined my discussion of the bill solely to the question as to whether or not its provisions can be lawfully applied to interstate commerce; that, I believe, is the real question with which we are concerned. As to the intrastate commerce phase of the bill, I do not believe there can be much question as to its constitutionality, and with reference to the intrastate phase of the bill, I will say that in general, and with the exception of section 8 of the bill, I do not believe it confers any new power on the Commission, or extends its jurisdiction in any respect over that previously exercised and enjoyed under the existing law. It may be a little more explicit, but the real difference lies, as I see it, in the provisions of section 8, which make a violation of the provisions of the Act, a misdemeanor.

Sections 5 and 6 of the bill refer to chapters 114 and 117 of the Session Laws of Utah, 1925, and make a failure of the automobile company to procure the liability and property insurance prescribed by chapter 114, and to pay the tax prescribed by chapter 117, a misdemeanor.

As to the provisions of both these sections, I am of the opinion they are a valid regulation of intrastate traffic; the only difficulty that might arise, as I view it, is when we attempt to make them applicable to interstate traffic.

With respect to state regulation of interstate traffic, the following may be said to be the general rule:

> "In the absence of national legislation covering the subject a state may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of all motor vehicles—those moving in interstate commerce as well as others, and to this end it may require the registration of such vehicles and the licensing of their drivers, charging therefor reasonable fees graduated according to the horsepower of the engines—a practical measure of size, speed, and difficulty of control.
>
> "This is but an exercise of the police power uniformly recognized as belonging to the states and essential to the preservation of the health, safety and comfort of their citizens; and it does not constitute a direct and material burden on interstate commerce. *The reasonableness of the state's action is always subject to inquiry in so far as it affects interstate commerce, and in that regard it is subordinate to the will of Congress.*" Berry on Automobiles—5th Ed., Page 113.

The same rule is announced by Mr. Justice McReynolds of the Supreme Court of the United States in the case of Hendrick vs. Maryland, 235 U. S. 610-622, in the following language:

> "In the absence of national legislation covering the subject a State may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of all motor vehicles—those moving in interstate commerce as well as others. And to this end it may require the registration of such vehicles and the licensing of their drivers, charging therefor reasonable fees graduated according to the horsepower of the engines—a practical measure of size, speed, and difficulty of control. This is but an exercise of the police power uniformly recognized as belonging to the States and essential to the pres-

ervation of the health, safety and comfort of their citizens; and it does not constitute a direct and material burden on interstate commerce. The reasonableness of the State's action is always subject to inquiry in so far as it affects interstate commerce, and in that regard it is likewise subordinate to the will of Congress. Barbier vs. Connolly, 113 U. S. 27, 30, 31; Smith vs. Alabama, 124 U. S. 465, 480; Lawton vs. Steele, 152 U. S. 133, 136; N. Y., N. H. & H. RR. vs. New York, 165 U. S. 628, 631; Holden vs. Hardy, 169 U. S. 366, 392; Lake Shore and Michigan Southern Railway vs. Ohio, 173 U. S. 285, 298; Chicago, B. & Q. RR. vs. McGuire, 219 U. S. 549, 568; Atlantic Coast Line vs. Georgia, 234 U. S. 280, 291. * * *

"In view of the many decisions of this Court there can be no serious doubt that where a State at its own expense furnishes special facilities for the use of those engaged in commerce, interstate as well as domestic, it may exact compensation therefor. *The amount of the charges and the method of collection are primarily for determination by the State itself; and so long as they are reasonable and are fixed according to some uniform, fair and practical standard they constitute no burden on* interstate commerce. Transportation Co. vs. Parkersburg, 107 U. S. 691, 699; Huse vs. Glover, 119 U. S. 543, 548, 549; Monongahela Navigation Co. vs. United States, 148 U. S. 312, 329, 330; Minnesota Rate cases, 230 U. S. 352, 405; and authorities cited."

The mere fact that a state regulation affects interstate commerce does not necessarily make that regulation unconstitutional, if it applies to all and is a reasonable regulation. Interstate Motor Transit Co. vs. Kuykendall, 284 Fed. 882, and cases there cited; also 294 Fed. 703.

The question then recurs as to whether or not the regulations provided for in sections 5 and 6 of the Act apply to all and are reasonable regulations as they affect interstate commerce.

