

Report of the

Public Utilities Commission

OF UTAH

To the Governor



From January 1, 1930 to and including December 31, 1930

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 1930.

STATISTICS

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

Cases pending from 1928.....	3
Cases pending from 1929.....	14
Cases filed in 1930.....	53
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Total	70

Cases disposed of in 1930.....	43
Cases pending from 1928.....	2
Cases pending from 1929.....	3
Cases pending from 1930.....	22
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Total	70

In addition to the above formal cases before the Commission, it is estimated that approximately 150 informal matters were disposed of by the Commission during the year 1930.

The Commission also issued 264 Ex Parte Orders, 45 Special Dockets, 8 Grade Crossing Permits, 16 Certificates of Convenience and Necessity, and 4 Automobile Permits. A list of the foregoing will be found elsewhere in this report.

Very respectfully submitted,

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

FINANCES OF THE COMMISSION

The following is a statement of the finances of the Commission from January 1, 1930, to and including December 31, 1930:

SALARIES**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1930.....\$31,863.68
 Receipts, January 1, 1930 to December 31, 1930.... 1,838.70

Total\$33,702.38

Disbursements:

Salaries, Commissioners, January 1, 1930 to December 31, 1930.....\$12,000.00

Salaries, Clerical, January 1, 1930 to December 31, 1930 9,647.74

Total\$21,647.74

Available balance unexpended, December 31, 1930 12,054.64

\$33,702.38

OFFICE EXPENSES**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1930.....\$ 3,182.09
 Receipts, January 1, 1930 to December 31, 1930.... 127.00

Total\$ 3,309.09

Disbursements:

Disbursements, January 1, 1930 to December 31, 1930\$ 1,753.47

Total\$ 1,753.47

Available balance unexpended, December 31, 1930 1,555.62

\$3,309.09

TRAVEL**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1930.....\$ 1,400.46
 Receipts, January 1, 1930 to December 31, 1930.... 1,100.00

Total\$ 2,500.46

Disbursements:

Disbursements, January 1, 1930 to December 31, 1930\$ 1,045.17

Total\$ 1,045.17

Available balance unexpended, December 31, 1930 1,455.29

\$ 2,500.46

EQUIPMENT**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1930.....	\$ 400.00
Total	\$ 400.00

Disbursements:

Disbursements, January 1, 1930 to December 31, 1930	\$ 350.22
Total	\$ 350.22
Available balance unexpended, December 31, 1930	49.78
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	\$ 400.00

AUTOMOBILES OPERATING FOR HIRE**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1930.....	\$ 7,756.33
Total	\$ 7,756.33

Disbursements:

Disbursements, January 1, 1930 to December 31, 1930	\$ 4,411.23
Total	\$ 4,411.23
Available balance unexpended, December 31, 1930	3,345.10
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	\$ 7,756.33

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of W. E. HADLEY and C. M. PETERSON, for permission to operate an automobile stage line between Garland, Tremonton, and Deweyville, Utah. } Case No. 478

CANCELLATION ORDER

By the Commission:

On the 23rd day of February, 1922, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 128, to W. E. Hadley and C. M. Peterson, authorizing and permitting them to operate an automobile passenger stage line between Garland, Tremonton, and Deweyville, Utah.

It now appears that the liability insurance policy of the holders of Certificate No. 128 expired May 16, 1930, and they have made no effort to renew the same.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 128, be and it is hereby, cancelled and annulled, and the right of W. E. Hadley and C. M. Peterson to operate an automobile passenger stage line between Garland, Tremonton, and Deweyville, Utah, be and it is hereby, revoked, for failure to file insurance in compliance with the provisions of Section 4818-X, Session Laws of Utah, 1925.

Dated at Salt Lake City, Utah, this 19th day of June, 1930.

(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 JESSE L. BARTHOLOMEW, for permission to operate an automobile passenger, express, and freight line between Centerfield and Gunnison Railroad Station, via Gunnison, Utah.	}	Case No. 872
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In the Matter of the Application of JESSE L. BARTHOLOMEW, for permission to operate an automobile passenger bus line between Centerfield and Ephraim, Utah, and intermediate points.	}	Case No. 1022
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CANCELLATION ORDER

By the Commission:

On October 9, 1926, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 278, authorizing and permitting Jesse L. Bartholomew to operate an automobile passenger, express, and freight line between Centerfield and Gunnison Railroad Station, via Gunnison, Utah, (Case No. 872); also on January 23, 1929, the Commission issued Certificate of Convenience and Necessity No. 326, authorizing and permitting Jesse L. Bartholomew to operate an automobile passenger bus line between Centerfield and Ephraim, Utah, and intermediate points, (Case 1022).

It now appears, that due to insufficient patronage by the traveling public, applicant, Jesse L. Bartholomew, is un-

able to operate said lines, except at a considerable financial loss to himself, that public convenience and necessity do not now require the operation of the same, and therefore, he desires to have said Certificates of Convenience and Necessity Nos. 278 and 326 cancelled and annulled.

IT IS THEREFORE ORDERED, That Certificates of Convenience and Necessity Nos. 278 and 326, be and they are hereby, cancelled and annulled, and that the right of Jesse L. Bartholomew to operate passenger, express, and freight line between Centerfield and Gunnison Railroad Station via Gunnison, Utah, and automobile passenger line between Centerfield and Ephraim, Utah, be and it is hereby, revoked, and the service thereunder discontinued, provided, however, that the revocation of said Certificates, and discontinuance of said service hereby ordered, shall be open to further investigation upon application of any interested party for a hearing.

Dated at Salt Lake City, Utah, this 28th day of August, A. D., 1930.

(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
DENVER & RIO GRANDE WESTERN
RAILROAD COMPANY, for permission
to close its station agency at Spring City,
Utah. } Case No. 1027

ORDER

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

IT IS HEREBY ORDERED, That the application herein, of The Denver & Rio Grande Western Railroad Company, for permission to close its agency station at Spring City, Utah, be and it is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 6th day of June, A. D., 1930.

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

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of PICK-
WICK STAGE LINES, INCORPORAT-
ED, for permission to operate an automo-
bile bus line, for the transportation of pas-
sengers, baggage and express, over the
Victory Highway between Salt Lake City
and the Utah-Nevada State Line; and over
United States Highway No. 91 between
Ogden and the Utah-Wyoming State Line,
serving said termini and all intermediate
points. } Case No. 1035

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the
UTAH LIGHT & TRACTION COMPA-
NY, for permission to construct, maintain,
and operate an electric bus transportation
system in Salt Lake City, Utah, and dis-
continue street car service on certain
streets. } Case No. 1038

Submitted: July 12, 1930.

Decided: August 1, 1930.

Appearances:

G. R. Corey, Attorney	} for Applicant.
W. A. Fraser,	} for Salt Lake City.

SUPPLEMENTAL REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 23rd day of August, 1928, the Utah Light & Traction Company made and filed herein, its supplemental petition to extend electric bus service in Salt Lake City, Utah, and for permission and authority under Certificate of Public Convenience and Necessity No. 231 heretofore granted by this Commission, so as to permit the exercise by petitioner of the rights and privileges conferred upon it by the Board of Commissioners of Salt Lake City, Utah, under a resolution duly passed by said Board on the 22nd day of August, 1928, wherein permission was granted to the said petitioner, Utah Light & Traction Company, to construct, maintain, and operate an

electric bus transportation system on, over, and along the following streets in Salt Lake City, Utah, to-wit:

“On Main Street between South Temple Street and Second North Street, and on Second North Street between Main and State Streets; also on Fifth South Street between Main Street and Seventh East Street.”

Said matter came on regularly for hearing before the Public Utilities Commission at its office at the State Capitol, Salt Lake City, Utah, on the 12th day of April, 1929, after due and legal notice given.

It appears that the Commission has heretofore by its report and order in the above entitled matter, under date of July 8, 1928, granted to the petitioner Certificate of Convenience and Necessity No. 321, authorizing the petitioner to exercise the rights and privileges granted by Salt Lake City in 1928, and to construct, maintain, and operate an electric bus system for the transportation of passengers on the following streets of Salt Lake City, to-wit:

“On Main Street between South Temple and Seventh South Streets, thence on Seventh South Street between Main Street and Fourth East Street, thence on Fourth East Street between Seventh South and Twenty-first South Streets.”

That under and pursuant to the terms and provisions of said Certificate of Convenience and Necessity, petitioner has acquired electric buses and has constructed the necessary overhead equipment upon and along the aforementioned route, so as to enable it to maintain and operate electric bus transportation system in lieu of street car service, and that it now desires to extend said electric bus service on Main Street between South Temple Street to Second North Street and on Second North Street between Main and State Streets, and that in order to connect said electric bus system with its car barns located at Seventh East and Fifth South Streets, where said buses are to be housed, when not in use, to construct, maintain, and operate as a part of its system a line on Fifth South Street between Seventh East Street and Main Street to connect with said system at Fifth South and Main Streets, and that permission therefor has been granted to the petitioner by the Board of Commissioners of Salt Lake City, Utah.

That said additional electric bus service as applied for herein, will be for the best interests of the public and street car riders in general.

Wherefore, by reason of the premises and the findings aforementioned, the Commission concludes and decides that the application should be granted.

IT IS THEREFORE ORDERED, That the petitioner, Utah Light & Traction Company, be and it is hereby, authorized and permitted to construct, maintain, and operate an electric bus transportation system over and along the following described route in Salt Lake City, Utah, to-wit:

"On Main Street between South Temple Street to Second North Street and on Second North Street between Main and State Streets; and on Fifth South Street between Seventh East Street and Main Street."

ORDERED FURTHER, That petitioner be, and it is hereby, authorized to discontinue street car service over and along that portion of its existing railway system located on Main Street between First North Street and Second North Street, on Second North Street between Main Street and West Canyon Street, and on West Canyon Street between Second North Street and the end of the Capitol Hill line, except when the traffic to the State Capitol cannot be handled safely and expeditiously by electric bus service, at which time petitioner may temporarily operate street cars in lieu of, or to supplement, such electric bus service.

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

(Seal)

Attest:

(Signed) L. LAWRENCE, Acting Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

PUBLIC UTILITIES COMMISSION OF
UTAH,

		Complainant,	} Case No. 1051
	vs.		
L. J. LLOYD,		Defendant.	

Complaint having been made and filed herein by the Public Utilities Commission of Utah, on its own motion, charging L. J. Lloyd, the holder of Certificate of Public Convenience and Necessity No. 325, issued by the Commission to him in

P. U. C. U. No. 1051, September 22, 1928, of having failed, neglected, and refused to comply with the Laws of the State of Utah, in the manner particularly set forth in said complaint, which is hereby expressly referred to and made a part hereof, and the said defendant having been duly served therewith together with the Commission's order for the said defendant to show cause before the Commission, if any he has, on the 20th day of December, 1930, at 10:00 o'clock A. M., why the said Certificate of Public Convenience and Necessity No. 325 should not be rescinded, cancelled, and annulled, and all his operating rights thereunder held for naught, and the said defendant having failed to answer or satisfy said complaint or appear and show cause why the same should not be rescinded, cancelled, and annulled, and it further appearing that the said charges made in said complaint are true,

NOW THEREFORE, IT IS HEREBY ORDERED, That Certificate of Public Convenience and Necessity No. 325, issued to L. J. Lloyd by the Public Utilities Commission of Utah, on the 22nd day of September, 1928, in P. U. C. U. No. 1051, be and the same is hereby, rescinded, cancelled, and annulled, and all his operating rights thereunder held for naught.

Dated at Salt Lake City, Utah, this 23rd day of December, 1930.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,

Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the
GREAT WESTERN MOTOR WAYS,
INC., for permission to operate an autom-
obile passenger bus line, for the transporta-
tion of passengers, baggage and express
over the Victory Highway between Salt
Lake City and the Utah-Nevada State Line,
and over United States Highway No. 91,
between Salt Lake City and Ogden, and
over United States Highway No. 30 be-
tween Ogden and Utah-Wyoming State
Line, and all intermediate points.

Case No. 1053

PENDING.

In the Matter of the Application of J. AUSTIN COPE, for permission to operate an automobile freight line between Marysville and Henrieville, Utah, via Bryce Canyon, Tropic, and Cannonville, Utah. } Case No. 1082
 PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION
 OF UTAH

In the Matter of the Application of JOHN M. UREN and ELIAS E. THOMAS, for permission to operate shift buses from Payson, Santaquin, and Goshen, Utah, to Dividend, Utah, and surrounding mines. } Case No. 1083

CANCELLATION ORDER

By the Commission.

On March 7, 1929, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 350, to John M. Uren and Elias E. Thomas, authorizing and permitting them to operate an automobile passenger line from Spanish Fork, Benjamin, Lake Shore, Payson, Santaquin, and Goshen, Utah, to Dividend, Utah, and surrounding mines.

It now appears that the liability insurance required by Section 4818-X, Session Laws of Utah, 1925, expired on June 1, 1930, and that the holders of said Certificate of Convenience and Necessity No. 350 were unable to renew same at a reasonable premium, and therefore have requested that said Certificate No. 350 be cancelled and annulled.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 350, be and it is hereby, cancelled and annulled, and the right of John M. Uren and Elias E. Thomas to operate an automobile passenger line from Spanish Fork, Benjamin, Lake Shore, Payson, Santaquin, and Goshen, Utah, to Dividend, Utah, and surrounding mines, be and it is hereby, revoked, for the failure to file liability insurance in compliance with the provisions of Section 4818-X, Session Laws of Utah, 1925.

Dated at Salt Lake City, Utah, this 9th day of July, 1930.

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

(Seal)
 Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

<p>In the Matter of the Application of DON PETERSON and DOUGLAS JONES, for permission to operate an automobile passenger bus line between Park City and the Spiro Tunnel, situated in Park City and between Park City and the Park Utah Consolidated Tunnel (also known as the Daly Judge Tunnel), in Park City, Utah, for the transportation of men working in the mines.</p>	}	Case No. 1107
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CANCELLATION ORDER

By the Commission:

On July 1, 1929, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 340, in Case No. 1107, authorizing and permitting Don Peterson and Douglas Jones to operate an automobile passenger bus line between Park City and the Spiro Tunnel, in Park City and between Park City and the Park Utah Consolidated Tunnel (also known as the Daly Judge Tunnel), in Park City, Utah.

It now appears that the public liability insurance as required by Section 4818-X, Session Laws of Utah, 1925, expired on June 27, 1930, and the holders of Certificate of Convenience and Necessity No. 340, Don Peterson and Douglas Jones, have not renewed the same.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 340, be and it is hereby, cancelled and annulled, and that the right of Don Peterson and Douglas Jones to operate a passenger bus line between Park City and the Spiro Tunnel, in Park City, and between Park City and the Park Utah Consolidated Tunnel (also known as the Daly Judge Tunnel), be and it is hereby, revoked, for failure to file liability insurance in compliance with the provisions of Section 4818-X, Laws of Utah, 1925.

Dated at Salt Lake City, this 12th day of July, 1930.

(Signed) E. E. CORFMAN,
THOS. 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 PICK-
WICK STAGE LINES, INC., for permis-
sion to operate an automobile bus line for
the transportation of passengers, baggage,
and express between Payson and Fillmore,
Utah, and intermediate points, and between
Paragonah and St. George, Utah, and in-
termediate points. } Case No. 1117

In the Matter of the Application of UTAH
PARKS COMPANY, a Corporation, for
permission to operate an automobile pas-
senger, express and baggage line between
Salt Lake City and the Utah-Arizona State
Line, over the Zion Park-Arrowhead Trail. } Case No. 1125

In the Matter of the Application of D. P.
ABERCROMBIE, as Receiver for SALT
LAKE & UTAH RAILROAD COMPA-
NY, for permission to operate an automobile
passenger, express and baggage line be-
tween Salt Lake City and Payson, Utah,
and intermediate points. } Case No. 1136

In the Matter of the Application of RIO
GRANDE MOTOR WAY OF UTAH,
INC., for permission to operate motor pas-
senger bus line, with express and baggage
service, between Salt Lake City and Nephi,
Utah, and intermediate points. } Case No. 1137

In the Matter of the Application of SALT
LAKE & UTAH RAILROAD COMPA-
NY, by D. P. ABERCROMBIE, its Re-
ceiver, to have Certificate of Convenience
and Necessity No. 286, issued to T. W.
Boyer, Trustee, revoked. } Case No. 1146

Submitted: March 24, 1930.

Decided: May 1, 1930.

Appearances:

Byron D. Anderson, Deputy Attorney General,	}	for Public Utilities Commission of Utah.
George F. Wasson and Warren F. Libby, Attorneys,		for Applicant, Pickwick Stage Lines, Inc.
George H. Smith, J. V. Lyle R. B. Porter, and W. Hal Farr, Attorneys,	}	for Applicant, Utah Parks Company.
Frederick C. Loofbourow, J. W. Robinson, and F. M. Orem, Attorneys,		for Applicant and Protestant, D. P. Abercrombie, as Receiver for Salt Lake & Utah Railroad Company.
B. R. Howell, Attorney of Van Cott, Riter & Farnsworth,	}	for Applicant, Rio Grande Motor Way of Utah, Inc.
Dan B. Shields, Attorney,		for Protestant, T. W. Boyer, Trustee.
E. W. Schneider,	}	for Protestants, Utah Central Truck Line, Utah Central Transfer Co., and B. & O. Transportation Co.
George R. Corey, Attorney		for Protestant, Utah Light & Traction Company.

REPORT OF THE COMMISSION

By the Commission:

These cases came on regularly for hearing before the Public Utilities Commission of Utah, at its office in the State Capitol, in Salt Lake City, Utah, commencing on the 16th day of September, 1929, after due and legal notice given; and by reason of the fact that the several applications, in whole or in part, involved the same territory and the right to establish automobile routes over and on the same highway, they were combined for hearing and determination by the Commission.

Hearings upon the matters and things involved in these cases were commenced and had before the Commission, first at Salt Lake City, September 16th, 17th, 18th, and 19th, 1929; at St. George, September 20th, October 1st and 2nd, 1929; at Cedar City, October 3rd and 4th; at Fillmore, October 9th and 10th; at Beaver, October 11th; again at Salt Lake City, December 9th; at Provo, December 12th and 13th; then again

at Salt Lake City, Utah, by concluding the same, on December 17th and 18th, 1929.

From the records and files herein and from the evidence adduced for and in behalf of the respective parties at the hearings it appears:

1. That United States Highway No. 91, commonly known and referred to as the "Arrowhead Trail," is a federal aid project, a reconstructed highway, and a main thoroughfare, extending through the State of Utah, from the Utah-Idaho State Line on the North to the Utah-Arizona State Line on the South. Throughout its southerly course from Salt Lake City to the Utah-Arizona State Line, a distance of 349 miles, it passes through some of the more thickly populated areas of the State, containing the following Utah towns and cities, viz: Murray, Midvale, and Sandy in Salt Lake County; Lehi, American Fork, Pleasant Grove, Orem, Provo, Springville, Spanish Fork, Salem, Payson, Spring Lake, and Santaquin in Utah County; Mona, Nephi, Levan, and Juab in Juab County; Scipio, Holden, Fillmore, Meadow, Kanosh, and Cove Fort in Millard County; Beaver, Paragonah, Parowan, Cedar City and Kanarra in Iron County; Pintura, Anderson's Junction, Leeds, Washington, St. George, and Santa Clara in Washington County. These cities and towns, exclusive of contiguous territory, but inclusive of Salt Lake City, with a population of approximately 150,000, have a combined population of approximately 216,680 people. The combined population of the cities and towns on this highway south of Salt Lake City, to and inclusive of Payson, is approximately 45,335 people; beyond, but not inclusive of Payson, as far south as the Utah-Arizona State Line, the population is approximately 21,295 people. Said United States Highway No. 91 serves, out of Salt Lake City, as the main highway or route travelled by tourists and others destined to Zion National Park and other scenic attractions in Southern Utah. It is also the main and much used highway between Salt Lake City, Utah, and Los Angeles, California.

2. That the applicant, Pickwick Stage Lines, Inc., (Case No. 1117), is a corporation organized and existing under and by virtue of the Laws of the State of Nevada, duly and legally qualified and empowered as a foreign corporation, to do business in the State of Utah. It is an "automobile corporation" within the meaning of subdivision 13, Section 4782, Compiled Laws of Utah, 1917. As such automobile corporation, upon application made in Case No. 1002, it was granted by this Commission, Certificate of Public Convenience and Necessity No. 319, authorizing and permitting it, on and after June 15,

1928, to render an automobile passenger, baggage, and express service over said United States Highway No. 91, between Salt Lake City and the Utah-Arizona State Line, within certain limitations, viz: that it shall not transport locally, passengers, baggage, nor express over said highway between St. George and Paragonah, nor between Fillmore and Salt Lake City, Utah, and that the express carried be confined to such property as might be conveniently transported by its passenger buses.

On January 3, 1930, this applicant acquired the further right under Certificate of Public Convenience and Necessity No. 357, issued by this Commission in Case No. 1138, to render automobile passenger, baggage, and express service over said Highway No. 91, between Cedar City and St. George, Utah; its express service, however, being again restricted to such property as might be conveniently carried on its passenger buses. Since the issuance of said Certificates Nos. 319 and 357, respectively, it has for the most part rendered the intrastate automobile service authorized thereunder, in connection with its interstate service between Salt Lake City, Utah, and Los Angeles, California, by using the same equipment therefore. This combined service has oftentimes proven unsatisfactory to the public, because of applicant's failure to have sufficient seating capacity on its interstate buses to accommodate persons seeking transportation locally. It now seeks, by its application herein, a certificate of public convenience and necessity authorizing and permitting it to render an intrastate automobile bus service for the transportation of passengers, baggage, and express, as a common carrier, over said Highway No. 91, between Salt Lake City and the Utah-Arizona State Line, including the towns of Provo, Nephi, Fillmore, Beaver, Cedar City and St. George, and all intermediate points, provided, however, that said applicant does not seek to render service between Payson and Salt Lake City, except for the purpose of picking up and discharging passengers, baggage, and express within said territory when the same originates from or is destined to points outside of said territory between Salt Lake City and Payson.

This applicant, in its interstate operations through the State of Utah, has and makes connections with many other automobile bus lines operating as common carriers throughout the United States. It is financially able to provide such additional equipment and is capable of doing any and all things necessary or that may be required in order to render efficient and dependable intrastate automobile bus service to the additional territory herein sought to be served by it, including that

between Salt Lake City and Payson, if and when public convenience and necessity requires the same.

3. That the applicant, Utah Parks Company (Case No. 1125), is a corporation organized and existing under and by virtue of the Laws of the State of Utah. It too, is an "automobile corporation," within the meaning of subdivision 13, Section 4782, Compiled Laws of Utah, 1917. It was organized in the interests of, and is a subsidiary to the Los Angeles & Salt Lake Railroad Company, a "railroad corporation," operating a main line extending from Salt Lake City, Utah, to Los Angeles, California. Out of Salt Lake City, and as far south as Cedar City, Utah, this railroad, with its branch lines, passes through and serves practically the same territory as does United States Highway No. 91. South of Juab, however, the cities and towns on said Highway No. 91, with the exception of Fillmore and Cedar City, are removed from said railroad by distances varying from 20 to 40 miles, besides being separated therefrom by mountain barriers through which there are few passes or public highways affording accessibility.

The applicant, Utah Parks Company, now and for several years last past, has been engaged in the development of the scenic resources of Southern Utah and Northern Arizona, more especially at Zion National Park, Bryce Canyon National Park, Cedar Breaks, in Utah, and at the North Rim of the Grand Canyon National Park in Arizona. Under Certificate of Public Convenience and Necessity No. 225, issued by this Commission March 30, 1925, in Case No. 768, it is authorized and permitted to maintain and operate for hire an automobile passenger, freight, and express line over the public highways between Cedar City, Cedar Breaks, Bryce Canyon, Zion National Park, and between Marysville, Cedar Breaks, Bryce Canyon, and Zion National Park; under Certificate No. 302, issued June 18, 1927, in Case No. 970, it is authorized and permitted to render a similar service over the public highways of Utah, between Zion National Park and Grand Canyon National Park (North Rim), and between Bryce Canyon and Grand Canyon National Park (North Rim); under Certificate No. 309, issued October 31, 1927, in Case No. 992, it is authorized and permitted to render over the public highway between Lund, a point on the main line of the Los Angeles & Salt Lake Railroad, and Cedar City, Utah, an automobile passenger and express service; under Certificate No. 345, issued August 7, 1929, in Case No. 1088, it is authorized and permitted to render for hire over the public highway, commonly known and referred to as the Zion-Mt. Carmel Highway, automobile passenger and express service

between Zion National Park and Mt. Carmel, Utah; under Certificate No. 353, issued December 31, 1929, in Case No. 1145, it is authorized and permitted to render for hire over public Highway No. 91, automobile passenger bus service between Paragonah and Cedar City, Utah; under Certificate issued June 6, 1928, in Case No. 1012, it was permitted to afford to its tourist patrons travelling via the Union Pacific System, automobile service over Highway No. 91, between Cedar City and St. George Utah, whenever and to the extent such service may be required; and under Certificate No. 360, issued February 25, 1930, in Case No. 1143, it was permitted and authorized to operate an automobile passenger and express stage line over said Highway No. 91, between Salt Lake City and Fillmore, Utah, including intermediate points, making one round trip each week and no more, between said points, subject, however, to the consideration of and determination by this Commission, of the question whether or not public convenience and necessity requires the service under it to be performed or rendered by the applicant, Utah Parks Company, said question of public convenience and necessity to be heard and determined in connection with the cases herein combined and now under consideration.

This applicant is now and for some time past has been rendering interstate automobile passenger service, as a common carrier, over Highway No. 91 between Salt Lake City, Utah, and Los Angeles, California, and it also has connections with other bus lines operating throughout the United States.

It is here seeking a certificate of public convenience and necessity authorizing and permitting it to render automobile passenger and express service over Highway No. 91, between Salt Lake City and the Utah-Arizona State Line, including all intermediate points, except it does not desire to serve locally between Salt Lake City and Sandy, in Salt Lake County. Such proposal is but a part of the general plan of the Union Pacific System to inaugurate an automobile passenger and express service over the public highways, parallelling its main lines or systems of railroad, consisting of the Union Pacific Railroad, operating from Omaha, Nebraska, west to Ogden, Utah, and a line from Kansas City, Missouri, to a connection with its Omaha-Ogden line at Cheyenne, Wyoming; the Oregon Short Line Railroad from Granger, Wyoming, west to Huntington, Oregon, and from Salt Lake City, Utah, north to Butte, Montana; the Oregon-Washington Railroad & Navigation Company from Huntington to Portland, Oregon, and to Seattle, Washington; and the said line of the Los Angeles & Salt Lake Railroad Company from Salt Lake City, Utah, to Los Angeles, California.

This applicant proposes, if granted a certificate of convenience and necessity as applied for herein, to coordinate its bus service with that of the rail service of the Los Angeles & Salt Lake Railroad, by allowing patrons stop-off privileges, and by permitting them to ride interchangeably by bus or rail, as will best suit their needs and convenience. It is financially able to provide all automobile equipment and to do all things necessary or that may be required in rendering efficient and dependable intrastate automobile service over said Highway No. 91.

4. That the Salt Lake & Utah Railroad Company, applicant in Case No. 1136, through its Receiver, D. P. Abercrombie, is a railroad corporation organized and existing under the Laws of the State of Maine. It is duly qualified and empowered to do business in the State of Utah. It owns and operates a main line of electric railroad between Salt Lake City and Payson, Utah, with a branch line extending from Granger to Magna in Salt Lake County. Its main line closely parallels said Highway No. 91, and passes through and serves all cities and towns situated thereon from Lehi to Payson. Said railroad does a general interstate and intrastate passenger, freight, and express business. It operates one or more freight trains daily, according to traffic needs, hauling carload lots, and three trains daily carrying less than carloads of freight between Salt Lake City and Payson. It affords pick-up-and-delivery freight and express service to Salt Lake City and all the larger cities and towns beyond, to and including Payson. It operates sixteen passenger trains, that is to say, eight round trips daily, between Salt Lake City and Payson.

It seeks herein a certificate of public convenience and necessity authorizing and permitting it to establish and maintain an automobile passenger, baggage, and express service out of Salt Lake City over said Highway No. 91, paralleling its electric line to Payson, by serving all points on said highway between its railroad terminals, except it does not desire to serve thereby, between Salt Lake City and Sandy. It further proposes to render said automobile service coordinately and interchangeably with its rail service in case of break downs or other interruptions. This applicant is capable financially and otherwise, of affording the automobile service it has applied for herein.

This applicant also seeks herein, (Case No. 1146), to have said Certificate of Public Convenience and Necessity No. 360, issued by the Commission to the applicant, Utah Parks Company, February 25, 1930, in Case No. 1143, revoked by the Commission, and if not revoked, so modified or restricted as

not to permit of any service thereunder between Salt Lake City and Payson.

5. Applicant, Rio Grande Motor Way of Utah, Inc., (Case No. 1137), is a corporation organized and existing under and by virtue of the Laws of the State of Colorado. It is an "automobile corporation," duly qualified and empowered to do business in Utah. It is a subsidiary of and under the control of The Denver & Rio Grande Western Railroad Company, a "railroad corporation," operating a main line of railroad interstate between Ogden and Salt Lake City, Utah, and Denver, Colorado. Out of Salt Lake City as far south as Springville, its said main line of railroad parallels and serves the cities and towns located on said Highway No. 91; and beyond Springville and as far south as Santaquin, a branch line of railroad extending from its main line at Springville to Santaquin, and thence to Silver City in Juab County, serves the cities and towns on said Highway No. 91; it owns a line of railroad connecting with its branch line extending from Thistle in Utah County, on its main line of railroad, to Marysville in Piute County. It also owns and operates a number of other branch lines of railroad extending from points located on its main line and said Highway No. 91 into Utah territory.

Under Certificate of Public Convenience and Necessity No. 329, issued by this Commission March 1, 1929, this applicant is authorized and permitted to render a combined automobile passenger, freight, and express service over Highway No. 91 paralleling its main line of railroad from Provo to Springville, and its branch line (Springville to Silver City), from Springville to Santaquin; and under Certificate No. 352, issued October 26, 1929, in Case No. 1074, it is authorized and permitted to operate an automobile passenger bus line between Salt Lake City and Marysville and intermediate points, including Monroe, and on an automobile freight line between Salt Lake City and Marysville and intermediate points, including Spring City, Mt. Pleasant in Sanpete County, and Nephi in Juab County, and also a freight service between Manti and Marysville and intermediate points, including Monroe, except said applicant is not permitted to render said automobile service locally along Highway No. 91, between Salt Lake City and Nephi, Utah.

This applicant now seeks herein, a certificate of public convenience and necessity authorizing and permitting it to render local automobile passenger, baggage, and express service over Highway No. 91, between Salt Lake City and Nephi, serving all intermediate points, except it does not desire to serve locally between Salt Lake City and Sandy in Salt Lake

County. It is financially able to furnish the automobile equipment and do all things necessary or that may be required to render the service applied for by it.

6. The protestants, B. & O. Transportation Company, the Utah Central Truck Line, and the Utah Central Transfer Company, respectively, are "automobile corporations," under the Laws of Utah, and for some years past have been engaged as common carriers, in transporting freight and express over Highway No. 91, under certificates of convenience and necessity issued by the Commission—the B. & O. Transportation Company serving out of Salt Lake City to Sandy in Salt Lake County, including certain intermediate points; the Utah Central Truck Line serving between Salt Lake City and Provo; and the Utah Central Transfer Company serving between Provo in Utah County and Eureka in Juab County.

Their respective protests herein are directed to and against granting the several applicants any rights within their territory, to carry express and baggage other than can be safely and conveniently carried on their automobile passenger buses.

The protest of T. W. Boyer, Trustee, and that of J. Lowe Barton, as interested parties against the application of Utah Parks Company, have been withdrawn during the course of the proceedings herein, by reason of its purchasing their rights over said Highway No. 91, and its succeeding to and performing the same automobile services theretofore rendered by them, under authority of Certificates of Public Convenience and Necessity Nos. 360 and 353, respectively, heretofore mentioned and referred to in finding No. 3.

The protestant, Utah Light and Traction Company, is a "street railroad corporation," under the Laws of the State of Utah, operating an electric street and interurban railway and bus system in Salt Lake City, Murray, Midvale, and Sandy, over said Highway No. 91. It protests the application of the Utah Parks Company to serve locally within the territory in which the said cities and towns are situated and are now being served by its street railway and bus system.

7. The applicant, Pickwick Stage Lines, Inc., during the year 1929, paid license taxes in Utah to the amount of \$635.00, special taxes for the maintenance of the the state highways, \$18,179.82, and general property taxes on automobile equipment and other property used in connection with its automobile service in and through the State, approximately \$700.00, a total sum of about \$19,514.82.

The applicant, Utah Parks Company, during the year 1929, paid special taxes for the maintenance of Utah State High-

ways, \$1,394.77, the Union Pacific System, of which it is a part, paid general taxes to the State for the year 1929, to the amount of approximately \$1,000,000.00

Applicant, Salt Lake & Utah Railroad Company, for the year 1929, paid to the State of Utah a license tax of \$702.50, and general property taxes on its property used in rendering railroad transportation service, amounting to 39,481.34.

Applicant, Rio Grande Motor Way of Utah, Inc., paid to the State of Utah during the year 1929, taxes for the maintenance of State Highways, \$641.73, and The Denver & Rio Grande Western Railroad Company, to which it is a subsidiary, general taxes on its property to the amount of \$677,145.55.

8. Applicant, Pickwick Stage Lines, Inc., as a result of its operations in rendering bus service within the State of Utah, paid out during the year 1929 as operating expenses, including salaries and wages, and allowing for depreciation on its equipment, \$221,522.71.

For the same year, the applicant, Utah Parks Company, as a result of its operations in Utah, paid out \$549,639.20, including the payroll of 370 employees, allowing for depreciation on equipment, and expenses incurred in maintaining resorts in Southern Utah for its patrons.

The applicant, Rio Grande Motor Way of Utah, Inc., for the same year, paid out in its operations in affording bus service to its patrons, \$9,166.93, included in which was an employees payroll amounting to approximately \$2,016.82.

The applicant, Salt Lake & Utah Railroad Company, in its electric railroad operations, passenger, freight, and express, paid out during the year 1929 for conducting transportation afforded its patrons, \$160,087.96, not including depreciation on equipment, maintenance charges, nor general and miscellaneous traffic expenses but including the payroll of its employees amounting to \$128,023.96.

9. In point of time, the railroads for the most part, preceded the automobiles as common carriers in the territory through which Highway No. 91 passes. In the year 1871, the railroad now owned and operated by the Los Angeles & Salt Lake Railroad Company was constructed from Salt Lake City to Sandy, extended to Provo in 1873, to just beyond Payson in 1875, to Juab in 1879, as far south as Milford-Beaver in 1880, and from there on to Los Angeles, California, the line was completed and placed in operation by 1903. Its Fillmore branch

was constructed and placed in operation in 1922, and its Cedar City branch in 1923.

The applicants, Pickwick Stage Lines, Inc., Utah Parks Company, and Rio Grande Motor Way of Utah, Inc., as automobile corporations, commenced their intrastate operations in Utah over Highway No. 91, as set forth in their respective certificates of public convenience and necessity mentioned and referred to in findings numbered two, three, and five, herein.

The automobile bus service now being rendered by applicant, Utah Parks Company, over Highway No. 91, one round trip each week between Salt Lake City and Fillmore, was commenced by its immediate predecessors as early as the year 1919, and it has been continuously rendered since, under certificates of public convenience and necessity issued from time to time by the Commission. From January 1st to September 1st, 1929, this bus operation resulted in the carrying of one passenger between Salt Lake City and Payson, 17 between Salt Lake City and Nephi, and 91 over the entire route.

The foregoing findings made from the transcript and record in these cases, we believe contain the more salient facts upon which the Commission should reach a determination of the issue involved, and render its report. However, in the discussion that follows, we shall have occasion to and will from time to time make further reference to testimony of witnesses produced at the hearings, more especially that which we think has some bearing on the question of public convenience and necessity.

The use of Highway No. 91, by automobile carriers for hire and operating under the jurisdiction of the Commission, has given rise to much contention and a diversity of opinion. Many cases closely contested, as between the rail carriers and automobile carriers seeking certificates of public convenience and necessity to operate over this highway, have been before the Commission and have been passed upon, in which applications have been granted in some instances, and in others denied.

Time and experience have fully demonstrated that the automobile carrier, to a limited extent, is able to render a more prompt and efficient transportation service than can the rail carrier. In these cases, involving the use of Highway No. 91, the Commission has been most painstaking in the course of the hearings, to allow testimony of witnesses familiar with the needs and conveniences of the local communities to be taken and received for the benefit of the record. A careful

study of this record, with respect to the needs and conveniences of the local communities along this highway, leads to the ultimate conclusion that in justice to them, no general order can be made that will subserve the best interests of all. Some of these communities are isolated, are far away from railroad facilities, and are quite dependent upon the automobile for transportation in general. Others are so situated that, while they are being served by a railroad which they regard as indispensable to their present and future welfare, they still need the prompt and efficient service of the automobile carrier in handling less than carloads of freight, and in rendering passenger service from point to point on the highway, some of which are quite a distance from the railroad stations. Still others regard their present transportation facilities as adequate and satisfactory in every way, and they protest against having present conditions disturbed or modified. Then again, existing carriers over this highway are entitled to thoughtful consideration. They, having heretofore acquired operating rights over certain sections of Highway No. 91, under certificates of public convenience and necessity, should under prevailing conditions be accorded fair treatment.

It should be kept in mind, however, that certificates of public convenience and necessity granting the right to automobile corporations to occupy and use the public highways of the State as places for the transaction of their business, are nothing more than mere licenses, subject to modification or revocation as the best interests of the public may require; that in the consideration of all such cases as we now have here, the public interest should be regarded as paramount; and that the granting to or withholding from a public utility of a certificate by this Commission, under our public utility laws, is a regulatory matter and nothing more than the exercise of the police powers of the State through a duly constituted regulatory body authorized so to do by legislative enactment. *T. M. Gilmer vs. Public Utilities Commission of Utah.* 247 Pac. 284.

Southern Utah territory, through which Highway No. 91 passes beyond Cedar City to the Utah-Arizona State Line, represents the section aforementioned, largely dependent upon the automobile for its transportation facilities. Local passenger service to this section is now being rendered under certificates of public convenience and necessity issued to both Pickwick Stage Lines, Inc., and Utah Parks Company, the latter, however, being restricted as has been seen, to tourists and others riding the rails as far as Cedar City. This territory, often referred to as the "Dixie Land of Utah," contains within

it many scenic attractions desired to be visited by people from all sections of the country. The Utah Parks Company is now, and in recent years has been, at great expense featuring the scenic wonders at Cedar Breaks, Zion National Park, Bryce Canyon, and at the North Rim of the Grand Canyon of the Colorado, all of which are approached by Highway No. 91.

Obviously, the Pickwick Stage Lines, Inc., in its interstate passenger service through this section, has been, and with its wide connections with other bus lines throughout the country, will continue to reap substantial benefits from the development made by the Utah Parks Company of these attractions. Moreover, the local communities between Cedar City and the Utah-Arizona State Line insist that in order for them to be adequately served they should be permitted to ride the buses of both of these applicants.

From Cedar City, north as far as Payson, the cities and towns have rail service, but not such as meets all their requirements. More than fifty witnesses, representative citizens engaged in and representing practically every line of business conducted in this section, appeared before the Commission and testified as to the needs of their respective communities. These witnesses were practically unanimous in their expressions as to what are the needs of this section of the territory under consideration with respect to transportation facilities. The testimony in part, of John F. Tolton, for sixty-three years a resident of Beaver, actively engaged in various lines of business, including farming, and who for many years has been an acknowledged leader, not only in the civic and material welfare of the communities of Southern Utah, but in the up-building of the entire state as well, should suffice to illustrate:

“Q: Are you in favor of the application being granted to the Utah Parks Company to serve this community locally?

A: I certainly am.

Q: What are some of your reasons for that?

A: In the first place, I have regarded the Union Pacific and its predecessors in office as among the things that have gone to help build up our waste places in this section of the country. Pioneering and helping in numerous ways to carry on the work that devolved upon the citizens of the various communities. They are regarded as pioneers along these lines, and for the reason that their business is being largely taken away

from them by trucks hauling freight from Salt Lake and intermediate points, and passengers deserting the railroads and taking to the bus line, I think, out of justice to the railroad company, who has helped to lay the foundation of our growth and development, that they are entitled to some consideration and recognition at a time now when their business is so materially affected by these modern things that have come to us of late years, and that we never expected formerly.

We regard the railroad company as a necessity in a number of ways. In the first place, they help bear the burden of our taxation. Were it not for the large revenues that come into our county and state treasuries, as a result of this great corporation, our local taxes would have to be materially increased, or otherwise we would have to do without a great many of the advantages we enjoy in the way of government. I have been informed by our county treasurer and commissioners that practically one-third of the taxes paid in our county come from the railroad company.