It has been held by the following authorities, which I commend to your attention, that a state regulation imposing upon both intrastate and interstate carriers the duty of procuring liability and property insurance as a pre-requisite to the allowance of a permit to operate in

the State, imposed an undue and unreasonable burden upon interstate commerce and was therefore void in so far as it applied to such interstate commerce. See the cases cited below:

Liberty Highway Co. vs. Michigan Public Utilities Commission, 294 Fed. 703;
Michigan Public Utilities Com. vs. Duke, 266 U. S. 570; 36 A. L. R. 1105.

It has also been held that a State may not, under the guise of police power, require a carrier operating exclusively in interstate commerce, to procure a permit or certificate of convenience and necessity before being allowed to operate over the highways within the confines of that State.

See:

Bush vs. Maloy, 267 U. S. 317;
Buck vs. Kuykendall, 267 U. S. 307; 38 A. L. R. 286.
Interstate Buses Corp. vs. Holyoke Street R. R. Co. (N. S. Sup. Ct.) 71 L. ed. 319.

In the case of Buck vs. Kuykendall, supra, the court in the course of its opinion said:

> "Buck, a citizen of Washington, wished to operate an auto stage line over the Pacific Highway between Seattle, Washington, and Portland, Oregon, as a common carrier for hire, exclusively for through interstate passengers and express. He obtained from Oregon the license prescribed by its laws. Having complied with the laws of Washington relating to motor vehicles, their owners and drivers (Carlson v. Cooney, 123 Wash. 441, 213 Pac. 575) and alleging willingness to comply with all applicable regulations concerning common carriers, Buck applied there for the prescribed certificate of public convenience and necessity. It was refused. The ground of refusal was that, under the laws of the State, the certificate may not be granted for any territory which is already being adequately served by the holder of a certificate; and that, in addition to frequent steam railroad service, adequate transportation facilities between Seattle and Portland were already being provided by means of four auto connecting auto stage lines, all of which

held such certificates from the State of Washington.

* * * * *

> The provision here in question is of a different character. Its primary purpose is not regulation with a view to safety or to conservation of the highways, but the prohibition of competition. It determines not the manner of use, but the persons by whom the highways may be used. It prohibits such use to some persons while permitting it to others for the same purpose and in the same manner. Moreover, it determines whether the prohibition shall be applied by resort, through state officials, to a test which is peculiarly within the province of Federal action,—the existence of adequate facilities for conducting interstate commerce. The vice of the legislation is dramatically exposed by the fact that the State of Oregon had issued its certificate, which, despite existing facilities, declared that public convenience and necessity required the establishment by Buck of the auto stage line between Seattle and Portland. Thus, the provision of the Washington statute is a regulation, not of the use of its own highways, but of interstate commerce. Its effect upon such commerce is not merely to burden but to obstruct it. Such state action is forbidden by the commerce clause. It also defeats the purpose of Congress expressed in the legislation giving Federal aid for the construction of interstate highways."

From the foregoing, and after a careful consideration of the cases cited, I believe that the conclusion is inevitable that the Act, and particularly section 5 thereof insofar as it might be applied to interstate commerce, reference being had particularly to liability and property insurance as well as permits,—the insurance being a pre-requisite to the issuance of a permit,—is an undue burden upon interstate commerce and cannot be enforced.

There is also serious doubt in my mind as to the authority attempted to be lodged with the Commission in section 4 of the Act when the same is applied to interstate commerce particularly with reference to the following language,—

> "the character, construction, width, braking facilities, and other qualities of the motor vehicle or motor ve-

> hicles which it proposes to use, and the other facilities furnished by such automobile companies. * * * the fares, tariffs and rates to be charged by it in the transportation of passengers, freight, merchandise, or other property, etc."

With reference to the above I am of the opinion that the Commission could not legally attempt to do any of the things above enumerated in connection with interstate commerce, and I believe that a casual reading of the authorities hereinbefore cited will sustain that view.

There is, however, another section of the Act which is of considerable moment, and that is section 6, which requires every automobile company to pay the tax prescribed by Chapter 117, Session Laws of Utah, 1925.