And they are helping build our roads. They are helping sustain our school systems and our county government, and we feel that they are entitled to the support of our citizens."

In the third zone or section of the State, through which Highway No. 91 passes for a distance of 62 miles, from Payson to Salt Lake City, quite different conditions prevail from those found between Payson and the Utah-Arizona State line. In this section, from Payson north to Lehi, where the electric railroad of the Salt Lake & Utah Railroad Company and Highway No. 91 diverge, this territory has a population of approximately 50,000 people, including, of course, Payson, Spanish Fork, Springville, Provo, Orem, Pleasant Grove, American Fork, and Lehi, and the contiguous and well settled countryside depending on the same facilities for transportation as do the cities and towns. From Lehi to Sandy there are no cities or towns, and the territory traversed by Highway No. 91 is sparsely settled. North from Sandy to Salt Lake City, along Highway No. 91, all of the passenger service needed is amply provided by the street railway and buses of the protestant, Utah Light & Traction Company. That is conceded by all interested parties.

The difficulty lies in determining whether or not one or more of the applicants, Pickwick Stage Lines, Inc., Utah Parks Company, Salt Lake & Utah Railroad Company, and

the Rio Grande Motor Way of Utah, Inc., should under present conditions be granted any further rights to the use of Highway No. 91, as a means of rendering transportation service between Payson and Salt Lake City, than those already enjoyed. It will be admitted, of course, that it is only that portion of the territory from Payson to Lehi that would be of any consequence to any one of the applicants. The territory between Payson and Lehi, as has been seen, is now being served by two steam railroads and one electric railroad, besides the automobile corporations, Utah Parks Company, carrying both passengers and express, the Rio Grande Motor Way of Utah, Inc., carrying passengers, freight, and express, as subsidiaries of and as adjuncts to the transportation services of the steam railroads, respectively, and also by the protestants, Utah Central Truck Line, Utah Central Transfer Company, the last mentioned carrying freight and express only, all operating, however, under certificates containing certain restrictions as to the areas and the extent of service to be rendered. It is not seriously contended by anyone that the territory now under consideration is not now and will not continue to be in the future, adequately and efficiently served by these existing transportation agencies. Indeed, if the many witnesses, who appeared at the hearings as representative citizens and showed themselves to be thoroughly familiar with the needs and conveniences of their respective cities, towns, and communities, are to be believed, then any changes or disturbances that might be brought about, of the existing transportation facilities afforded in this territory, would prove not only unnecessary, but would be inimical to the public welfare.

In this connection it should not be lost sight of by the interested parties, that the record before us clearly shows that the frequent, efficient, and dependable electric railroad service of the applicant, Salt Lake & Utah Railroad Company, to the immediate territory now under consideration, is indispensable to the public welfare; that the construction and operation of this line was instigated by a number of public spirited citizens who had long appreciated that the steam lines serving were so constructed and situated as would not permit of their measuring up to the vital needs and demands of their respective cities, towns, and communities for local transportation service.

Applicant, Salt Lake & Utah Railroad Company, in its present railroad operations, runs over its rails, which parallel Highway No. 91, sixteen passenger trains daily, carrying passengers, baggage, mail, and express; it operates at least three freight trains and as many more as may be needed for

the carrying of freight in carload lots; it handles regularly three trains each way each day, carrying freight in less than carload lots, and affords without extra charge, a pick-up-and-delivery service in every city and town of any considerable size along its route; it affords through the countryside, at frequent intervals along its route, loading stations for the products of dairy, farm, and orchard. Its frequent passenger service accommodates hundreds of high school and university students daily, and it meets every requirement for mass transportation on all public occasions.

Moreover, the operations of this electric line interstate, result in the convenient and expeditious handling of many commodities locally in a way that contributes much to the service of the steam lines from which they are received, or eventually routed to destinations served by them.

However, this electric line of railroad by its service has shown itself to be more distinctively a much needed local transportation agency, with respect to both freight and passenger service. Some of the witnesses testifying at the hearings of these cases, expressed the belief that if passenger bus service is to be allowed at all in this section in competition with the present rail services, the right to render it should be, under existing conditions, granted to the applicant, Salt Lake & Utah Railroad Company, as a more likely means to the end of preserving for their communities the rail service now being rendered by it.

John G. Swenson, a resident of Provo for the past 31 years, professor of economics of Brigham Young University at that place, having made a study of traffic conditions in the section now under consideration and throughout the State and elsewhere as well, when asked the question as to his preference, if a certificate is to be granted any applicant, testified:

“Q: The question is, have you an opinion which of these three companies?

A: Yes, I have an opinion as to which, in my judgment should be granted the permit.

Q: I will ask you to state what that opinion is, Professor Swenson?

A: I think the Salt Lake & Utah should be given consideration in this particular problem,

Q: I will ask you to state to the Commission the reasons in your mind for reaching that conclusion?

A: Well, I think that they can serve the local communities very much better between here and Payson. You take, for example, the concrete case of the university. We have probably between two and three hundred students who use the Orem line to come into Provo to attend school. If anything should happen to jeopardize the economic stability of the present line, and grant this bus line to another corporation, it might do that. It would jeopardize the interests, it seems to me, of the people of Utah County and Provo, and I speak of this particular thing, for example, the students riding back and forth, two or three hundred a day. It is a great service to us. It is a great service to Utah County. The facilities of transportation offered by the Salt Lake & Utah line, giving frequent trains and reasonable rates, and so on.

Q: Now, you have spoken particularly of the situation with respect to the university at Provo. I will ask you whether or not there are any other considerations that have moved you to reach this opinion?

A: Well, I think the general public—the general public is very much—the welfare of the general public of Utah County is very much dependent upon the service that this road is giving.

Q: Well now, in what way are they giving it?

A: Well, both in passenger and in freight, local freight service. The facilities for going from one town to another,—the facilities for going from Provo to Salt Lake. I know that in my own personal case, I use the road at least once a week, and oftener, and it would be a great inconvenience to me. I can take any one of the eight trains going and coming from Salt Lake, and I represent a great many people. The bus lines don't run often enough to accommodate the public.

Q: Well now, in what way do you conclude in your own mind that competing bus service might injure the service furnished by the Salt Lake & Utah?

A: Well, it might injure it in this way. It might make impossible the running of the electric line. I know that has frequently been the case, the bus lines putting out the business of the electric lines, because they can't compete.

Q: Have you observed that elsewhere?

A: Yes, I have at—I have, yes sir.

Q: Is there anything else, professor, you wish to state to the Commission?

A: Well, last summer I was at Pittsburg during the summer, and took a little excursion up to Cleveland, Ohio. I had studied the situation, and found there was an electric road running on down, so the time tables gave, from Cleveland down to Willoby, about twenty or so odd miles. I was going to take this electric road, and when I got up to Cleveland, I found it had been discontinued and the bus line substituted. It interested me because I was very much surprised to find that the road, the electric road, had been discontinued, and I took occasion to make rather extensive inquiries among the citizens and officials there, with reference to it. I didn't find anybody but regretted the fact that the road had been forced out of business by the bus service, because they felt that the electric line had been rendering better service. They hadn't appreciated it until the thing had gone. I am not sure but that the tendency to put aside the electric lines is a rather dangerous one. At least, we ought to be conservative. You clutter up, of course, the highway seriously if you get too much transportation there."

More than forty witnesses, representing every line of business and social endeavor in this section, testified substantially to the same effect as did Professor Swenson. While a few witnesses were produced, who expressed the opinion that additional bus service than that now being rendered to this section was desired, the overwhelming weight of the testimony shows that the existing transportation service conditions are entirely satisfactory, and that any changes that might be brought about by granting additional privileges to automobile bus carriers would prove detrimental to the public interest.

Upon the findings here made, and upon the record as a whole in these cases, the Commission concludes and decides:

That the respective applications of the Pickwick Stage Lines, Inc., Utah Park Company, D. P. Abercrombie as Receiver for Salt Lake & Utah Railroad Company, and Rio Grande Motor Way of Utah, Inc., to render automobile passenger, baggage, and express service between Salt Lake City

and Payson over United States Highway No. 91, commonly known as the Arrowhead Trail, should be denied; that each of the applicants, Pickwick Stage Lines, Inc., and Utah Parks Company, should be authorized and permitted to render automobile passenger, baggage, and express service over said Highway No. 91, between Payson and the Utah-Arizona State line, including all intermediate points, and to pick up and discharge passengers, baggage, and express originating at or between Salt Lake City and Payson when destined to points beyond Payson, likewise when originating between the Utah-Arizona State line and Payson, but destined to points beyond Payson, provided, however, that their carrying of baggage and express shall be confined to such as may be conveniently carried on the type of automobile buses constructed to be used exclusively in rendering passenger service; that the applicant, Rio Grande Motor Way of Utah, Inc., should be granted the privilege of carrying passengers, baggage, and express over Highway No. 91, in connection with its established route between Salt Lake City and Nephi and intermediate points, provided, however, it shall not carry passengers, baggage, or express locally between Salt Lake City and Payson, and its carrying of property shall be confined to such as may be conveniently carried on the type of automobile buses constructed to be used exclusively in rendering passenger service.

The application or petition of Salt Lake & Utah Railroad Company, by D. P. Abercrombie, its Receiver, in Case No. 1146, to have Certificate of Public Convenience and Necessity No. 286 revoked, the operating rights under which were succeeded to by the Utah Parks Company during the course of these proceedings by the issuance of Certificate of Convenience and Necessity to it, in Case No. 1143, without determining whether or not public convenience and necessity required the limited service to be rendered under it between Salt Lake City and Fillmore over Highway No. 91, should be denied.

We think it has been conclusively shown upon the record in these cases, that public convenience and necessity under existing conditions requires automobile bus service over Highway No. 91, between Payson and the Utah-Arizona State line, and that such service should be permitted and allowed to be rendered by the applicants, Pickwick Stages Lines, Inc., and the Utah Parks Company, as hereinbefore stated. The granting of the use of Highway No. 91, between the above mentioned points to these automobile corporations at this time, necessarily results in the overlapping of their respective rights

to operate over certain portions of it, which they already had, and which upon the issuance of the certificates to them that will follow, are for all practical purposes merged. That portion of Highway No. 91, between Fillmore and Payson will be so affected. The operating rights of the Utah Parks Company under Certificate of Convenience and Necessity No. 360 will not be so affected as to that portion of Highway No. 91 between Salt Lake City and Payson, and if under existing conditions, the Utah Parks Company desires to continue to render service weekly, under said Certificate No. 360, as heretofore between Salt Lake City and Fillmore, no good reasons have been shown upon the record here, why its certificate should now be revoked.

An appropriate order will follow.

E. E. CORFMAN, President,
THOS. E. McKAY, Commissioner,
G. F. McGONAGLE, Commissioner.

(Seal)

Attest:

F. L. OSTLER, Secretary.

ORDER

Certificates of Conveniences and Necessity

Nos. 364, 365, and 366

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 1st day of May, A. D. 1930.

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|---|---|---------------|
| <p>In the Matter of the Application of PICK-
WICK STAGE LINES, INC., for permis-
sion to operate an automobile bus line, for
the transportation of passengers, baggage,
and express, between Payson and Fillmore,
Utah, and intermediate points, and between
Paragonah and St. George, Utah, and inter-
mediate points.</p> | } | Case No. 1117 |
| <p>In the Matter of the Application of UTAH
PARKS COMPANY, a Corporation, for
permission to operate an automobile pas-
senger, express, and baggage line between
Salt Lake City and the Utah-Arizona State
line, over the Zion Park-Arrowhead Trail.</p> | } | Case No. 1125 |

In the Matter of the Application of D. P. ABERCROMBIE, as Receiver for SALT LAKE & UTAH RAILROAD COMPANY, for permission to operate an automobile passenger, express, and baggage line between Salt Lake City and Payson, Utah, and intermediate points. } Case No. 1136

In the Matter of the Application of RIO GRANDE MOTOR WAY OF UTAH, INC., for permission to operate motor passenger bus line, with express and baggage service, between Salt Lake City and Nephi, Utah, and intermediate points. } Case No. 1137

In the Matter of the Application of SALT LAKE & UTAH RAILROAD COMPANY, by D. P. ABERCROMBIE, its Receiver, to have Certificate of Convenience and Necessity No. 286, issued to T. W. Boyer, Trustee, revoked. } Case No. 1146

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 respective applications of the Pickwick Stage Lines, Inc. (Case No. 1117), the Utah Parks Company (Case No. 1125), D. P. Abercrombie, as Receiver for the Salt Lake & Utah Railroad Company (Case No. 1136), and Rio Grande Motor Way of Utah, Inc. (Case No. 1137), to render automobile passenger, baggage, and express service between Salt Lake City and Payson, over United States Highway No. 91, commonly known as the Arrowhead Trail, be and they are hereby, denied; provided, however, that each of the applicants, Pickwick Stage Lines, Inc., and Utah Parks Company, be and they are hereby, authorized and permitted, under Certificates of Convenience and Necessity Nos. 364 and 365, respectively, to render automobile passenger, baggage, and express service over said Highway No. 91, between Payson and the Utah-Arizona State line, including all intermediate points, and to pick up and discharge passengers, baggage, and express originating at or between Salt Lake

City and Payson when destined to points south of Payson, likewise when originating between the Utah-Arizona State line and Payson, but destined to points north of Payson; that applicant, Rio Grande Motor Way of Utah, Inc., be and it is hereby, authorized and permitted, under Certificate of Convenience and Necessity No. 366, to render automobile passenger, baggage, and express service over said Highway No. 91, between Payson and Nephi, and all intermediate points, and that it shall be permitted to pick up and discharge passengers, baggage, and express originating at or between Salt Lake City and Payson when destined to points south of Payson to and including Nephi, likewise when originating at or between Nephi and Payson, but destined to points north of Payson to and including Salt Lake City; and that the carrying of baggage and express by said applicants shall be confined to such as may be conveniently carried on the type of automobile buses constructed to be used exclusively in rendering passenger service.

ORDERED FURTHER, That the application herein, of the Salt Lake & Utah Railroad Company, by D. P. Abercrombie, its Receiver (Case No. 1146), to have Certificate of Convenience and Necessity No. 286, issued to T. W. Boyer, Trustee, revoked, be and it is hereby, denied; and that the Utah Parks Company, as successor to T. W. Boyer, Trustee, be permitted, if it still so desires, to continue rendering weekly passenger service between Salt Lake City and Payson, under Certificate of Convenience and Necessity No. 360, heretofore issued by this Commission in Case No. 1143.

ORDERED FURTHER, That the applicants, Pickwick Stage Lines, Inc., Utah Parks Company, and Rio Grande Motor Way of Utah, Inc., 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 in accordance with the statute of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile bus lines.

By the Commission.

(Seal)

F. L. OSTLER,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

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| In the Matter of the Application of PICK-
WICK STAGE LINES, INC., for permis-
sion to operate an automobile bus line for
the transportation of passengers, baggage,
and express between Payson and Fillmore,
Utah, and intermediate points; and between
Paragonah and St. George, Utah, and inter-
mediate points. | } | Case No. 1117 |
| In the Matter of the Application of UTAH
PARKS COMPANY, a Corporation, for
permission to operate an automobile pass-
enger, express and baggage line between
Salt Lake City and the Utah-Arizona State
line, over the Zion Park-Arrowhead Trail. | } | Case No. 1125 |
| In the Matter of the Application of D. P.
ABERCROMBIE, as Receiver for SALT
LAKE & UTAH RAILROAD COMPA-
NY, for permission to operate an automo-
bile passenger, express, and baggage line be-
tween Salt Lake City and Payson, Utah,
and intermediate points. | } | Case No. 1136 |
| In the Matter of the Application of RIO
GRANDE MOTOR WAY OF UTAH,
INC., for permission to operate motor pas-
senger bus line, with express and baggage
service, between Salt Lake City and Nephi,
Utah, and intermediate points. | } | Case No. 1137 |
| In the Matter of the Application of SALT
LAKE & UTAH RAILROAD COM-
PANY, by D. P. ABERCROMBIE, its Re-
ceiver, to have Certificate of Convenience
and Necessity No. 286, issued to T. W.
Boyer, Trustee, revoked. | } | Case No. 1146 |

SUPPLEMENTAL ORDER OF THE COMMISSION

In the above entitled cases it appearing that the Com-
mission inadvertently failed to fix a date whereupon the Com-
mission's orders became effective:

IT IS THEREFORE ORDERED, That the same become effective on the 19th day of May, 1930.

Dated at Salt Lake City, Utah, this 13th day of May, 1930.

E. E. CORFMAN, President,
THOS. E. McKAY, Commissioner,
G. F. McGONAGLE, Commissioner.

(Seal)

Attest:

F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

ST. JOSEPH WATER & IRRIGATION CO,	Complainant,	} Case No. 1129
	vs.	
ANDREW HOWAT, Deceased, FRANCES H. ODELL, FRED J. ODELL, AND BONNEVILLE LAND & WATER CO.,	Defendants.	

ORDER

IT IS HEREBY ORDERED, That the above entitled matter, be and it is hereby, dismissed.

Dated at Salt Lake City, Utah, this 18th day of July, 1930.

(Signed) E. E. CORFMAN,
THOS. 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 GEM STATE TRANSIT COMPANY, a Cor- poration for permission to operate a pass- enger, baggage, and express automobile line between Salt Lake City, Utah, and the Utah-Idaho State Line.	} Case No. 1130

ORDER

By the Commission:

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

IT IS HEREBY ORDERED, That the application herein, of the Gem State Transit Company, a Corporation, for permission to operate an automobile passenger, baggage, and express line between Salt Lake City, Utah, and the Utah-Idaho State Line, over United States Highway No. 91, be and it is hereby, dismissed.

Dated at Salt Lake City, Utah, this 6th day of September, 1930.

(Signed) E. E. CORFMAN,
THOS. 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, for permission to adjust certain class and commodity rates in its Tariff 4975-D, P. U. C. U. No. 42.	}	Case No. 1135
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Submitted: January 11, 1930.

Decided: March 27, 1930

Appearances:

J. S. Earley and A. J. Cronin,	}	for Applicant.
T. H. Perleywits,		for Bingham & Garfield Railway Co.
F. Costellar,	}	for Union Pacific Lines.

REPORT AND ORDER OF THE COMMISSION
CORFMAN, Commissioner:

Under date of July 18, 1929, The Denver & Rio Grande Western Railroad Company, by George Williams, its Freight Traffic Manager, filed an application for itself and in behalf of the Bingham & Garfield Railway Company, for authority to amend Denver & Rio Grande Western Railroad Company Tariff G. F. D. No. 4975-D, P. U. C. U. No. 42, by making

certain changes in class rates outlined in applicant's Exhibit "A," which accompanied the application.

In compliance with the provisions of Chapter 4830, Compiled Laws of Utah, 1917, this case was assigned for hearing in the office of the Commission, to be heard January 10, 1930, and due and legal notice was given to all interested parties. The case came on for hearing, at which time applicant filed proof of publication of the notice of hearing. There were no protests either written or verbal, to granting the application.

The evidence shows and the Commission finds:

That by virtue of a script application, Reference Mark Circle 54, which came about during the war period, a condition developed whereby the tariffs were confusing; that an effort was made to clarify this condition when the Commission issued Special Permission No. 1310, authorizing exclusion of Midvale, Utah, and points on the Welby and Bingham branches, as applying to or from Bingham; that this restriction did not eliminate the embarrassing situation due to intermediate application from or to points beyond Midvale:

That the only satisfactory method of correcting the situation is by publication of specific rates on all moving commodities:

That the proposed changes in the class rates will place the rates via The Denver & Rio Grande Western Railroad and Bingham & Garfield Railway on a parity with the rates which apply via the Union Pacific System Lines and Bingham & Garfield Railway:

That there is no movement under most of the rates as there are commodity rates covering most of the proposed changes, and should the proposed changes be an inconvenience to anyone, they will be given the necessary attention:

That the application should be granted.

IT IS THEREFORE ORDERED, That the application herein, be and it is hereby, granted, and that The Denver & Rio Grande Western Railroad Company, be and it is hereby, authorized to amend its Tariff G. F. D. No. 4975-D, P. U. C. U. No. 42, for itself and in behalf of the Bingham & Garfield Railway Company, by making certain changes in class and commodity rates outlined in Exhibit "A," attached to application, hereby expressly referred to and made a part hereof.

(Signed) E. E. CORFMAN,
President.

We concur:

(Signed) THOS. E. McKAY,
Commissioner.

(Signed) G. F. McGONAGLE,
Commissioner.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of D. P. ABERCROMBIE, as Receiver for the SALT LAKE & UTAH RAILROAD COMPANY, for permission to operate an automobile passenger, express and baggage bus line between Salt Lake City and payson, Utah, and intermediate points. } Case No. 1136

See Case No. 1117.

In the Matter of the Application of RIO GRANDE MOTOR WAY OF UTAH, INC., for permission to operate motor passenger bus with express and baggage between Salt Lake City and Nephi, Utah, and intermediate points. } Case No. 1137

See Case No. 1117.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the PIONEER STAGES, INC., to sell and transfer and PICKWICK STAGE LINES, INC., to buy and take over the operative rights of Pioneer Stages, Inc., between Cedar City and St. George, Utah, and combine said operative rights with the present operative rights of Pickwick Stage Lines, Inc., in the State of Utah. } Case No. 1138

Submitted: December 27, 1929. Decided: January 3, 1930.

Appearances:

George F. Wasson, Attorney,
Salt Lake City, } for Applicants.

REPORT OF THE COMMISSION

CORFMAN, Commissioner.

This matter came on regularly for hearing before the Public Utilities Commission at its office in the State Capitol, Salt Lake City, Utah, on the 27th day of December, 1929, after due notice given. No protests were made or filed to the granting of the application as applied for by the applicant.

No evidence was offered in behalf of the applicants, other than the files and records in the case. The application shows that the applicants, Pioneer Stages, Inc., and the Pickwick Stage Lines, Inc., respectively, are foreign corporations duly and legally empowered to do business in the State of Utah; that each is "an automobile corporation" within the meaning of subdivision 13, Section 4782, Compiled Laws of Utah, 1917; that as such "automobile corporation," the applicant, Pioneer Stages, Inc., is now engaged in rendering intrastate automobile passenger, baggage and express service within certain limitations, over the public highway between Salt Lake City and St. George, Utah, under Certificate of Public Convenience and Necessity No. 342, issued by this Commission in Case No. 1055, on the 13th day of July, 1929, in connection with its interstate service.

That the applicant, Pickwick Stage Lines, Inc., is now engaged in rendering a similar intrastate service within certain limitations, between Salt Lake City and the Utah-Arizona State Line, via St. George, Utah, under Certificate of Convenience and Necessity No. 319, issued by this Commission in Case No. 1002, on June 6, 1928, in connection with its interstate service.

That the service authorized and permitted to be rendered under the orders or certificates of convenience and necessity aforementioned, does not permit the applicants to transport locally, passengers, baggage, or express over the public highways between Cedar City and Paragonah, nor between Fillmore and Salt Lake City, Utah.

That applicants are associated and affiliated corporations and are under common ownership and control. For the purpose of more economically exercising their separate intrastate operating rights, they now seek to merge their operating rights between Salt Lake City and St. George, including between Cedar City and St. George, Utah, so that the same shall be under the exclusive control and management of the applicant, Pickwick Stage Lines, Inc., as will more fully appear

from the verified application herein, which is hereby expressly referred to and made a part of these findings.

From the foregoing findings, the Commission concludes and decides that it would be for the best interests of the public that the application herein made should be granted as prayed for by applicant.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
President.

We concur:

THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity

No. 357

Cancels Certificates of Convenience and Necessity

Nos. 328 and 342

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 3rd day of January, 1930.

<p>In the Matter of the Application of the PIONEER STAGES, INC., to sell and transfer and PICKWICK STAGE LINES, INC., to buy and take over the operative rights of Pioneer Stages, Inc., between Cedar City and St. George, Utah; and combine said operative rights with the present operative rights of Pickwick Stage Lines, Inc., in the State of Utah.</p>	}	Case No. 1138
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This case 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 NOW ORDERED, That Certificate of Public Convenience and Necessity No. 328, issued by this Commission

in Case No. 1087, February 21, 1929, be and the same is hereby cancelled and annulled, as prayed for herein:

IT IS FURTHER ORDERED, That Certificate of Convenience and Necessity No. 342, issued by this Commission in Case No. 1055, to Pioneer Stages, Inc., be and it is hereby, cancelled and annulled;

ORDERED FURTHER, That Pickwick Stage Lines, Inc., be and it is hereby, permitted and authorized to render and perform the automobile passenger, baggage, and express service, now and heretofore rendered by the Pioneer Stages, Inc., over the public highway between Salt Lake City and St. George, Utah, in connection with the automobile passenger service now being rendered under Certificate of Public Convenience and Necessity No. 319, issued to it by this Commission in Case No. 1002, June 6, 1928, subject however, to the same orders and limitations made by the Commission in said Certificates of Convenience and Necessity Nos. 328 and 342, hereby cancelled and annulled.

ORDERED FURTHER, That Pickwick Stage Lines, Inc., 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 route; 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 bus lines.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

(Seal)

In the Matter of the Application of VEDO DELL, for permission to operate an auto- mobile freight line between Salt Lake City, Thistle, and points in Carbon County, Utah.	}	Case No. 1141
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PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of THOMAS W. BOYER, TRUSTEE, to transfer all rights accruing to him by reason of Certificate of Convenience and Necessity No. 286. } Case No. 1143

Submitted: January 24, 1930.

Decided: February 26, 1930.

Appearances:

Dan B. Shields, Attorney,
Salt Lake City, Utah,

} for Applicant.

George H. Smith, J. V. Lyle,
R. B. Porter, and W. Hal
Farr, Attorneys, Salt Lake
City, Utah,

} for Utah Parks Company.

Frederick C. Loofbourow,
J. W. Robinson, and F. M.
Orem, Attorneys, Salt Lake
City, Utah,

} for Protestant, D. P. Abercrombie, Receiver for Salt Lake & Utah 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 office in the State Capitol, Salt Lake City, Utah, on the 24th day of October, 1929, after due notice given, upon the application of Thomas W. Boyer, Trustee, for permission to transfer the rights accruing to him by reason of Certificate of Convenience and Necessity No. 286, issued by the Public Utilities Commission, in Case No. 946, and the protest filed thereto, by D. P. Abercrombie, as receiver for the Salt Lake & Utah Railroad Company.

The application in substance states:

That the applicant is the owner and holder of Certificate of Public Convenience and Necessity No. 286, issued by the Public Utilities Commission of Utah, for the operation of a bus and stage line over public highway Utah-United States No. 91, between Salt Lake City and Fillmore, Utah; that the applicant has complied with the Laws of Utah, and all terms and conditions of said Certificate No. 286, since the issuance thereof; that the Utah Parks Company has filed

with the Public Utilities Commission of Utah, an application for a certificate of public convenience and necessity, authorizing it to operate an automobile stage and bus line between Salt Lake City, Utah, and the Utah-Arizona Line, and that it desires to take over the operations and furnish the service now being performed by the applicant, Thomas W. Boyer, Trustee, under said Certificate No. 286; that a sale has been arranged for, subject only to the approval of the Public Utilities Commission. Said application further sets forth, "That there is a need for such service as is furnished by this petitioner and that there is a growing need for an increased service, and that it will be for the best interests of the public that the petitioner be allowed to suspend his operations along the route described in his certificate of public convenience and necessity, and that the Utah Parks Company be allowed to assume the responsibility for operating such service, and that it be allowed to take over the interests of this petitioner in and to the Certificate of Convenience and Necessity herein described."

The applicant prays, "that his Certificate of Convenience and Necessity No. 286 for the operation of an automobile bus and stage line between Salt Lake City, Utah, and Fillmore, Utah, and intermediate points, be cancelled and that a new certificate of convenience and necessity be granted to the Utah Parks Company, authorizing them to operate a stage line between Salt Lake City and Fillmore, Utah, and intermediate points, in all respects, containing all the rights and privileges of said Certificate of Convenience and Necessity No. 286, and if said new certificate be not issued as prayed for that Certificate No. 286 be continued in full force and effect."

The protest of D. P. Abercrombie, as receiver for the Salt Lake & Utah Railroad Company, briefly stated, admits the issuance of Certificate No. 286 to Thomas W. Boyer, Trustee, the application of the Utah Parks Company for a certificate to operate an automobile bus line over Highway No. 91, between Salt Lake City and the Utah-Arizona Line now pending, and which would be a duplication of service contemplated under said Certificate No. 286.

The protest further sets forth that the operations of applicant, under Certificate No. 286, have been intermittent and irregular, that long periods have elapsed without the operation of any bus whatever, and that the operations under said Certificate, if any, have not been for the purpose of serving the public, but only for the purpose of attempting to keep such Certificate No. 286 alive, in order that the operating

rights therunder might be sold at a profit, and not for the purpose of serving the public needs.

Said protestant, D. P. Abercrombie, as receiver, further alleges in his protest that the Salt Lake & Utah Railroad in its train operations between Salt Lake City and Payson, Utah, provides all the transportation needs the public requires, and it is able, ready and willing to furnish any additional service when such is required in the public interest.

The said protestant prays that Certificate No. 286, held by the applicant be cancelled; that if not cancelled it be limited and so restricted as not to permit of intermediate service under it, between Salt Lake City and Payson, Utah; that the hearing on the application be combined with the hearing in the application of the Utah Parks Company to operate between Salt Lake City, Utah, and the Utah-Arizona Line and other applications pending, for the same service, and that if ultimately the Commission finds that additional service by bus between Salt Lake City and Payson, Utah, is necessary, that protestant be permitted to render such service under its application now pending therefore.

At the outset of the hearing upon the issues thus formed, the protestant, D. P. Abercrombie, as receiver, also moved that the case be combined with other applications then pending, for certificates to operate over the same highway, which motion was denied by the Commission.

Therefore, on further motion made by the protestant, the case was continued until November 14, 1929, for the purpose of hearing evidence bearing on the question of abandonment of the applicant's route or service under Certificate No. 286, and as to all other matters, save the one question as to whether public convenience and necessity requires the service.

From the evidence it appears:

1. That the applicant, Thomas W. Boyer, Trustee, is the holder of Certificate of Public Convenience and Necessity No. 286, issued to him by the Public Utilities Commission in Case No. 946, on the 8th day of February, 1927, wherein it was provided among other things, 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."

Said certificate further provided 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 stage lines."

2. That upon the issuance of said Certificate No. 286, said Thomas W. Boyer, Trustee, proceeded to render the service authorized therein, and to do all things in connection therewith, by substantially meeting all the requirements thereof, until on the 19th day of January, 1927, when under an agreement in writing with The Utah Motor Coach Company, a Utah "automobile corporation," he arranged for it to continue the operation of his said stage line, for himself, as Trustee; that the said The Utah Motor Coach Company thereupon commenced the operation of said route and ever since said time has rendered said service for the said Thomas W. Boyer, Trustee, in substantial compliance with all the requirements of said certificate, and the statutes of Utah, and the orders, rules and regulations of the Public Utilities Commission.

That the said Thomas W. Boyer, Trustee, in the conduct of his said automobile route posted and filed proper time and rate schedules, carried liability insurance, served the public by making one round trip each week over the highway between Salt Lake City and Fillmore, Utah, reported each month to the Commission the result of his said operations, by showing the number of passengers carried between points, and paid the state road maintenance tax, accordingly.

3. That the said automobile route of the applicant, Thomas W. Boyer, Trustee, which extends from Salt Lake City to Fillmore, Utah, is a part of the highway known and designated, "Utah-United States No. 91," and at the time these proceedings were instituted herein, there were pending before the Public Utilities Commission, five separate applications for certificates of public convenience and necessity to operate automobile passenger and express lines thereon, including that of the Utah Parks Company to operate from Salt Lake City to the Utah-Arizona Line.

4. That the Utah Parks Company is an "automobile corporation," within the meaning and subject to the provisions of Title 91, Compiled Laws of Utah, 1917, and the statutes amendatory thereto, commonly known as the Public Utilities Act, and as such automobile corporation, it has been duly authorized to and is now engaged in rendering to the public, automobile passenger and express service over certain high-

ways of the State. That it is a subsidiary corporation of the Los Angeles & Salt Lake Railroad Company, a part of the Union Pacific System, capitalized at more than \$30,000,000.00; that the Utah Parks Company is financed by the Los Angeles & Salt Lake Railroad Company, and it owns at the present time automobile passenger vehicles valued at more than \$300,000.00, which are used in rendering passenger and express service to the travelling public in Utah, and it is in every way able and prepared to furnish the equipment and do all other necessary things that are now, or hereafter may be required in rendering automobile passenger and express service over the route herein involved.

5. That the Utah Parks Company proposes to operate the said automobile route from Salt Lake City to Fillmore, Utah, in competition with the rail service now being rendered between said points by the Los Angeles & Salt Lake Railroad Company, if granted a certificate of public convenience and necessity authorizing it so to do, upon the same time and rate schedule, and subject to the same limitations as are now expressed in said Certificate No. 286, held by the applicant, Thomas W. Boyer, Trustee, which is hereby expressly referred to and made a part of these findings.

Upon the foregoing report, findings of fact, and upon the record and files herein, the Commission concludes and decides that Thomas W. Boyer, Trustee, has not abandoned his automobile route authorized and established under his Certificate No. 286, and that in the conduct of his automobile stage line business thereunder, he has substantially complied with the Statutes of Utah, and the orders, rules and regulations of the Public Utilities Commission of Utah, governing automobile stage line operations over the public highways of this State; that upon his application herein, said Certificate No. 286 should be cancelled, and that a new certificate should issue to the Utah Parks Company authorizing it to establish and maintain an automobile stage route over the public highway (Utah-United States No. 91), between Salt Lake City and Fillmore, Utah, subject, however, to the same limitations and provisions with respect to the number of trips to be made over said highway, as in said Certificate No. 286 expressed and provided.

The Commission now further concludes and decides that said certificate to the Utah Parks Company should be issued to it herein, subject to the consideration of and determination by the Commission of the question whether or not public convenience and necessity requires the service under it to be performed or rendered by the Utah Parks Company, in con-

nection with the applications in Cases Nos. 1117, 1125, 1136, 1137, and 1146; that phase of this case to be considered and combined with Cases Nos. 1117, 1125, 1136, 1137, and 1146, involving the same public highway, and all orders or rulings, heretofore made and conflicting herewith, to be and the same are, hereby annulled, vacated, and set aside.

An appropriate order will follow.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 360

Cancels Certificate of Convenience and Necessity No. 286

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 26th day of February, 1930.

In the Matter of the Application of THOMAS W. BOYER, TRUSTEE, to transfer all rights accruing to him by reason of Certifi- cate of Convenience and Necessity No. 286.	}	Case No. 1143
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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 Certificate of Convenience and Necessity No. 286, issued by the Commission in Case No. 946 to Thomas W. Boyer, Trustee, be, and it is hereby, cancelled and annulled; that the Utah Parks Company, be, and it 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; provided, that any and all operating rights of the Utah Parks Company between Salt Lake City and Fillmore, Utah, over the highway, Utah-United States No. 91, hereby permitted or authorized, shall be subject to the consideration of and determination by the Pub-

lic Utilities Commission of Utah, of the question whether or not public convenience and necessity requires the service under it to be performed or rendered by the Utah Parks Company, said question to be determined and passed upon in connection with applications in Cases Nos. 1117, 1125, 1136, 1137, and 1146, involving the same highway and pending before the Commission.

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)

In the Matter of the Application of the SALT LAKE & UTAH RAILROAD COM- PANY, by D. P. ABERCROMBIE, its Receiver, to have Certificate of Convenience and Necessity No. 286, issued to T. W. Boyer, Trustee, Revoked.	}	Case No. 1146
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See Case No. 1117.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of D. R. HOUT, to withdraw from and the INTER- STATE TRANSIT LINES, a Corporation, to assume the operation of an automobile passenger line between Ogden and Coal- ville, Utah, and intermediate points.	}	Case No. 1148
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Submitted: February 4, 1930. Decided: March 26, 1930.

Appearances:

John V. Lyle, Attorney of Salt Lake City,	}	for Applicants.
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REPORT OF THE COMMISSION

CORFMAN, Commissioner:

Under date of December 20, 1929, a joint application was filed with the Public Utilities Commission of Utah, by D. R. Hout and Interstate Transit Lines. Applicant, D. R. Hout, seeks permission to transfer, and applicant, Interstate Transit Lines, a corporation, seeks permission to take over the operative rights of D. R. Hout between Ogden and Coalville, Utah, accruing to him by reason of Certificate of Convenience and Necessity No. 333.

Application sets forth that applicant, D. R. Hout, has at all times complied with all the terms and conditions of such certificate of convenience and necessity, the rules and regulations of the Commission, and the Laws of the State of Utah; that applicant, Interstate Transit Lines, a corporation, and a subsidiary of the Union Pacific Railroad Company, is now operating an automobile bus line for the transportation of passengers and light express between St. Louis, Missouri, and Los Angeles, California, and has filed application with this Commission for a certificate of convenience and necessity to operate an automobile bus line between Salt Lake City, Utah, and the Utah-Wyoming State Line; that applicant, Interstate Transit Lines, desires to furnish the service heretofore rendered by D. R. Hout; that the need for such service is increasing; and that it will be for the best interest of the public that the application be granted.

This case came on regularly for hearing in the office of the Commission, after due and legal notice had been given to all interested parties, on the 3rd day of February, 1930. Proof of publication of notice of hearing was filed at the hearing. There were no protests, either written or verbal, to granting the application.

The evidence shows and the Commission finds:

That applicant, D. R. Hout, has sold to the Interstate Transit Lines, all of his rights and interests as may have accrued to him under Certificate of Convenience and Necessity No. 333, subject to the approval of the Commission:

That applicant, Interstate Transit Lines, is a corporation, organized under the laws of Nebraska, with authority to do business in the State of Utah; that it is a subsidiary of the Union Pacific Railroad Company, and is financially, and in every other way qualified to render the service between Ogden and Coalville, Utah, in connection with its existing interstate service, as the public may require.

That convenience and necessity still require the service between Ogden and Coalville, Utah:

That Certificate of Convenience and Necessity No. 333 should be cancelled, and a new certificate of convenience and necessity should be issued, authorizing the Interstate Transit Lines to operate a bus line between Ogden and Coalville, Utah, and intermediate points, for the transportation of passengers.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
President.

I concur:

(Signed) G. F. McGONAGLE,
Commissioner.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 361.

Cancels Certificate of Convenience and Necessity
No. 333.

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 26th day of March, 1930.

In the Matter of the Application of D. R. HOUT, to withdraw from and the INTERSTATE TRANSIT LINES, a Corporation, to assume the operation of an automobile passenger line between Ogden and Coalville, Utah, and intermediate points.	}	Case No. 1148
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This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation having been had of the matters and things involved, 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. 333, issued to D. R. Hout in Case No. 1098 by the Commission, be and it is hereby, cancelled and annulled; and that the Interstate Transit Lines, a Corporation, be and it is hereby, authorized to assume the operation of automobile passenger line between Ogden and Coalville, Utah, and inter-

mediate points, under Certificate of Convenience and Necessity No. 361, said service having heretofore been rendered by D. R. Hout under said Certificate No. 333.

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

By the Commission.

(Signed) F. L. OSTLER

(Seal)

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of D. R. HOUT, for permission to carry express packages on his automobile passenger line between Salt Lake City and Coalville, Utah, and intermediate points.	}	Case No. 1149
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Submitted: January 27, 1930. Decided: January 29, 1930.

Appearances:

Dan B. Shields, Attorney, Salt Lake City, Utah,	}	for Applicant.
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REPORT OF THE COMMISSION

CORFMAN, Commissioner.

This matter 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, on the 24th day of January, 1930. No protest was filed or made to the granting of the application as made by the applicant.

It appears from the evidence that the applicant, D. R. Hout, is the holder of Certificate of Public Convenience and Necessity No. 348, issued by this Commission (Case No. 1131), August 17, 1929, authorizing and permitting him to operate an automobile passenger bus line over the public highway between Salt Lake City and Coalville, Utah, via Parley's Canyon, serving intermediate points between Kim-

ball's Ranch and Coalville, Utah, and that ever since the issuance of said Certificate, the applicant has been and now is engaged in rendering daily, over the said automobile route, the passenger service permitted thereby.

It further appears from the evidence herein that none of the points or communities situated upon the applicant's said route have at this time any express or railroad service, except the towns of Wanship and Coalville, which are now being served by the Union Pacific Railroad Company.

That it requires approximately two days time to serve out of Salt Lake City, the last mentioned towns of Coalville and Wanship with express, by means of said railroad. That the applicant herein, as a common carrier for hire, seeks to afford in connection with his said passenger bus service, all points on his said automobile route, including Wanship and Coalville, a limited express service, by carrying for hire, on his passenger buses, small packages not to exceed one foot by one foot by three feet in size. That rates proposed to be charged herein by the applicant, to-wit: a minimum price of twenty-five (25c) cents per package, and an additional amount of one (1c) cent per pound over and above five pounds, would be just and reasonable charges for the service sought to be performed.