Practically all of the authorities, a number of which will be hereinafter cited, sustain the right of a State to enact license or privilege taxes upon interstate commerce, and they further hold that so long as they are reasonable and put no undue burden upon interstate commerce, they are not void, for the reason that they may, or do, affect interstate commerce. Such is the decision of the Court in the following cases:

Hendrick vs. Maryland, supra, wherein the court said:

> "In view of the many decisions of this court, there can be no serious doubt that where a state at its own expense furnishes special facilities for the use of those engaged in commerce, interstate as well as domestic, it may exact compensation therefor. *The amount of the charges and the method of collection are primarily for determination by the State itself; and so long as they are reasonable and are fixed according to some uniform, fair and practical standard they constitute no burden on interstate commerce.* Transportation Co. vs. Parkersburg, 107 U. S. 691, 699; Huse vs. Glover, 119 U. S. 543, 548, 549; Monogahela Navigation Co. vs. U. S., 148 U. S., 312, 329, 330; Minnesota Rate Cases, 230 U. S. 352, 405, and authorities cited."

Kane vs. New Jersey, 242 U. S. 160.

In that case the court said:

> "The amount of the fee is not so large as to be unreasonable; and it is clearly within the discretion of the State to determine whether the com-

pensation for the use of its highways by automobiles shall be determined by way of a fee, payable annually or semi-annually, or by a *toll based on mileage or otherwise.*"

In the case of Buck vs. Kuykendall, supra, the court said:

> "The highways belong to the State. It may make provision appropriate for securing the safety and convenience of the public in the use of them. Kane vs. New Jersey, 242 U. S. 160, 61 L. ed. 222, 37 Sup. Ct. Rep. 30. It may impose fees with a view both to raising funds to defray the cost of supervision and maintenance, and to obtaining compensation for the use of the road facilities provided. Hendrick vs. Maryland, 235 U. S. 610, 59 L. ed. 385, 35 Sup. Ct. Rep. 140. See also Pierce Oil Corp. vs. Hopkins, 264 U. S. 137, 68 L. ed. 593, 44 Sup. Ct. Rep. 251. With the increase in number and size of the vehicles used on a highway, both the danger and the wear and tear grow. To exclude unnecessary vehicles—particularly the large ones commonly used by carriers for hire—promotes both safety and economy. State regulation of that character is valid even as applied to interstate commerce, in the absence of legislation by Congress which deals specifically with the subject."
>
> Interstate Buses Corp. vs. Holyoke St. R. R. Co., Supra.

In the case of Liberty Highway vs. Michigan Public Utilities Commission, supra, the court said:

> "The commerce clause of the federal Constitution does not, however, deprive the states of the right to reasonably regulate under their police power the use of their public highways, and to that end to require a license and impose a reasonable charge therefor, for the privilege of such use, even if thereby interstate commerce is incidentally affected, provided that such regulation, license, and charge bear a reasonable relation to the safe and proper maintenance and protection of such highways, do not obstruct or burden interstate commerce, and are not in conflict with federal legislation on the same subject enacted within constitutional limitations. Escanaba & Lake Michigan

Transportation Co. vs. Chicago, 107 U. S. 678, 2 Sup. Ct. 185, 27 L. ed. 442; St. Louis vs. Western Union Telegraph Co. 148 U. S. 92, 13 Sup. Ct. 485, 37 L. ed. 380; Minnesota Rate Cases (Simpson v. Shepard) 230 U. S. 352, 33 Sup. Ct. 729; 57 L. ed. 1511, 48 L. R. A. (N. S.) 1151, Ann. Cas. 1916 A, 18; Hendrick v. Maryland, 235 U. S. 610, 35 Sup. Ct. 140, 59 L. ed. 385; Kane vs. New Jersey, 242 U. S. 160, 37 Sup. Ct. 30, 61 L. ed. 222; Mackay Telegraph & Cable Co. vs. Little Rock, 250 U. S. 94, 39 Sup. Ct. 428, 63 L. ed. 863; Interstate Motor Transit Co. vs. Kuykendall (D. C.) 284 Fed. 882; Camas Stage Co. v. Kozer, 104 Or. 600, 209 Pac. 95, 25 A. L. R. 27; Northern Pacific Railway Co. vs. Schoenfeldt (Wash.) 213 Pac. 26."