That the territory sought to be served by the applicant with such express service has a population of approximately 1500 people, and their needs and convenience, as well as those of the general public, would be greatly subserved thereby.

From the foregoing findings of fact, the Commission concludes and decides that the application of D. R. Hout herein, should be granted as applied for, and that a supplemental order to that issued in Case No. 1131, should issue to him accordingly.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
President.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity

No. 358

At a session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of January, 1930.

In the Matter of the Application of D. R. HOUT, for permission to carry express packages on his automobile passenger line between Salt Lake City and Coalville, Utah, and intermediate points.	}	Case No. 1149
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This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation having been had of the matters and things involved, 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 D. R. Hout, for permission to carry small express packages, not to exceed one foot by one foot by three feet in size, on his automobile passenger line between Salt Lake City and Coalville, Utah, serving all points on his route between Salt Lake City and Coalville, Utah, be and it is hereby granted; and that Certificate of Convenience and Necessity No. 358, be and it is hereby issued to applicant, D. R. Hout, authorizing and permitting him to render the express service as applied for, supplementing the passenger service as authorized to be rendered by him, under Certificate of Convenience and Necessity No. 348, issued by the Commission August 17, 1929, in Case No. 1131, accordingly;

ORDERED FURTHER, That applicant, D. R. Hout, before beginning operation of his express service, shall file with the Commission and post at each station on his route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and showing arriving and leaving time from each station on his 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.

(Seal)

(Signed) F. L. OSTLER,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of GEORGE R. ROUNDY and FRANK L. COLBY, for a permit to operate an automobile freight and express line between Hinckley and Salt Lake City, Utah, and certain intermediate points.	}	Case No. 1150
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Submitted: February 5, 1930

Decided: March 7, 1930

Appearances:

O. A. Tangren, Attorney of Tangren and Crafts, Delta, Utah,	}	for Applicants.
J. V. Lyle, Attorney of Salt Lake City, Utah,	}	for Protestants, Los Angeles & Salt Lake RR. Co., Denver & Rio Grande Western RR. Co., Utah Central Transfer Co. and Truck Line, and Railway Express Agency.
J. A. Mellville, Attorney, Salt Lake City, Utah,	}	for Union Pacific Railroad Co.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, on the 21st day of January, 1930, at Delta, Utah, upon the application of George R. Roundy and Frank L. Colby, of Oasis and Delta, Utah, respectively, for a permit to operate an automobile freight and express line over the public highway between Salt Lake City and Hinckley, Utah, and certain intermediate points. Due notice of the hearing having been given as required by law, the application in substance alleges as follows:

That there is a present need of an automobile truck line for the carrying of freight and express between Hinckley and Salt Lake City, Utah, and certain intermediate points; that the route to be taken would be through Delta to Eureka, Utah, and on to Salt Lake City over the main highway, with the privilege of loading freight and express at Delta, Utah, and hauling freight and express to Delta and vicinity from Salt

Lake City, Utah; that there is a large amount of freight and express to be transported between Delta and Hinckley and Salt Lake City, Utah, which can be more advantageously handled with automobiles and trucks than over the railroad; that the freight and express consists principally of livestock, poultry, dairy and other general farm products; that the livestock industry in particular would be benefited by the establishment of the proposed transportation system, because of the fact that there is very little, if any, local market, and under present conditions, it is necessary for the farmers to wait until such time as they can assemble carload lots, or they are required to sell to such buyers as occasionally visit the district; that under the proposed system these applicants could deliver truck loads of such livestock to the market at any time.

Written protests were filed by the Los Angeles & Salt Lake Railroad Company, The Denver & Rio Grande Western Railroad Company, the Utah Central Transfer Company and Truck Line, and the Railway Express Agency.

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

That the applicants, George R. Roundy and Frank L. Colby are residents of Oasis and Delta, Millard County, Utah, respectively, and have been heretofore and still are engaged in the operation of a truck line between the points mentioned in the application, the greater portion of their operations having been confined to the transportation, under contract or by purchase, of the products of the farmers in Delta and vicinity into Salt Lake City; that it has been the custom of these applicants on their return trips from Salt Lake City, to haul to Delta, Hinckley, and other towns in the vicinity, such commodities as they might be able to secure destined from Salt Lake City to Delta and surrounding points.

That protestant, Los Angeles & Salt Lake Railroad Company, a corporation, operates a railroad line from Salt Lake City through Delta, Utah, and has a branch line from Delta to Hinckley, Utah; that the town of Hinckley is but little more than seven miles from Delta, and is but three miles from Oasis, Utah, and that several trains each way run daily through Delta and Oasis; that in addition to the daily through service for carload lots there is a package or merchandise car out of Salt Lake City, daily except Sunday, and returning to Salt Lake City every other day; and that the highway over which applicants seek to operate between Salt Lake City and Delta, Utah, parallels said protestant's track practically the entire distance.

That the protestant, Railway Express Agency, is a common carrier conducting a daily express service in each direction between Salt Lake City and Delta, Utah, over the Los Angeles & Salt Lake Railroad.

That the protestant, The Denver & Rio Grande Western Railroad Company, is a railroad corporation operating a daily freight service, except Sunday, between Salt Lake City and Eureka and Silver City, Utah; that it also transports express daily between Salt Lake City and Provo Utah, to connect with the motor buses of the Rio Grande Motor Way of Utah, Inc., which bus line transports said express to Eureka and vice versa.

That the protestants, Utah Central Transfer Company and Utah Central Truck Line, are common carriers operating freight truck lines from Salt Lake City to Eureka, Utah, making regular trips for the purpose of carrying freight between said points.

That the present carriers operating by permission of this Commission are furnishing to Delta and Hinckley, Utah, all the transportation service that can reasonably be required.

That one of the applicants for some time past, at least two years, has been operating as a common carrier for hire in violation of Chapter 117, Laws of Utah, 1925, in that he has failed until the past month or so, to file reports and pay the taxes therein provided for the use of the public highways.

An order denying the application will issue.

(Signed) THOS. E. MCKAY
Commissioner.

We concur:

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 7th day of March, A. D., 1930.

In the Matter of the Application of GEORGE
R. ROUNDY and FRANK L. COLBY,
for a permit to operate an automobile
freight and express line between Hinckley
and Salt Lake City, Utah, and certain
intermediate points.

} Case No. 1150

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 George R. Roundy and Frank L. Colby, for a permit to operate an automobile freight and express line between Hinckley and Salt Lake City, Utah, and certain intermediate points, be and it is hereby denied.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

(Seal)

<p>In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to abandon a grade crossing over the main line of The Denver & Rio Grande Western Railroad Company. near Nolan Station in Price Canyon, Car- bon County, Utah.</p>	}	Case No. 1151
PENDING.		

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

<p>In the Matter of the Application of the WASATCH GAS COMPANY, for permis- sion to construct, maintain, and operate a gas distributing plant or system for the purpose of supplying gas for light, heat, power, and other purposes, to the City of Morgan, Utah, and the inhabitants thereof.</p>	}	Case No. 1152
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Submitted: January 27, 1930.

Decided January 30, 1930.

Appearances:

<p>J. A. Howell, Attorney, of the firm of Devine, Howell, Stine & Gwilliams, Ogden, Utah,</p>	}	for Applicant.
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<p>C. M. Morris, of the firm of Morris and Callister, Attor- neys of Salt Lake City, Utah,</p>	}	for Morgan City.
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REPORT OF THE COMMISSION

CORFMAN, Commissioner.

This matter 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, on the 24th day of January, 1930, upon the application of the Wasatch Gas Company, for a certificate of public convenience and necessity to construct, maintain, and operate a gas distributing plant or system for the purpose of supplying the City of Morgan, Utah, and the inhabitants thereof, with gas for light, heat, power, and other useful purposes. No objection nor protest was filed or made to the granting of the certificate as applied for by the applicant.

From the evidence it appears:

1. That the applicant, Wasatch Gas Company, is a corporation duly organized and existing under and by virtue of the Laws of the State of Utah, with its principal office or place of business at Salt Lake City, Utah.

2. That the said corporation, among other things, has the power to and is engaged in the business of purchasing and distributing gas for light, heat, power, and other useful purposes, to consumers in the State of Utah, and as such distributor, it is a "gas corporation" within the meaning of subdivision 18, Section 4782, of the Compiled Laws of Utah, 1917, and a public utility under the jurisdiction of this Commission.

3. That as such "gas corporation" and as a public utility, it seeks a certificate of public convenience and necessity herein, authorizing and permitting it to construct, maintain, and operate a gas distributing plant or system for the purpose of supplying the City of Morgan, Utah, and the inhabitants thereof, with gas for light, heat, power, and other useful purposes, and to charge therefore the rates as particularly set forth in applicant's schedules of rates, P. U. C. U. Nos. 4 & 5, filed herein and marked "Applicant's Exhibits C & D, hereby expressly referred to and made a part of these findings.

4. That Morgan City has a population of approximately 600 people.

5. That public convenience and necessity requires that Morgan City, and the inhabitants thereof, be served with gas as herein proposed by the applicant and the public interest and welfare would be promoted thereby.

6. That the applicant herein, has procured from the local authorities, the necessary franchise authorizing it to serve gas in Morgan City, and has otherwise complied with the Statutes of Utah in seeking so to do.

From the above and foregoing findings, this Commission concludes and decides that the application of the Wasatch Gas Company as herein made, should be granted.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
President.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity

No. 359

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 30th day of January, A. D., 1930.

<p>In the Matter of the Application of the WASATCH GAS COMPANY, for permis- sion to construct a gas distributing plant or system for the purpose of supplying gas for light, heat, power, and other purposes, to the City of Morgan, Utah, and the in- habitants thereof.</p>	}	Case No. 1152
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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, and that the Wasatch Gas Company, be and it is hereby authorized and permitted to construct, maintain, and operate a gas distributing plant or system for the purpose of supplying the City of Morgan, Utah, and the inhabitants thereof, with gas for light, heat, power, and other

useful purposes, and to charge therefore, the rates as particularly set forth in applicant's schedules of rates, P. U. C. U. Nos. 4 and 5, filed herein and marked "Applicant's Exhibits C and D," hereby expressly referred to and made a part hereof.

(Signed) F. L. OSTLER,
(Seal) Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of UTAH
PARKS COMPANY, a Corporation, for
permission to operate a passenger, baggage,
and express automobile service between
Cedar City and Utah-Arizona State Line
via Zion National Park and Kanab. } Case No. 1153

ORDER

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

IT IS HEREBY ORDERED, That the application herein, of the Utah Parks Company, a Corporation, for permission to operate a passenger, baggage, and express automobile service between Cedar City and Utah-Arizona State Line via Zion National Park and Kanab, Utah, be and the same is hereby, dismissed, without prejudice.

Dated at Salt Lake City, Utah, on this 18th day of June, A. D., 1930.

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

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the
UTAH CENTRAL TRUCK LINE, the
SALT LAKE & BINGHAM FREIGHT
LINE, and the UTAH CENTRAL
TRANSFER COMPANY, for permission
to consolidate their operative rights under
one certificate of convenience and necessity
to be issued to the Utah Central Truck
Line } Case No. 1154

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of GEORGE
W. HAIL and JOS. S. SNOW, for a per-
mit to carry on a passenger and express
service between Santa Clara and Zion Na-
tional Park, Washington County, Utah. } Case No. 1155

Submitted: May 6, 1930.

Decided: November 3, 1930

Appearances:

Jos. S. Snow,
St. George, Utah,

} for Applicants.

John V. Lyle, Attorney,
Salt Lake City, Utah,

} for Protestant, Utah Parks
Company.

REPORT OF THE COMMISSION

McGONAGLE, Commissioner:

This matter came on for hearing at St. George, Utah, on Tuesday, the 6th day of May, 1930. The application sets forth that there is a demand in each direction for transportation from Santa Clara, Washington County, Utah, through St. George, Washington, Leeds, Toquerville, LaVerkin, Hurricane, Virgin, Rockville, Springdale, and the entrance to Zion National Park, and asks that a permit to furnish said transportation be granted, under the provisions of Chapter 42, Laws of Utah, 1927, as amended by Chapter 94, Laws of Utah, 1929.

The application was protested by the Utah Parks Company, said protestant alleging that the service applicants propose to furnish would be in part a duplication of that authorized and afforded by the Utah Parks Company under Certificates of Public Convenience and Necessity No. 302, granted June 18, 1927, and No. 365, granted May 1, 1930.

Resolutions favoring the application were passed by the City Councils of St. George and of Washington, Utah.

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

That the applicants, George W. Hail and Joseph S. Snow, are engaged in conducting a hotel, garage, and taxicab business in St. George, Utah, and are financially able and otherwise qualified to furnish the automobile service sought by them to be rendered under the permit applied for herein.

That Santa Clara, St. George, Washington, Leeds, and Anderson Junction are Utah towns or points located on U. S.

Highway No. 91, a through highway between Salt Lake City, Utah, and Los Angeles, California, the intermediate distances in Utah affected by this application being as follows:

Santa Clara to St. George.....	5 Miles
St. George to Washington.....	4 Miles
Washington to Anderson Jct.....	17 Miles

That Anderson Junction is the junction of U. S. Highway No. 91 and Utah Highway No. 15, the latter highway extending in a south-easterly direction from Anderson Junction to Zion National Park, a distance of thirty miles, the intermediate points or towns being Toquerville, Virgin, Rockville, and Springdale, not including LaVerkin, located one mile south and Hurricane, four miles south of Highway U. No. 15. The intermediate distances from Anderson Junction are as follows:

Anderson Junction to Toquerville.....	3 Miles
Toquerville to LaVerkin.....	3 Miles
LaVerkin to Rockville.....	17 Miles
Rockville to Springdale.....	6 Miles

That the Utah Parks Company, a subsidiary of the Los Angeles and Salt Lake Railroad Company, and the Pickwick Stage Lines, Inc., are "automobile corporations" and each operate under certificates of convenience and necessity issued by this Commission, two stages daily in each direction between Santa Clara and Anderson Junction, these operations being a part of the through operations of the two companies between Salt Lake City, Utah, and Los Angeles, California, over U. S. Highway No. 91.

That from June 1st to October 1st of each year, the Utah Parks company also operates a line of buses from Cedar City, Utah, to Anderson Junction over U. S. Highway No. 91, and thence over Utah Highway No. 15 to Zion National Park, this operation being a part of the National Park tour system of the Union Pacific System. Persons desiring transportation between St. George, Toquerville, LaVerkin, Hurricane, Rockville, and Springdale are frequently without service under present operations of the Utah Parks Company over Highway U. No. 15, Hurricane and LaVerkin being located off the route of the buses of the Utah Parks Company making the Park tour, and said park tours being discontinued as to the other points sought to be served by applicants over Utah Highway No. 15, for eight months each year.

At the time of this hearing, the Utah Parks Company had an application on file with the Commission requesting per-

mission to operate a daily stage line from Cedar City through Anderson Junction, Toquerville, LaVerkin, and Springdale to Kanab, Utah, and based most of its opposition to the granting of the permit herein applied for on the ground that if its application were granted, the granting of the present applicant's application would result at times in an unnecessary duplication of service. Subsequently, the Utah Parks Company withdrew its application, but not its opposition to the granting of the permit applied for herein.

The Commission concludes from the foregoing findings that a permit for the transportation of passengers and express between St. George and Springdale and certain intermediate points should be granted within certain limitations. Permission to operate between Springdale, and the boundry of Zion National Park should be denied during the Park season, because of the fact that the Utah Parks Company has an exclusive permit from the National Park Service for the transportation of passengers within the Park; nor does it appear that there is any necessity for additional transportation facilities over U. S. Highway No. 91 between St. George and Santa Clara any season of the year; nor should the applicants be permitted to carry at any time passengers locally, that is to say, intermediate over U. S. Highway No. 91, between St. George and Anderson Junction, said service being now adequately rendered by the passenger buses of the automobile service of the Pickwick Stage Lines, Inc., and the Utah Parks Company.

An appropriate order will follow.

(Signed) G. F. McGONAGLE,

We concur:

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Automobile Permit No. 7

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 3rd day of November, A. D., 1930.

In the Matter of the Application of GEORGE W. HAIL and JOS. S. SNOW, for a per- mit to carry on a passenger and express service between Santa Clara and Zion Na- tional Park, Washington County, Utah.	}	Case No. 1155
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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 George W. Hail and Joseph S. Snow, be and they are hereby, permitted and authorized to operate a passenger and express service between St. George and Springdale, Utah, and certain intermediate points, over U. S. Highway No. 91 between St. George and Anderson Junction, Utah, and over Utah Highway No. 15, between Anderson Junction and Springdale, Utah, in Washington County, Utah, under Automobile Permit No. 7, herein issued by reason of the provisions of chapter 42, Laws of Utah, 1927, as amended by Chapter 94, Laws of Utah, 1929, provided that applicants do not serve intermediate points between St. George and Anderson Junction on U. S. Highway No. 91.

ORDERED FURTHER, That the automobiles used in said service should not be driven over the route hereinbefore mentioned at a greater speed than that permitted by law for the general public, and that said automobiles shall be driven by well qualified and experienced drivers only; that the automobiles used in said service shall not carry passengers in excess of the seating capacity of the type used; that the permittees under this order of the Commission, shall report under oath, to this Commission monthly, the number of passengers and the amount of property transported over the highways over which they are permitted to operate hereunder, and the points between which passengers and property is carried; and that this permit shall be subject to modification or cancellation at any time by the Commission, upon a proper showing, and as the best interests of the public may require.

ORDERED FURTHER, That applicants, George W. Hail and Joseph S. Snow, before beginning operation, shall file with the Commission, a schedule as provided by law, naming rates and fares; 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 bus lines.

By the Commission.

(Signed) F. L. OSTLER,

(Seal)

Secretary.

In the Matter of the Application of the RIO
GRANDE MOTOR WAY OF UTAH,
INC., for permission to operate an automo-
bile passenger and freight line between
Marysville and Kanab, Utah, and all inter-
mediate points. } Case No. 1156

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of UTAH
POWER & LIGHT COMPANY, for a
Certificate of Convenience and Necessity to
exercise the rights and privileges conferred
by franchise granted by the Town of Cleve-
land, Emery County, Utah. } Case No. 1157

Submitted: April 8, 1930.

Decided: April 12, 1930.

Appearance:

Mr. Arthur C. Inman, At-
torney, } for Applicant.

REPORT OF THE COMMISSION
CORFMAN, Commissioner:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its office in the State Capitol, Salt Lake City, Utah, on the 7th day of April, 1930, after due and legal notice given, on the application of the Utah Power & Light Company, for permission to exercise the rights and privileges conferred by franchise granted by the Town of Cleveland, Emery County, Utah, which franchise was granted to the applicant to serve said town and the inhabitants thereof, with electricity for light, heat, power, and other purposes, and to construct, maintain, and operate in the present and future streets, alleys, and business places in said town, electric light and power lines, and equipment for such service.

No protests or objections were made and filed with the Commission to the granting of the application. It appears from the evidence:

That the Utah Power & Light Company is a corporation of the State of Maine, duly qualified to transact business in

the State of Utah, with its principal office in Salt Lake City, Utah; that it owns and operates extensive hydro-electric generating plants and transmission and distribution systems in the State of Utah; that it is qualified financially and otherwise to perform the service applied for; that the Town of Cleveland has a population of approximately 200 people; that at the present time said town and its inhabitants, are without a general electric service; that in the year 1916, the Utah Power & Light Company obtained a franchise from Emery County to operate in said County; that on or about March 1, 1930, the Town of Cleveland granted a franchise giving the Utah Power & Light Company the right to serve the Town of Cleveland and its inhabitants with electricity for light, heat, power, and other purposes; that public convenience and necessity requires electric service in the Town of Cleveland as proposed to be given by the applicant herein.

From the facts, the Commission decides and concludes that the application of the Utah Power & Light Company herein, to serve the Town of Cleveland, Emery County, Utah, with electricity, should be granted.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 363

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, 1930.

<p>In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a Certificate of Convenience and Necessity to exercise the rights and privileges conferred by franchise granted by the Town of Cleveland, Emery County, Utah.</p>	}	Case No. 1157
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This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having

been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be, and it is hereby, granted, and that the Utah Power & Light Company be, and it is hereby, authorized to construct, maintain, and operate in the present and future streets, alleys, and public places in the Town of Cleveland, Emery County, Utah, electric light and power lines, together with all 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.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of UTAH POWER & LIGHT COMPANY and HY- RUM CITY, for approval of Interchange Power Agreement.	}	Case No. 1158
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Submitted: April 8, 1930.

Decided: May 2, 1930.

Appearances:

George R. Corey,	}	for Applicant, Utah Power & Light Company.
Attorney,		
Ernest D. Young, Attorney,	}	for Applicant, Hyrum City.
and H. B. Neilsen,		

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its office in the State Capitol in Salt Lake City, Utah, on the 7th day of April, 1930, after due notice given, upon the application of the Utah Pow-

er & Light Company, for an order of the Commission approving a certain "Interchange Power Agreement," made and entered into by it with Hyrum City. It is shown:

That the applicant, Utah Power & Light Company, is a corporation under the Laws of the State of Maine. That it is duly authorized and empowered to do business in the State of Utah, as a foreign corporation; that as such, it is now actively engaged in this State in doing the business of an "electrical corporation," within the meaning of subdivision 20, Section 4782, Compiled Laws of Utah, 1917; that it owns and operates in Utah an interconnected power system whereby it generates, transmits, distributes, and sells electrical energy for general use throughout this State; that as a part of its said system it owns and operates a hydro-electric power plant known as its Blacksmith Fork Plant, on Blacksmith Fork River, near Hyrum City in Cache County, Utah.

That Hyrum City is a municipal corporation, and it owns and operates two hydro-electric power plants on the said Blacksmith Fork River, in close proximity to that of the applicant, Utah Power & Light Company, for the purpose of supplying said municipality and the inhabitants thereof, with electrical energy for heating, lighting, and general use.

That said power plants of Hyrum City have an installed capacity ordinarily beyond or in excess of the present needs of said municipality and its inhabitants, for electrical energy, although without ample reserve capacity to supply the demands made upon them in cases of breakdown or accident;

That the applicants, Utah Power & Light Company and Hyrum City, on the 3rd day of March, 1930, made and entered into an agreement under the terms of which it is provided, among other things, that the said power plants of Hyrum City shall be interconnected with the power system of the applicant, Utah Power & Light Company, and that the respective parties thereto shall exchange electrical energy upon the terms and under the conditions as in said agreement set forth, a copy of which said agreement is herein marked, "Exhibit A," hereto attached, expressly referred to and made a part of this report and order.

That said agreement is and will be just and reasonable for the purpose of providing for an exchange of electrical power between the respective parties thereto, upon the terms and under the conditions therein stated.

THEREFORE, IT IS HEREBY ORDERED, That said agreement, be and the same is hereby, approved by the Commission.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

WELCH & SWEETERS,

Complainants,

vs.

PAHVANT POWER & LIGHT COM-
PANY,

Defendant.

Case No. 1159

Submitted: April 14, 1930.

Decided: May 29, 1930.

Appearances:

Tangren & Crafts, Attor-
neys, Delta, Utah,

A. L. Larsen, Attorney,
Delta, Utah,

} for Complainants, Welch &
} Sweeters.

} for Defendant, Pahvant Pow-
} er & Light Company.

REPORT AND ORDER OF THE COMMISSION McGONAGLE, Commissioner:

This case came on for hearing at Fillmore, Utah, on the 28th day of March, 1930, the complainants asking for reparation for alleged overcharges on the part of defendant, in connection with the operation of an alfalfa meal mill at Delta, Utah.

From the record in this case, the Commission finds as follows:

1. That the complainants, Welch and Sweeters, (sometimes calling themselves the "Delta Alfalfa Milling Co."), had on December 7, 1929, leased from H. A. Lawrence of Delta, Utah, certain property at Delta, consisting of an alfalfa meal mill, and 19.8 acres of land on which said mill is located. That in connection with and part of said mill, said lease covered a 44 K. V. substation together with two poles and the necessary wire connection with the power line of the Pahvant Power & Light Company at the boundary line of said milling property,

which said substation was used in connection with the serving of said mill with electrical energy.

2. That on the 6th day of December, 1929, Welch and Sweeters entered into the following contract with the Pahvant Power & Light Company for serving the said mill with electrical energy:

"H. A. Lawrence of Delta, Utah, doing business under the name and style of Pahvant Power & Light Company, hereinafter call 'Company,' and Welch and Sweeters, of Anaheim, California, sub-lessees of the Pace Milling Alfalfa Company, of Buena Park, California, hereinafter called 'Consumer,' hereby agrees as follows, to-wit:

"That for the term herein stated Company will use all reasonable diligence to furnish Consumer electric service to an amount not in excess of 100 horsepower at any one time, in the form of three phase alternating current at approximately 60 cycles per second and approximately 44,000 volts, for the operation of the Consumer's apparatus situated on Consumer's premises at Delta, Utah, which apparatus is to be used only in the conduct of Consumer's stock food manufacturing operations.

"That during such term Consumer will receive and take such electric service and will pay Company for all service furnished hereunder at the rates and upon the terms set forth in the Company's schedule for 44,000 volt service, a true copy of which is hereto attached and hereby made part hereof, and in any event, will pay Company for such monthly or other period of time included within the term hereof, the minimum charges and guaranteed net payments required by the terms of said schedule hereinabove referred to, based on a minimum connected load and maximum demand of 50 horsepower.

"That the term of this contract is eleven months commencing 9th day of December, A. D., 1929, provided that the Consumer may terminate this contract at any time upon ten days written notice to Company of Consumer's desire so to do.

"And that both parties hereto will in all respects comply with and be bound by the various requirements and conditions of Company's Rules and Regulations of which a true copy is hereto attached and made a part hereof and in accordance with which all

electric service herein provided for will be furnished and shall be used.

"Dated this 6th day of December, A. D., 1929."

Pahvant Power & Light Company.

(Signed) H. A. LAWRENCE.

Welch & Sweeters.

(Signed) HAROLD C. WELCH,

CARL J. SWEETERS,

Managers.

3. That said contract was in effect from December 9, 1929, to March 13, 1930, when service thereunder was discontinued on request of the complainant.

4. That H. A. Lawrence, during the times herein mentioned and referred to was, and is now the owner and lessor of said milling property, and is also general manager and lessee of the said Pahvant Power & Light Company.

5. That the alleged overcharge, amounting to \$406.04, for which complainants seek reparation herein, is made up of the following items:

(a) Demand charges for 21 days in December, 1929, and 13 days in March, 1930, because not pro-rated on a monthly basis.

(b) Transformer losses from December 9, 1929 to March 13, 1930, charged to complainants by defendant.

(c) Not allowing complainants a prompt payment discount of 2% on February and March, 1930 bills, rendered by defendant against complainants.

From an inspection of the bills rendered, the Commission finds that the demand charge was pro-rated on a monthly basis for December, 1929 and March, 1930. Coming now to the allegation that transformer losses were wrongfully and erroneously charged to complainants, the Rules and Regulations of the Pahvant Power & Light Company, which are a part of the power contract as entered into by complainants, reads as follows:

"Section V, Par. F.

"Point of Delivery is the point where the Company's wires or apparatus are connected with those of the Consumer. In the absence of written agreement to the contrary, such point of connection shall be conclusively presumed to be not closer than two feet outside of the exterior walls of the building wherein such electric service is used, where such service is used in

a building and is delivered at a voltage not in excess of 440 volts, and not closer than at the pole on the Company's transmission or distribution line nearest to the Consumer's place of operations where such electric service is not used within a building or is delivered at a voltage in excess of 440 volts." (Bold face ours.)

"Rule 21. Losses. When the Company's meters are not installed at the point of delivery, transformer losses and other losses between the point of delivery and the Company's meters will be computed and added to or subtracted from the reading of such meters according as such meters are installed on the Consumer's or the Company's side of the point of delivery."

In this case, under the contractual relations entered into between the parties, the point of delivery of the Pahvant Power & Light Company is at the property line of the complainants, as lessees of the milling property. The Power Company furnishes at this point of delivery, electric current at a potential of 44,000 volts. Beyond said point of delivery are two poles, the necessary wiring, a 44 K. V. substation, and meters on the low side of the transformers, all of this latter equipment being on the Consumer's or complainants' side of the point of delivery, and part of the leased property of the complainants. Reference to Rule 21, quoted above, shows that the transformer losses are properly chargeable to the complainants, under the said power contract.

As to the complainants' claim for prompt payment discount, the fact that complainants had a deposit with the Power Company, guaranteeing the payment of all bills rendered, is not deemed material. In order that a discount be obtained, the rules provide that payment must be made within ten days after rendition of bill, if for current month, or upon presentation of bill where service has been discontinued at complainants' request.

This Commission's jurisdiction in this case, extends to and is confined to the electrical service rendered under contract by the Pahvant Power & Light Company to the complainants, and not to the leasing contract between H. A. Lawrence and the complainants concerning the mill. We think this action was prosecuted before the Commission, through lack of understanding on the part of the complainants, of the line drawn between the complainants' contract with the Power Company, and the complainants' lease with H. A. Lawrence of the mill property. The first is a public utility,

the latter is not. It is probable that the dual position of H. A. Lawrence, as manager and lessee of the Power Company, and also as owner and lessor of the milling property, has tended to befog the issues to some extent. Much was said in the record concerning a power pole on the property of the milling company that was destroyed by fire, and as to who was responsible for the replacement of the pole. With this, the Commission is not concerned. As stated above, our jurisdiction ceases at the point of delivery of the Power Company, which is at the property line of the leased mill property.

The Commission finds that the amounts billed to the complainants by the Power Company are in accordance with the tariffs on file in the office of the Commission, and that the complainants are not entitled to reparation on any of the counts alleged in the complaint or the record.

NOW THEREFORE, IT IS HEREBY ORDERED, In view of the premises, and the foregoing findings of fact, that the complaint herein of the complainants, Welch and Sweeters, be and it is hereby, dismissed.

(Signed) G. F. McGONAGLE,
Commissioner.

We concur:

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to operate a passenger, baggage, and express automobile line between Delta and Fillmore, Utah.	}	Case No. 1160
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Submitted: March 31, 1930.

Decided: March 31, 1930.

Appearances:

John V. Lyle, Attorney of Salt Lake City, Utah,	}	for Applicant.
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REPORT OF THE COMMISSION

McGONAGLE, Commissioner :

This case came on regularly for hearing at Fillmore, Utah, on the 28th day of March, 1930.

By its application, the Los Angeles & Salt Lake Railroad Company seeks permission to discontinue the operation of a gasoline motor car, carrying passengers, baggage, and express between Delta and Fillmore, Utah. In lieu thereof, applicant desires to conduct its passenger, baggage, and express service between the above points by means of auto buses operating over the public highway, serving Delta, Holden, Fillmore, and intermediate points. No protests were entered against the granting of this application.

After hearing and due investigation, the Commission finds as follows:

That the applicant, a subsidiary of the Union Pacific Railroad Company, owns and operates a line of railroad from Salt Lake City, Utah, to Los Angeles, California. It operates a branch from Delta, a point upon its main line in Utah, to Fillmore, Utah, a distance of 32 miles.

That the bare costs of operation of said motor car and the revenues derived therefrom, from July 1, 1929 to Dec. 31, 1929, are as follows:

Operation of Motor Car:

Wages of Motorman.....	\$1421.23	
Wages of Conductor.....	1820.87	
Repairs to Motor Cars:		
Coach Parts.....	210.25	
Engine Parts.....	1083.84	
Gasoline for Fuel.....	501.19	
Lubricants, Supplies, Enginehouse and Cleaning of Car.....	428.76	
		<u>\$5466.14</u>

Revenues:

Passenger	\$ 271.47	
U. S. Mail.....	1050.26	
Milk and Cream.....	157.02	
Excess Baggage.....		
Express	750.00	
		<u>\$2228.75</u>

NET LOSS.....\$3237.39

That applicant's present depot at Fillmore is one and three-quarter miles from the business center and that appli-

cant proposes to establish a depot in the business center, if permitted to operate by bus.

That bus operation will place the Town of Holden on a direct line to Delta, the present rail line not passing through said town.

That public convenience and necessity require that applicant should be permitted to discontinue the operation of motor car service on its rails and establish in lieu thereof, a combination passenger, baggage, and express bus service operating over the public highway, between Delta and Fillmore, under the following schedule:

		Miles from Delta		Miles from Fillmore		
Lv.	12:30 P. M.	.0	Delta	40.3	Ar.	12:10 P. M.
Lv.	12:50 P. M.	11.3	Harding	29.0	Lv.	11:50 A. M.
Lv.	1:07 P. M.	18.5	McCormick	21.8	Lv.	11:36 A. M.
Lv.	1:24 P. M.	25.4	Greenwood	14.9	Lv.	11:19 A. M.
Lv.	1:44 P. M.	30.8	Holden	9.5	Lv.	11:05 A. M.
Ar.	2:00 P. M.	40.3	Fillmore	.0	Lv.	10:40 A. M.

An appropriate order will follow:

(Signed) G. F. McGONAGLE,
Commissioner.

We concur:

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

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity

No. 362

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 31st day of March, 1930.

In the Matter of the Application of the LOS
ANGELES & SALT LAKE RAILROAD
COMPANY, a Corporation, for permission
to operate a passenger, baggage, and ex-
press automobile line between Delta and
Fillmore, Utah. } Case No. 1160

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

involved, 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, and that the Los Angeles & Salt Lake Railroad Company, be and it is hereby, authorized to discontinue the operation of a gasoline motor car, carrying passengers, baggage, and express between Delta and Fillmore, Utah, and to substitute in lieu thereof, automobile passenger, baggage, and express service between said points, under Certificate of Convenience and Necessity No. 362.

ORDERED FURTHER, That the Los Angeles & Salt Lake Railroad Company, before beginning operation, shall file with the Commission and post at each station on its route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on its line; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER,

(Seal)

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

In the Matter of the Application of the
UTAH PARKS COMPANY, a Corpora-
tion, for a permit to operate an automobile
passenger service between Salt Lake City
and the Utah-Arizona State Line. } Case No. 1161

Submitted: March 28, 1930.

Decided: March 28, 1930.

Appearances:

Mr. C. A. Root, Attorney, } for Applicant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission, at its office at the State Capitol, Salt Lake City, Utah, on the 28th day of March, 1930.

From the evidence produced for and on behalf of the applicant, it appears:

That the applicant is an automobile corporation, authorized to and is now engaged in the business of transporting persons and property for hire over the public highways of the State of Utah; that commencing on the 6th day of April, 1930, a general conference of the members of the Church of Latter-day Saints and the Church's Centennial Celebration will be held at Salt Lake City; that a large number of people residing on the Arrowhead Trail, or United States Highway No. 91, beyond Payson, Utah, and as far south as the Utah-Arizona State Line, will be in great need of automobile transportation service, in order to be able to attend said conference and celebration; that the applicant, Utah Parks Company, has a large number of automobile buses at Cedar City, Utah, that may be made available for rendering said service; that the applicant desires a permit to render the same from the date hereon to and until the 20th day of April, 1930, and that it proposes to render said service to the public at just and reasonable rates, and in accordance with the convenience and needs required by it.

From the foregoing, the Commission concludes and decides that the application should be granted; and that the applicant shall comply with the provisions of Chapter 42, Laws of Utah, 1927.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOS. E. MCKAY,

(Seal)

Commissioners.

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Automobile Permit No. 5

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 28th day of March, A. D., 1930.

In the Matter of the Application of UTAH PARKS COMPANY, a Corporation, for a permit to operate an automobile passenger service between Salt Lake City and the Utah-Arizona State Line.	}	Case No. 1161
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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, and that the Utah Parks Company, be and it is hereby, authorized to operate an automobile passenger service between Salt Lake City and the Utah-Arizona State Line, excluding local service between Payson and Salt Lake City, Utah, from the date hereof, to and until the 20th day of April, 1930.

ORDERED FURTHER, That the applicant, Utah Parks Company, 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 bus lines.

By the Commission.

(Seal) (Signed) F. L. OSTLER,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH PARKS COMPANY, a Corpora- tion, for a permit to operate an automobile passenger service between Salt Lake City and the Utah-Arizona State Line.	}	Case No. 1161
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SUPPLEMENTAL ORDER OF THE COMMISSION

It appearing upon proper showing made before the Commission that the emergency service authorized the applicant under Automobile Permit No. 5, is a continuing one, and that public interests require that the service permitted by the Commission's order should be allowed to and until the 3rd day of May, 1930.

NOW THEREFORE, IT IS HEREBY ORDERED, That the Utah Parks Company be permitted to render the service authorized under the automobile permit herein granted, to and until the 3rd day of May, 1930.

Dated at Salt Lake City, Utah, this 19th day of April, 1930.

(Signed) E. E. CORFMAN,
THOS. E. MCKAY,
(Seal) Commissioners.

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

In the Matter of the Application of PICK- WICK STAGE LINES, INC., for a permit to operate automobile passenger service between Salt Lake City and the Utah-Ari- zona State Line.	}	Case No. 1162
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Submitted: April 2, 1930.

Decided: April 3, 1930.

Appearance:

O. M. Baker, } for Applicant.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission at its office at the State Capitol, Salt Lake City, Utah, on the 2nd day of April, 1930.

From the evidence for and in behalf of the applicant, and from the records and files before the Commission, it appears:

That the applicant, Pickwick Stage Lines, Inc., is an "automobile corporation," authorized to and is now engaged in the business of transporting passengers, baggage, and express over the public highway, known and designated as U. S. Highway No. 91, under Certificates of Public Convenience and Necessity Nos. 319 and 357, and subject to certain restrictions and limitations in said certificates contained.

That the applicant now seeks a special permit, authorizing it to issue special excursion one way and round trip rates, which will apply to and the further permission to serve all intermediate points on said highway, between Santaquin, Utah, and the Utah-Arizona State Line, including all points not heretofore served by the applicant under said Certificates Nos. 319 and 357, and in accordance with its proposed schedule, herein marked "Applicant's Exhibit A," hereby referred to and made a part of these findings.

That the applicant seeks said permit for the reason that a general conference of the members of the Church of Latter-day Saints, and the Church's Centennial Celebration will be held at Salt Lake City, commencing on the 6th day of April and continuing for approximately one week, during which time it is anticipated a large number of people residing along said highway will need automobile transportation to and from Salt Lake City.

That on the 28th day of March, 1930, the Utah Parks Company, an "automobile corporation," now rendering automobile bus transportation, both interstate and intrastate service within certain limitations, over the said Highway No. 91, made application for and was granted on that day a permit similar to that applied for by the applicant herein.

That the said Utah Parks Company has arranged for and is fully prepared to and will render to the public, all the special service that may be required under its said special permit, and that public convenience and necessity will not require any additional transportation service during the period the said Utah Parks Company is authorized to render said special service under its said permit.

From the foregoing findings the Commission concludes that the application of the Pickwick Stage Lines, Inc., herein, for a special permit to serve other points that are now being served by it on said Highway No. 91, under authority of said Certificates Nos. 319 and 357, should be denied, but that its proposal herein, to accord to the public the special rates set forth in its schedule, marked "Applicant's Exhibit A," herein, should be approved, said special rates to apply and be effective from the date hereof, to and until the 20th day of April, 1930, and applicable to the points being served by the applicant under said Certificates Nos. 319 and 357, only.

This application was made under the provisions of Chapter 42, Laws of Utah, 1927, and Section 3 thereof, with respect to granting special permits, provides:

"Considerations when granting permits. The public utilities commission in determining whether such permit shall be granted or refused, or granted in part, shall take into consideration the character of the highway over which the automobile company proposes to operate and the effect thereon, and upon the traveling public using the same; it shall also take into consideration the facilities already in existence for the transportation of passengers, freight, merchandise, or other property along the proposed route, and between the termini and intermediate points upon said route."

It would seem that when a special permit has been once granted under Chapter 42, to an applicant who is able to and has proceeded to render to the public all the service required, that the granting of further permits is not only unnecessary and would serve no good purpose, but that such is not contemplated by the reading of Section 3 above quoted. If that

be true, and we think it is, the special permit heretofore granted to the Utah Parks Company, and by reason of which it has made special plans and arrangements to render all the special service required by the public, should not as a matter of right and justice to it and to the public as well, be interfered with.

NOW THEREFORE, IT IS ORDERED, That the application herein, of the Pickwick Stage Lines, Inc., for a special permit to serve other points than now being served by it on Highway No. 91, under Certificates Nos. 319 and 357, be and it is hereby, denied, but that its proposed rates as set forth in its schedule, marked "Applicant's Exhibit A," to apply and be effective to the points served by applicant under said Certificates Nos. 319 and 357 only, be and they are hereby, approved, to be in effect and continue from date hereof, until April 20, 1930.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

Case No. 1163

In the Matter of the Application of UTAH POWER &
LIGHT COMPANY, and BRIGHAM CITY, for ap-
proval of Interchange Power Agreement.

Submitted: April 28, 1930.