In the case of Interstate Motor Transit Co. vs. Kuykendall, 284 Fed. 882, the court had under consideration, an Act somewhat similar in its aspect to the one here involved, and the Court said:

"Neterer, District Judge (after stating the facts as above). 1. It has been repeatedly held by the Supreme Court of the State, and also held by this court, that the State has full power to regulate or prohibit the use of public highways as a place of business by common carriers for hire, Hadfield v. Lundin, 98 Wash. 657, 168 Pac. 516, L. R. A. 1918 B, 909 Ann. Cas. 1918 C, 942; State vs. Spokane, 109 Wash. 360, 186 Pac. 864; Schoenfeld vs. Seattle (D. C.) 265 Fed. 726, and such is the holding of the Supreme Court in Fifth Ave. Coach Co. vs. N. Y. 221 U. S. 467, 31 Sup. Ct. 709, 55 L. Ed. 815. The Supreme Court of Washington has sustained the motor vehicle act, supra, as applied to operations within the State. State ex rel. United Auto T. Co. v. Dept. Pub. Wks. 206 Pac. 21; Oregon-Washington R. Co. vs. McColdrick Lbr. Co. 204 Pac. 1059. Our inquiry, therefore, is limited to the question whether it interferes with or imposes an unreasonable burden on interstate commerce. The State of Washington has expended and is expending many millions of dollars for the construction and reconstruction of highways within its boundaries. The act in question, and the acts of the State of which it is supplementary, provide for a comprehensive system of highways, and for the regulation

of motor and other vehicles operating thereon. Among the powers granted to the national government is the regulation of interstate commerce. Article 1, Sec. 8, Const. While Congress has exercised this power in a variety of acts, it has not done anything which in any way takes from the state the control of the highway within its boundaries, and the right to charge a reasonable compensation for the privilege of driving motor vehicles thereon.

"(2) The fact that interstate commerce may be affected by state legislation is not in conflict with the Constitution, if made common to all, and is a reasonable regulation. It was so held in Transp. Co. vs. Parkersburg, 107 U. S. 691, 2 Sup. Ct. 732, 27 L. Ed. 584, where a state constructed wharves along the banks of its navigable rivers, which were used for commerce between the states, and charged wharfage fees for the privilege of receiving and landing passengers and freight thereon; in Huse v. Glover, 119 U. S. 543, 7 Sup. Ct. 313, 30 L. Ed. 487, the construction of locks in navigable rivers and a reasonable charge for tolls for using such locks while engaged in interstate commerce was upheld; and the construction of booms for the purpose of increasing the facilities of floating, gathering, and booming logs in navigable waters, and a reasonable charge made therefor was upheld in Lindsay & Phelps v. Mullen, 176 U. S. 126, 20 Sup. Ct. 325, 44 L. Ed. 400.

"(3) Clearly the purpose of the act in question was not to regulate interstate commerce. Any one, so far as the act is concerned, may carry passengers for hire from California or Oregon to Washington, or from Washington to Oregon or California. It is only when a party so engaged seeks to appropriate the highway of the State, and this may not be done without the permission of the State."

In the case of Camas Stage Company vs. Kozer, 209 Pac. 95; 25 A. L. R. 27, the court held that

"The exaction of a license fee for the use of the roads of a State by a foreign corporation engaged in transporting passengers in interstate commerce is not an unconstitutional interference with

such commerce, in the absence of congressional legislation upon the subject."

In that case there was involved, among other things, a regulation of motor buses, which required "that motor buses shall pay $4.00 for each passenger in addition to the fees prescribed according to the weight of the motor vehicle, at the rated passenger capacity, allowing 20 inches of seating space for each passenger," and in the course of its decision, the court said:

> "The Oregon Motor Vehicle Law, by its express terms, exacts a fee frequently called by the courts a 'privilege tax' for operating motor vehicles upon the highways of this State. It it not a tax upon property. It is a charge upon privilege. That such a tax is constitutional has been so well established by judicial decision that there can be no doubt as to its validity. The Oregon Motor Vehicle Law does not tax the property of plaintiff one dollar. It does, however, exact compensation for the privilege of operating its cars upon the highways of the State. * * * The privilege tax enacted for the registration of motor vehicles is used exclusively for highway purposes. The motor vehicle legislation discloses specific facts depending upon a specific scheme of legislation in relation to the operation of motor vehicles upon the highways, and applicable thereto is Marshall's canon of constitutional construction; 'Let the end be legitimate. Let it be within the scope of the constitution, and all means which are appropriate which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional. M'Culloch v. Maryland, 4 Wheat, 316, 421, 4 L. ed. 579, 605.
>
> From the declaration of the legislative assembly and from the provisions of the law, it plainly appears that the end and aim in its enactment is the regulation of the motor vehicle for the public safety and the preservation of the highways of the state for the public welfare. To accomplish this end, registration of all motor vehicles driven upon the public ways is required. Rules for their operation upon the road have been enacted into law, and compensation is collected for that privilege. Such legislation constitutes means appropriate and clearly adapted to accomplish a legitimate end, and hence

complies with Marshall's canon of constitutional construction."

See also:

Michigan Public Utilities Commission vs. Duke, supra:

Whaley vs. Northern Road Imp. Dist. 240 S. W. 1, 24 A. L. R. 934 and Annotations.

While the Act itself makes no provision for any security for a tax imposed upon motor vehicles for the use of the highways, section 3 of Chapter 117 of the Session Laws of Utah, 1925, does offer some security in this: That all taxes assessed under that chapter become a first lien on the property of the operator used in said business, until paid. This provision of the chapter above referred to may be enforceable as to those vehicles engaged in intrastate commerce, but I can readily perceive of a situation where they would not be enforceable when applied to vehicles engaged in interstate commerce. The question then arises as to whether or not the Commission may in the exercise of its authority require a bond as security for the payment of the tax. This phase of the matter, you will recall, was discussed at the informal conference recently held. Thus far I have been unable to find any authority directly in point, but it occurs to me that if the State has the power to require the payment of such a tax, certainly it must follow as a necessary corollary then that it also has the power to require the necessary security for the payment of that tax. It would be an idle thing to say you may tax and then make no provision for the securing of the tax.

It seems to me that upon principle, and without any citation of authority, that the State may require vehicles engaged in intrastate commerce to put up a bond for the security of the tax; otherwise it would be practically impossible for the State to collect the tax for many reasons, not the least of which is the fact that a large number of those operating in the transportation of passengers in interstate commerce from points in this State and other states, are, in some instances, wholly unreliable and may operate to-day and cease operation to-morrow. In some instances they have no financial backing and no physical assets. They do not operate upon regular schedules or between regular points, and it can readily be seen that it would be practically impossible to secure the payment of the tax unless a bond be required for the payment of the same.

I am, therefore, of the opinion that under the provisions of section 4 of the Act, which authorizes the Commission to prescribe such rules and regulations governing the operation of such automobile companies as may in its opinion be necessary or convenient to protect the public highways over which they propose to operate, the Commission may require those engaged in interstate commerce who come under the provisions of the Act, to not only pay the tax required by chapter 117, Session Laws of Utah, 1925 but that they also give a bond as security for the payment of the tax assessed, and upon their failure so to do they may be prosecuted under section 8 of the Act.

I believe that the foregoing covers in the main, the questions which the Act itself presents and with which the Commission is principally concerned.

The transportation of passengers by various transportation companies and individuals between different states has presented a problem of considerable importance and out of this transportation have arisen circumstances and situations which somebody should control for the benefit of the public at large. Some of these transportation companies and individuals have indulged in various nefarious schemes and practices in order to mulct the gullible public and thereby enrich themselves. Until such time as the Interstate Commerce Commission sees fit to take over the jurisdiction and control of these companies, it seems to me that it devolves upon our State comission to exercise every means in its power to curb such practices and schemes which have been and are being indulged in.

It has been called to my attention that numerous brokers are engaged in selling tickets in the City of Salt Lake, and it appears that all that is necessary in order to engage in such business is a sufficient amount to secure a desk and a place to put it. It occurs to me that the City of Salt Lake should concern itself with reference to these practices, and that if there is not already an ordinance requiring the payment of a tax by these brokers, that this is a lucrative field for the city to consider, and I would therefore recommend that the Commission, if it can with propriety do so, direct the attention of the proper city officials to this matter.

Respectfully submitted,

(Signed) HARVEY H. CLUFF,
Attorney General.

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