Decided: May 2, 1930.

Appearances:

Arthur C. Inman,	}	for Applicant, Utah Power &
Attorney,		Light Company.
Waldemar A. Call, Attorney,	}	for Applicant, Brigham City.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its office in the State Capitol, in Salt Lake City, Utah, on the 28th day of April, 1930, after due notice given, upon the application of the Utah Power & Light Company, for an order of the Commission approving a certain "Interchange Power Agreement," made and entered into by it with Brigham City, Utah. It is shown:

That the applicant, Utah Power & Light Company, is a corporation under the Laws of the State of Maine. That it is duly authorized and empowered to do business in the State of Utah, as a foreign corporation; that as such, it is now actively engaged in this State in doing the business of an "electrical corporation," within the meaning of subdivision 20, Section 4782, Compiled Laws of Utah, 1917; that it owns and operates in Utah an interconnected power system whereby it generates, transmits, distributes and sells electrical energy for general use throughout said State.

That Brigham City is a municipal corporation, and it owns and operates a hydro-electric generating plant, known as the "City Plant," located near Brigham City in Box Elder County, Utah, where it generates electric power and energy, for the purpose of supplying said municipality and the inhabitants thereof, with electrical energy for heating, lighting, and general use.

That said City Plant of Brigham City has an installed capacity beyond or in excess of the power requirements of the said municipality and its inhabitants, but is without ample reserve capacity to supply the demands made upon it in cases of breakdown or accident; and that the interconnected system of the Utah Power & Light Company has capacity whereby it can absorb the surplus power generated at Brigham City's Plant, and said Utah Power & Light Company can render service to said City at such times as the output of its plant is insufficient to supply the City's requirements, or in cases of breakdown or accident.

That the applicants, Utah Power & Light Company and Brigham City, on the 17th day of March, 1930, made and entered into an agreement under the terms of which it is provided, among other things, that the said power plant of Brigham City shall be interconnected with the power system of the applicant, Utah Power & Light Company, and that the respective parties thereto shall exchange electrical energy upon the terms and under the conditions as in said agreement set forth, a copy of which said agreement is herein marked, "Exhibit A," hereto attached, expressly referred to and made a part of this report and order.

That said agreement is and will be just and reasonable for the purpose of providing for an exchange of electrical power between the respective parties thereto, upon the terms and under the conditions therein stated.

THEREFORE, IT IS HEREBY ORDERED, That said Interchange Power Agreement between Utah Power & Light

Company and Brigham City, be and the same is hereby, approved by the Commission.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
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 the
SOUTHERN PACIFIC COMPANY, for
permission to discontinue maintaining
Freight, Ticket, and Western Union
Agency at Promontory Point, Utah. } Case No. 1164

Submitted: June 13, 1930.

Decided: June 18, 1930.

Appearances:

H. W. Wistner, Asst. Supt., and F. G. Ruth, Dist. F. & P. A.,	} for Applicant, Southern Pa- cific Company.
Alvin O. Preil,	
	} for Protestant, U. S. Dept. of Commerce, Airways Div.

REPORT AND ORDER OF THE COMMISSION

McKAY, Commissioner:

This matter came on for hearing before the Public Utilities Commission of Utah, on the 10th day of June, 1930, at Ogden, Utah, upon the application of the Southern Pacific Company, for permission to discontinue maintaining freight, ticket, and Western Union agency at Promontory Point, Utah.

From the evidence given at the hearing on behalf of the applicant, the Commission finds as follows:

1. That the applicant, Southern Pacific Company, is a railroad corporation with its principal place of business and Post Office address at Ogden, Utah, and operates and maintains an interstate railroad beginning at Ogden, and extending westward to the Pacific coast and elsewhere.

2. That for a number of years, a freight, ticket, and Western Union agency has been maintained at Promontory Point, Utah, although very little business is handled at this

station, with no prospects of it ever being such that continuance of agency is justified or necessary from the standpoint of service required by the community served.

3. That during the year 1929, there were received and forwarded only 75 tons of L. C. L. freight, the total revenue amounting to \$560.00. During this same period, applicant forwarded and received but 67 carloads of freight, a majority of which consisted of livestock and was handled within a period of two months, revenue from which amounted to \$2,801.00. The total revenues from tickets amounted to only \$442.00. Expense of maintaining said agency at this point for the year 1929, amounted to \$6,375.26.

4. That the nearest agency station east is Ogden, Utah, a distance of 23.8 miles, and the nearest agency west is Lakeside, Utah, a distance of 23.3 miles.

5. That said Promontory Point will be continued as a non-agency station; and that after an explanation by said applicant of how freight, etc., was handled at a non-agency station, Mr. Alvin O. Preil, the only protestant, representing the Airways Division of the U. S. Department of Commerce, in charge of an intermediate landing field and a beacon site at or near said Promontory Point, withdrew any opposition that he may have had to the granting of this application.

From the foregoing findings of fact, the Commission concludes and decides that applicant's station at Promontory Point is being operated at an unnecessary financial loss; that public convenience and necessity do not require the continuance of such agency station, and therefore the application to discontinue such agency station, should be granted.

IT IS THEREFORE ORDERED, That the application herein, of the Southern Pacific Company, for permission to discontinue maintaining freight, ticket, and Western Union agency station at Promontory Point, Utah, be and it is hereby, granted.

(Signed) THOS. E. McKAY,
Commissioner.

We concur:

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of THE
 UTAH IDAHO CENTRAL RAILROAD
 COMPANY, for permission to operate as
 a common carrier of freight by motor ve-
 hicle between Salt Lake City and the Utah-
 Idaho State Line. } Case No. 1165

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION
 OF UTAH, held at its office in Salt Lake City, Utah, on
 the 26th day of April, A. D., 1930.

UTAH LAKE DISTRIBUTING COM- PANY, et al.,	Complainants,	} Case No. 1166
	vs.	
UTAH POWER & LIGHT COMPANY, a Corporation,	Defendant.	

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, 1930:

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, 1930.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of FREE-
 BORN D. GIFFORD, for a permit to
 transport freight from the nearest railroad
 point of delivery to the Towns of Rock-
 ville, Virgin, and Springdale, Utah. } Case No. 1167

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

In the Matter of the Application of HOW-
ARD HOUT, for permission to carry ex-
press on his automobile passenger stages
between Park City and Salt Lake City,
Utah. } Case No. 1168

Submitted: May 22, 1930.

Decided: August 28, 1930.

Appearances:

Dan B. Shields, Attorney, Salt Lake City, Utah,	} for Applicant.
B. R. Howell, Attorney, Salt Lake City, Utah,	
	} for Protestants, Denver & Rio Grande Western Rail- road, Railway Express Agen- cy, Oregon Short Line Rail- road, and Union Pacific RR.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Park City, Utah, on the 22nd day of May, 1930, and was continued at the hearing room of the Public Utilities Commission, Salt Lake City, Utah, on the following day, May 23, 1930, at 11:00 A. M. The applicant is asking permission to carry express on his automobile passenger stages between Park City and Salt Lake City, Utah.

Protests were filed by The Denver & Rio Grande Western Railroad Company, the Railway Express Agency, the Oregon Short Line Railroad Company, and the Union Pacific Railroad Company. From the evidence for and in behalf of the respective parties, the Commission finds:

1. That the applicant, Howard Hout, at the present time is engaged in operating an automobile passenger stage line between Salt Lake City and Park City, Utah, under Certificate of Convenience and Necessity No. 274, issued by the Public Utilities Commission, March 4, 1920; and that in Case No. 1019, a duplicate of the present application, which was heard in conjunction with Case No. 1015, being the application of Rbbert V. Gardner and Don Gardner, for permission to operate an automobile freight line between Salt Lake City and Park City, and Case No. 1020, the application

of the Sterling Transportation Company, also asking permission to operate an automobile freight line between the same points, the applicant, Howard Hout, in said Case No. 1019, was granted permission to carry as express upon his passenger buses, cut flowers, newspapers, ore samples, and emergency repairs for mining equipment and other machinery in cases of breakdown only; further that he be and is hereby, permitted to carry as express upon his automobile passenger buses, medicines and surgical supplies for the relief of sickness and injury to persons in all emergency cases.

II. That the protestant, The Denver & Rio Grande Western Railroad Company, is a railroad corporation, duly authorized to conduct business in the State of Utah, and for many years last past, it has been operating an interstate railroad between Salt Lake City, Utah, and Denver, Colorado, serving intermediate points, together with branch lines of railroad, among which is the branch line extending from Salt Lake City to Park City, Utah, serving intermediate points; that said protestant operates a daily mixed train eastbound, leaving Salt Lake City at 5:45 A. M., and Roper at 5:55 A. M., and scheduled to arrive at Park City at 9:05 A. M., and a daily mixed westbound train, returning, leaving Park City at a scheduled time of departure of 9:50 A. M., arriving at Roper at a scheduled time of arrival at 1:20 P. M., and at Salt Lake City at 1:45 P. M.; that said trains carry express matter for the protestant, Railway Express Agency, between Salt Lake City and Park City, Utah, and intermediate points, and in the opposite direction.

III. That the protestants, Oregon Short Line Railroad Company and Union Pacific Railroad Company, are railroad corporations, and part of the Union Pacific System, operating an interstate line of railroad between Salt Lake City, Utah, and Council Bluffs, Iowa, and elsewhere, together with numerous branch lines of railroad among which is the branch line from the Union Pacific main line extending from Echo, Utah, to Park City, Utah; that said protestants in conjunction, operate a daily train service which service includes the transportation of express matter for the protestant, Railway Express Agency; that the express service afforded shippers by said Railway Express Agency and protestants, is ample, dependable, regular, and efficient.

From the foregoing facts, and after a full consideration of the evidence presented at said hearing, the Commission concludes and decides that conditions are very much the same as they were in the hearing of applicant's Case No. 1019, and

which findings are hereby made a part of the findings in this case; that in addition to the permission already granted the applicant in Case No. 1019, authorizing him to carry for hire upon his passenger buses cut flowers, newspapers, ore samples, and emergency repairs for mining equipment and other machinery in cases of breakdown, medicines and surgical supplies for the relief of sickness and injury to persons in all emergency cases, the Commission finds that there is a necessity for added transportation facilities for the handling of extras for farming machinery and automobile repair parts in cases of breakdown; with these exceptions, however, the application should be denied.

IT IS THEREFORE ORDERED, That the application herein, of Howard Hout, for permission to carry express on his automobile passenger line between Salt Lake City and Park City, Utah, be and it is hereby, denied; provided that in addition to the items which applicant has previously been authorized to transport for hire on his automobile passenger buses, in Case No. 1019, namely, cut flowers, newspapers, ore samples, and emergency repairs for mining equipment and other machinery in cases of breakdown, medicines and surgical supplies for the relief of sickness and injury to persons in all emergency cases, applicant, Howard Hout, be and he is hereby, authorized and permitted to transport for hire on his passenger buses, extras for farming machinery and automobile repair parts in cases of breakdown.

ORDERED FURTHER, That applicant, Howard Hout, shall amend his tariff schedule to comply with the Commission's above order, file with the Commission and post at each station on his route, as provided by law and the Commission's Tariff Circular No. 4; 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.

(Signed) THOMAS E. McKAY,
Commissioner.

We concur:

(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 TEL-
LURIDE POWER COMPANY, for a Cer-
tificate of Convenience and Necessity to } Case No. 1169
serve certain Towns in Utah. }

Submitted: May 28, 1930.

Decided: May 31, 1930.

Appearance:

Mr. H. R. Waldo,

} for Applicant.

REPORT OF THE COMMISSION

CORFMAN, Commissioner.

This matter came on regularly for hearing before the Public Utilities Commission at its office in the State Capitol, after due notice given, on the 28th day of May, 1930.

From the evidence adduced for and in behalf of the applicant, it appears:

That the applicant, Telluride Power Company, is a Delaware corporation, duly and legally authorized and empowered to and is now engaged in the business of producing and distributing electrical energy in the State of Utah, more especially in certain portions of Sanpete, Sevier, Piute, Garfield, Millard, and Beaver Counties; that the applicant is an "electrical corporation," within the meaning of subdivision 20, Section 4782, Compiled Laws of Utah, 1917, and as such has acquired all necessary preliminary franchises from local municipal authorities, enabling it to construct its transmission lines and install the necessary equipment with which it may serve the Town of Scipio in Millard County, and the Towns of Junction and Circleville in Piute County, Utah, and the inhabitants thereof, with electrical energy for all useful purposes.

That said towns and the inhabitants thereof have not heretofore been served with electrical energy; that said communities or towns are growing and there is an urgent demand in each of them for electrical service, and public convenience and necessity now requires the same; that the applicant is financially able and otherwise qualified to render this electrical service as applied for herein.

By reason of the premises and for the reasons stated, the Commission concludes and decides that the application of the Telluride Power Company herein, should be granted.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
President.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 367

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, A. D., 1930.

<p>In the Matter of the Application of TEL- LURIDE POWER COMPANY, for a Certificate of Convenience and Necessity to serve certain Towns in Utah.</p>	}	Case No. 1169
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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 Telluride Power Company, be and it is hereby, authorized and empowered to render electrical service for all useful purposes to the Town of Scipio in Millard County and the Towns of Junction and Circleville in Piute County, Utah, and the inhabitants thereof, upon the filing of its schedules herein and otherwise complying with the Statutes of the State of Utah, as in such cases made and provided, under Certificate of Convenience and Necessity No. 367; this order to become effective on the date hereof.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

In the Matter of the Application of O. BOLLSCHEWEILER, for a permit to transport freight for the Bingham Mercantile Company, between Salt Lake City and Bingham Canyon, Utah. } Case No. 1170

Submitted: June 24, 1930.

Decided: July 15, 1930.

Appearances:

A. C. Cole, Attorney of Bingham Canyon, Utah, } for Applicant.

E. W. Schneider, of the Traffic Service Bureau of Utah, } for Protestant, Salt Lake & Bingham Freight Line.

REPORT AND ORDER 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 24th day of June, 1930, after due notice given, upon the application of O. Bollschweiler, for a permit under the provisions of Chapter 42, Laws of Utah, 1927, as amended by Chapter 94, Laws of Utah, 1929, to transport freight for the Bingham Mercantile Company over the public highway between Salt Lake City and Bingham Canyon, Utah, and the protest made and filed thereto by the Salt Lake Bingham Freight Line. It is shown:

That the applicant is a resident of Bingham Canyon and he is now and for six years last past has been an agent for the American Railway Express Company, now the Railway Express Agency, and as such, in charge of its express office at that place, which is leased, kept, and maintained in the building owned and used by the Bingham Mercantile Company for conducting a general merchandise business; that the Railway Express Agency is engaged in the business of a common carrier of property, both intrastate and interstate in Utah, and for the most part renders its said service in connection with the railroads; that about two years ago, it discontinued its service over the railroad between Salt Lake City and Bingham Canyon, Utah, and thereupon arranged for and contracted with the applicant, for him to transport its express by automobile truck, over the public highway between said points, since when the applicant has been actively engaged in such transportation without any certificate of public con-

venience and necessity, permit, or other authorization having been applied for or received at the hands of the Public Utilities Commission of Utah, in his own behalf, or by the American Railway Express Agency, authorizing or permitting the same to be done. Likewise, the applicant, during said period has been engaged in transporting property over said highway, for compensation without any authorization on the part of the Public Utilities Commission, for the Bingham Mercantile Company, both before and since applying for a permit herein.

That the said public highway, between Salt Lake City and Bingham Canyon, is now and during all the times hereinbefore mentioned was an "established route" and as such used by the protestant, Salt Lake Bingham Freight Line, in its operations as a common carrier of property by automobile truck, between Salt Lake City and Bingham Canyon, under Certificate of Convenience and Necessity No. 296, issued by the Public Utilities Commission, on the 21st day of April, 1927, in Case No. 963; that said highway is now and for many years last past has been also used by the Bingham Stage Lines in its operations as a common carrier of passengers, and express between Salt Lake City and Bingham Canyon, under Certificates of Convenience and Necessity Nos. 44 and 61, issued by the Commission on May 13, 1919 and September 25, 1919 in Cases Nos. 132 and 216.

That the protestant, Salt Lake Bingham Freight Line, is now and at all times has been capable of and willing to render any and all automobile freight service over the highway here involved that may be reasonably required by the public as provided for in its regularly published schedules on file with the Commission, or by making special trips over said established route at any time, as may best subserve the conveniences and needs of its patrons.

That Bingham Canyon is also served out of Salt Lake City by The Denver & Rio Grande Western Railroad Company and the Bingham & Garfield Railway Company, both of which are rendering rail freight service as common carriers, daily.

Bingham Canyon has a population of about 11,000 people. It has some eighteen stores engaged in the mercantile business, as is the Bingham Mercantile Company, the majority of which depend wholly upon the existing common carriers of property for service. A small number own and operate their own trucks over the highway herein involved, while others depend largely upon the protestant, Salt Lake Bingham Freight Line, and the American Railway Express Agency for local service between Salt Lake City and Bingham Canyon.

The said connecting highway with Salt Lake City is hard surfaced, and is a much used highway by the general public.

That the applicant proposes to carry property as freight for the Bingham Mercantile Company over said established route at a fixed charge without classification.

In its operations over said highway or established route, the protestant is required to comply with and adhere to the Commission's General Order No. 23, issued on the 22nd day of March, 1928, requiring classification of freight and which is applicable to all licensed common carriers by automobile trucks using the highways of the State of Utah for the transportation of freight under similar conditions as obtain in this instance.

From the foregoing findings, the Commission concludes and decides that the application of O. Bollschweiler herein, for a permit to transport freight for the Bingham Mercantile Company over the public highway between Salt Lake City and Bingham Canyon, should be denied.

The provisions of Chapter 42, Laws of Utah, 1927, as amended by Chapter 94, Laws of Utah, 1929, under which the application herein, was made, among other things, provides:

"Sec. 1. Definition—exceptions. The term 'automobile company for hire,' when used in this Act, includes every corporation, partnership, association or person engaged in or transacting the business of transporting, or soliciting or securing the transportation of passengers, freight, merchandise, or other property by means of automobiles, motor stages, or buses, motor trucks or motor vehicles upon the public highways of the State for compensation when such business of transportation is engaged in or transacted by contract or otherwise for more than one person, partnership, corporation, or association. Nothing in this Act shall prevent persons, partnerships, corporations, or associations from transporting their own merchandise, products or other property by automobile, motor truck or motor vehicle upon the public highways of the State, whether along established routes or otherwise.

"Sec. 2 Permit—hearing not to apply to certain certificate holders. It shall be unlawful for any automobile company for hire as defined in Section One of this Act to engage in or transact the business of transporting passengers, freight, merchandise, or other prop-

erty over the public highways of the State of Utah, outside of cities or towns, without first obtaining a permit therefor from the Public Utilities Commission of the State of Utah, and for the purpose of protecting the public highways of the State of Utah, and safeguarding the use of the same by the traveling public, the Public Utilities Commission of the State of Utah is hereby vested with authority, after hearing, to issue or refuse to issue said permit, as prayed for, or to issue it for a part only of the proposed route and to regulate and supervise such automobile companies for hire as hereinafter provided. This Act shall not apply to any automobile corporation, public utility or common carrier, as defined in Section 4782, Compiled Laws, 1917, holding a certificate of convenience and necessity issued by the Public Utilities Commission of the State of Utah, when such automobile corporation, public utility or common carrier is operating between the points designated in said certificate.

"Sec. 3. Considerations when granting permit. The Public Utilities Commission in determining whether such permit shall be granted or refused, or granted in part, shall take into consideration the character of the highway over which the automobile company proposes to operate and the effect thereon, and upon the traveling public using the same; it shall also take into consideration the facilities already in existence for the transportation of passengers, freight, merchandise, or other property along the proposed route, and between the termini and intermediate points upon said route."

There can be no question but that the sections of our statutes above quoted should be regarded by this Commission as being an important part of and as having a direct bearing upon and relation to the proper regulation of all transportation agencies using the public highways of the state for the transportation of property for hire, although passed and enacted by the Legislature subsequent to the general Public Utilities Act of 1917.

Manifestly, it was the legislative intent in passing them, to make some provision whereby regularly licensed operators holding certificates of convenience and necessity and serving all the shipping interests of the state alike as common carriers over the public highways, might be accorded some fair measure of protection against the ruinous competition and practices of that class of operators for hire who are infesting

the highways of the state, without becoming common carriers and for the selfish purpose only of serving their own private ends and those who might feel inclined to patronize them to the detriment of the public interest and the general welfare of the state.

At the same time, a mere cursory reading of the statutes under consideration discloses that the legislative mind was most painstaking in making these provisions, so as not to preclude shippers of property from contracting and arranging with the "automobile company for hire" for service whenever upon a proper showing made to the Commission, the certificate holder over an established route was not prepared or for any good reason unable to do so.

Therefore, the Legislature made it the statutory duty of this Commission before granting permits such as is applied for by the applicant herein, to hold hearings and take into consideration, in determining whether the permit applied for shall be granted or refused, or granted in part, the character of the highway over which the applicant proposes to operate, the effect thereon, and upon the traveling public using it, and also take into consideration the facilities already in existence for the transportation of property along the proposed route.

That was but another way of saying that in matters pertaining to the use of the public highways for transportation of property or persons for hire, the Commission must regard the public interest as paramount, always.

In this case, the protestant is shown to be able, fully prepared, and willing to render efficiently and promptly any automobile truck service over the highway here involved, that may be reasonably required; that Bingham Canyon is at the present time provided with every form of transportation service that the public interest reasonably requires.

Moreover, the applicant herein, is shown to have been in times past a violator of the very statutes under which he now seeks a permit. As the agent for the Railway Express Agency, transporting as a common carrier, over the established route of the protestant without a certificate of convenience and necessity, he must be regarded as being equally guilty with transcending the laws of the state as his principal.

IT IS THEREFORE ORDERED, That the application herein, of O. Bollschweiler, for a permit to transport freight

between Salt Lake City and Bingham Canyon Utah, for the Bingham Mercantile Company, be and it is hereby denied.

(Signed) E. E. CORFMAN,
THOS. 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 PEOPLES LIGHT & POWER COMPAN- NY, for permission to construct, and oper- ate electric power plants at Loa and Tor- rey, Wayne County, Utah.	}	Case No. 1171
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Submitted: June 27, 1930.

Decided: July 26, 1930.

Appearance:

Jos. Eckersley, of Salt
Lake City,

} for Applicant.

REPORT OF THE COMMISSION

By the Commission:

On the 27th day of May, 1930, George T. Eckersley, as the Peoples Light & Power Company filed his application herein, for a certificate of public convenience and necessity authorizing him to construct, maintain, and operate certain power plants or generating stations in the County of Wayne, State of Utah, for the purpose of serving the Town of Loa and the communities of Torrey, Teasdale, Bicknell, Lyman, and Fremont in said Wayne County. No protest or objection to the application was made on the part of any interested party. The matter came on regularly for hearing before the Commission after due notice given, at its office in the State Capitol, Salt Lake City, Utah, on the 24th day of June, 1930, and was continued from that date until July 15, 1930, at which time hearing was concluded. From the evidence adduced for and in behalf of the applicant, it appears:

That the applicant, George T. Eckersley, is a resident of Loa, Wayne County, Utah; that he proposes to construct, maintain, and operate electric generating stations in the County of Wayne, for the purpose of serving the inhabitants of the incorporated Town of Loa and the communities of Torrey, Teasdale, Bicknell, Lyman, and Fremont, all of which are,

at the present time, without electrical service; that the said service will be for all useful purposes, but more especially for lighting; that the Town and communities proposed to be serviced by the applicant under the name of the Peoples Light & Power Company have a combined population of approximately 1,500 people; and that the public convenience and necessity requires said service.

That the capital investment required in order to construct the generating stations and proper transmission lines in the territory proposed to be serviced by the applicant, will entail a cost of approximately \$17,000.00, and that the applicant is financially able to construct said plants and render the service as applied for.

That the applicant has filed herein, a schedule of rates proposed to be charged consumers of electrical energy and has acquired the necessary franchises from the Town of Loa and the County Commissioners of Wayne County, as required by statute.

From the findings aforementioned, the Commission now concludes and decides that the application herein should be granted, and that a certificate of public convenience and necessity authorizing and permitting George T. Eckersley, as the Peoples Light & Power Company to render said service, should be issued to him.

An appropriate order will follow.

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

(Seal)

Attest:

(Signed) L. Lawrence, Acting Secretary.

ORDER

Certificate of Convenience and Necessity

No. 369

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, A. D., 1930.

In the Matter of the Application of the PEOPLES LIGHT & POWER COMPAN- NY, for permission to construct and oper- ate electric power plants at Loa and Tor- rey, Wayne County, Utah.	}	Case No. 1171
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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; and that George T. Eckersley as the Peoples Light & Power Company, be and he is hereby authorized, to construct, maintain, and operate power plants at Loa and Torrey, Wayne County, Utah, for the purpose of serving the Town of Loa and the communities of Torrey, Teasdale, Bicknell, Lyman and Fremont, all in Wayne County, Utah, with electrical energy.

ORDERED FURTHER, That in the operation of said electric power plants, said George T. Eckersley shall conform to the rules and regulations heretofore issued by the Commission and the laws of the State of Utah.

By the Commission.

(Seal) (Signed). L. LAWRENCE,
Acting Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

<p>In the Matter of the Application of the UTAH PARKS COMPANY, a Corporation, for permission to transfer to the INTERSTATE TRANSIT LINES, a Corporation, its operative rights between Cedar City and Paragonah, Salt Lake City and Fillmore, and Payson to the Utah-Arizona State Line, and to combine said operative rights with the present operative rights of the Interstate Transit Lines in the State of Utah.</p>	<p style="font-size: 4em;">}</p>	<p>Case No. 1172</p>
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Submitted: June 24, 1930.

Decided: July 2, 1930.

Appearance:

Mr. J. V. Lyle, Attorney, } for Applicant.

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 24th day of June, 1930, after due notice

given. No protests were made or filed to the granting of the application as applied for by the applicant. From the admitted facts and the evidence adduced for and in behalf of the applicant, and the record and files in the case, it appears:

That the applicant, Utah Parks Company, and the Interstate Transit Lines, respectively, are foreign corporations duly and legally empowered to do business in the State of Utah; that each is an automobile corporation within the meaning of subdivision 13, Section 4782, Compiled Laws of Utah, 1917, that as such automobile corporation, the Utah Parks Company is now and for some time past has been engaged in the State of Utah, in rendering automobile passenger, baggage, and express service over United States Highway No. 91 between Cedar City and Paragonah, Salt Lake City and Fillmore, and Payson to the Utah-Arizona State Line under Certificates of Public Convenience and Necessity Nos. 353, 360, and 365, respectively, in connection with interstate service.

That the applicant, Utah Parks Company, now seeks to transfer, merge, and render the service authorized under said certificates of public convenience and necessity issued to it by the Commission, to the Interstate Transit Lines.

That the Utah Parks Company and the Interstate Transit Lines are associated and affiliated corporations and are under common ownership and control, and for the purpose of more economically exercising and rendering service to the public, the Interstate Transit Lines propose to render the service, both intrastate and interstate, now being rendered by the Utah Parks Company over said Highway No. 91; that the Interstate Transit Lines is financially able and in every way qualified to render said service; and that public convenience and necessity requires the same, all of which will more fully appear from the verified application herein, and the testimony adduced at said hearing, which are expressly referred to and made a part of these findings.

From the foregoing findings, the Commission concludes and decides that it would be to the best interest of the public that the application as herein made, should be granted as applied for by the applicant.

An appropriate order will follow.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity

No. 368

Cancels Certificates of Convenience and Necessity

Nos. 353, 360, and 365

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah,
on the 2nd day of July, A. D., 1930.

<p>In the Matter of the Application of UTAH PARKS COMPANY, a Corporation, for permission to transfer to the INTER- STATE TRANSIT COMPANY, a Corpo- ration, its operative rights between Cedar City and Paragonah, Salt Lake City and Fillmore, and Payson to the Utah-Arizona State Line, and to combine said operative rights with the present operative rights of the Interstate Transit Lines in the State of Utah.</p>	}	Case No. 1172
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This case 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. 353, issued to the Utah Parks Company in Case No. 1145, authorizing it to operate passenger, baggage, and express line between Cedar City and Paragonah and intermediate points, be and it is hereby cancelled and annulled; that Certificate of Convenience and Necessity No. 360, issued to the Utah Parks Company in Case No. 1143, authorizing it to operate an automobile passenger, baggage, and express line between Salt Lake City and Fillmore, and intermediate points, making one round trip each week, and no more, be and it is hereby cancelled and annulled; and that Certificate of Convenience and Necessity No. 365, issued to the Utah Parks Company in Case No. 1125, authorizing it to operate automobile passenger, baggage, and express line between Payson and the Utah-Arizona State Line, and all intermediate points, and to pick up and discharge passengers, baggage, and express originating at or between Salt Lake City and Payson when destined to points south of Payson, likewise when originating

between Utah-Arizona State Line and Payson, but destined to points north of Payson, to Salt Lake City, be and it is hereby, cancelled and annulled:

ORDERED FURTHER, That the Interstate Transit Lines, be and it is hereby, authorized and permitted under Certificate of Convenience and Necessity No. 368 herein, to render the automobile passenger, baggage, and express service between Cedar City and Paragonah, Salt Lake City and Fillmore, and Payson to the Utah-Arizona State Line, as heretofore rendered by the Utah Parks Company under said Certificates of Convenience and Necessity Nos. 353, 360, and 365, and to combine said service with the interstate and intra-state service now being rendered by it in the State of Utah:

ORDERED FURTHER, That the Interstate Transit Lines, 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 definitely designate in its said schedule, the automobile buses that will be used by it in carrying passengers between Salt Lake City and Payson, Utah, once each way each week in lieu of the service heretofore rendered under Certificate of Convenience and Necessity No. 360, heretofore ordered cancelled and annulled; 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. To become effective July 5, 1930.

By the Commission.

(Signed) F. L. OSTLER,

(Seal)

Secretary.

In the Matter of the Application of the
UNION PACIFIC STAGES, INC.,
for permission to operate an automobile
passenger, baggage, and express line be-
tween Salt Lake City and Ogden, Utah,
and the Utah-Idaho State Line and the
Utah-Wyoming State Line, and all inter-
mediate points.

} Case No. 1173

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPAN- NY, for permission to construct, maintain, and operate an electric bus transportation system on certain streets in Salt Lake City, Utah, and to discontinue street car service on certain streets therein.	}	Case No. 1174
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Submitted: July 28, 1930.

Decided: September 15, 1930.

Appearance:

Arthur C. Inman, Attorney, } for Applicant.

REPORT OF THE COMMISSION

By the Commission:

On the 23rd day of June, 1930, the Utah Light & Traction Company made and filed its petition before the Commission for an order authorizing and permitting it to construct, maintain, and operate an electric bus transportation system and service and extensions on, over, and along the following streets in Salt Lake City, Utah, and to discontinue rendering street car service over the same:

“Beginning at the intersection of Main Street and Second South Street, thence on Second South Street to West Temple Street, thence on West Temple Street to North Temple Street, thence on North Temple Street to Second West Street, thence on Second West Street to Beck Street, thence on Beck Street to Ninth North Street.

“Also on North Temple Street between Main Street and West Temple Street, connecting with the above described route at North Temple and West Temple Streets.

“Also beginning at the intersection of State Street and Seventh South Street, thence on State Street to Third South Street, thence on Third South Street to Main Street.”

Said transportation service to be in lieu of the existing street car service over the above mentioned route, comprising what is known as the “Warm Springs” route.

The matter came on regularly before the Commission, after due notice given, on the 21st day of July, 1930, at the

office of the Commission in the State Capitol, Salt Lake City, Utah. No protests were made or filed to the granting of the petition.

It appears that the Utah Light & Traction Company is a corporation of the State of Utah, with its principal place of business in Salt Lake City, Utah; that its articles of incorporation are on file in the office of the Commission; that petitioner is now and for many years last past has been engaged in the business of rendering street railway, trolley bus, and bus service in Salt Lake City, Salt Lake County, and Davis County; that it has procured from the Board of Commissioners of Salt Lake City, the necessary franchise authorizing it to construct, maintain, and operate electric bus transportation system on, over and along the streets upon which said electric bus transportation applied for herein is to be rendered: that the substitution of the said electric bus transportation service for the present street railway service now being rendered over the route here under consideration by the petitioner will be for the best interests of the travelling public, as well as the general public of Salt Lake City, and is a more desirable method of transportation than that now being rendered over the route that will be affected thereby.

Wherefore, by reason of the premises, the findings aforesaid, and upon the record and files herein, all of which are expressly referred to and made a part of these findings, the Commission concludes and decides that the petitioner, Utah Light & Traction Company, should be permitted to discontinue street car service over and along the route commonly known as the "Warm Springs" route, and to substitute electric bus service in lieu thereof, the street car tracks, however, not to be removed and street car service to be continued to the West High School during the morning and evening hours of the school season.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOS. 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 15th day of September, A. D., 1930.

<p>In the Matter of the Application of the UTAH LIGHT & TRACTION COMP- ANY, for permission to construct, maintain, and operate an electric bus transportation system on certain streets in Salt Lake City, Utah, and to discontinue street car service on certain streets therein.</p>	}	Case No. 1174
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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 petitioner, Utah Light & Traction Company, be and it is hereby, authorized and permitted to construct, maintain, and operate an electric bus transportation system over and along the following described route in Salt Lake City, Utah, to-wit:

“Beginning at the intersection of Main Street and Second South Street, thence on Second South Street to West Temple Street, thence on West Temple Street to North Temple Street, thence on North Temple Street to Second West Street, thence on Second West Street to Beck Street, thence on Beck Street to Ninth North Street.

“Also on North Temple Street between Main Street and West Temple Street, connecting with the above described route at North Temple and West Temple Streets.

“Also beginning at the intersection of State Street and Seventh South Street, thence on State Street to Third South Street, thence on Third South Street to Main Street.”

ORDERED FURTHER, That petitioner, be and it is hereby, authorized to discontinue street car service over and along that portion of its existing railway system commonly known as the “Warm Springs” route, the street car tracks not to be removed, however, and street car service to be con-

tinued to the West High School during the morning and evening hours of the school season.

By the Commission:

(Signed) F. L. OSTLER,
Secretary.

In the Matter of the Application of ALMA WARREN and CYRIL WOOLSTEN HULME, for permission to operate an automobile passenger line between Salt Lake City and Vernal, Utah.	}	Case No. 1175
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PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to reconstruct an existing overhead crossing over the main line tracks of the Oregon Short Line Railroad Company on State Highway No. 38, in Weber County, Utah.	}	Case No. 1176
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Submitted: July 8, 1930.

Decided: July 10, 1930.

Appearances:

H. S. Kerr, Chief Engineer,	}	for State Road Commission.
Mr. J. T. Hammond, Jr.,		for Oregon Short
Attorney,		Line Railroad Company.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on for hearing before the Public Utilities Commission of Utah at Salt Lake City Utah, after due notice given, on the 7th day of July, 1930, upon the application of the State Road Commission of Utah, for permission to reconstruct an existing overhead crossing over the main line tracks of the Oregon Short Line Railroad on State Highway No. 38, in Weber County, Utah, and for an apportionment of the cost of said reconstruction. No protests were made or filed against the granting of the application.

From the evidence adduced at the hearing, the Commission finds as follows:

That the State Road Commission of Utah is a commission authorized by law to construct, maintain, and supervise the state highways.

That said Commission is now reconstructing and surfacing with concrete, State Highway No. 38 from its junction with U. S. Highway No. 91 to a junction with State Highway No. 37, a distance of 4.41 miles, thus providing an additional improved entrance to Ogden City, Weber County, Utah, from the south.

That the existing viaduct on Highway No. 38, over the tracks of the Oregon Short Line Railroad is an obsolete wooden structure, inadequate to serve the public safely and conveniently who will be attracted to the highway by reason of its improvement.

That the proposed viaduct will cost approximately \$21,859.00 of which amount \$1,549.00 will be incurred by reason of lengthening the structure beyond present needs for the future construction of an additional track by the railroad company. That said \$1,549.00 will be expended for the sole benefit of the railroad company, and should be deducted from the total cost of \$21,859.00 in apportioning the cost to be borne by the state and by the railroad. We, therefore, find that the State Road Commission should pay approximately \$10,155.00 and the Oregon Short Line Railroad Company about \$11,704.00, the actual amounts to be in the same proportion, and dependent upon the actual cost at the time of completion, which apportionment the Commission finds to be just and reasonable.

That said viaduct should be maintained at the expense of the railroad company, and that the roadway surface should be maintained at the expense of the State Road Commission for the State of Utah.

IT IS THEREFORE ORDERED, That the application herein, of the State Road Commission of Utah, for permission to reconstruct an existing overhead crossing or viaduct over the main line tracks of the Oregon Short Line Railroad Company on State Highway No. 38, in Weber County, Utah, be and it is hereby granted; that of the approximate total cost of \$21,859.00 for the construction of said crossing, \$10,155.00 is to be paid by the State Road Commission and \$11,704.00 by the Oregon Short Line Railroad Company, the actual amounts to be in the same proportion; and that the viaduct

is to be maintained by the Railroad Company, and the roadway surfaced by the State Road Commission.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

<p>In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to reconstruct an existing overhead crossing over the main line tracks of the Oregon Short Line Rail- road Company on State Highway No. 38, in Weber County, Utah.</p>	<p style="font-size: 3em;">}</p>	<p>Case No. 1176</p>
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Submitted: August 19, 1930.

Decided: August 21, 1930.

Appearances:

H. S. Kerr, Chief Engineer,	{	for State Road Commission.
	{	for Oregon Short
J. V. Lyle, Attorney,	{	Line Railroad
	}	Company.

SUPPLEMENTAL REPORT AND ORDER OF THE COMMISSION

By the Commission:

In the above entitled matter, the Commission having heretofore made and entered its report and order on July 10, 1930, wherein it was ordered that the cost of maintenance of the overhead crossing or viaduct over the main line tracks of the Oregon Short Line Railroad Company on Highway No. 38, should be borne by the Railroad Company, and the cost of maintenance of the roadway surfaced by the State Road Commission, and the parties thereto having objected to the Commission's order for the maintenance of said overhead crossing or viaduct upon the grounds that the same would be unjust and unreasonable under the circumstances and conditions, and they having applied to the Commission for a further hearing with respect to the cost of maintenance of said viaduct, the said matter came on regularly for hearing at the office of the Commission in the State Capitol, Salt

Lake City, Utah, on the 18th day of August, 1930, after due notice given.

And it appearing from the evidence of H. S. Kerr, Chief Engineer for the State Road Commission of Utah that under the facts and circumstances, the Commission's said order with respect to the maintenance of said viaduct should be modified.

Now therefore, by reason of the premises, IT IS HEREBY ORDERED, That the State of Utah shall at its own expense maintain the roadway and wearing surface of the roadway located on said viaduct; that the viaduct shall be maintained by the State of Utah, except that all painting shall be done by the railroad company, the expense of such maintenance including painting, shall be borne jointly and equally by the parties hereto; the Oregon Short Line Railroad Company shall at its own expense continue to maintain the slopes of its cut within the limits of the viaduct, provided, however, that the State of Utah shall reimburse the Oregon Short Line Railroad Company for any and all expense of whatsoever nature, incurred by the Oregon Short Line Railroad Company by reason of the discharge of water from the surface of the roadway on said viaduct or from the highway adjacent thereto, onto the railroad right of way.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to relocate and re- construct an overhead crossing over the main line tracks of the Bamberger Elec- tric Railroad Company on U. S. Highway No. 91, in Weber County, Utah.	}	Case No. 1177
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PENDING.

In the Matter of the Application of WELLS R. STREEPER, for permission to operate as a common carrier of freight for hire between Brigham City and the Utah-Idaho State Line.	}	Case No. 1178
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PENDING.

In the Matter of the Application of PICK-
WICK STAGE LINES, INC., for permis-
sion to operate automobile passenger, bag-
gage, and express line between Ogden and
Salt Lake City, Utah, and the Utah-Idaho
State Line, and all intermediate points, but
not intermediate points between Ogden and
Salt Lake City, Utah. } Case No. 1179

PENDING.

In the Matter of the Application of J. H.
WADE and W. A. ENGLE, for permission
to operate an automobile passenger line
between Salt Lake City and Price, Utah. } Case No. 1180

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the Los
Angeles & Salt Lake Railroad Company
for permission to discontinue the operation,
between Salt Lake City, Utah and Garfield,
Utah of trains Nos. 67 and 68. } Case No. 1181

Submitted: August 11, 1930. Decided: August 11, 1930.

Appearances:

John V. Lyle and Robert B. Porter, Attorneys	} for the Petitioner Los An- geles & Salt Lake Railroad Company.
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REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 17th day of July 1930, the Los Angeles and Salt Lake Railroad Company, filed herein its petition, among other things, representing that public convenience and necessity does not now require the operation of its passenger trains Nos. 67 and 68 between Salt Lake City and Garfield, Utah and requested that the Commission, after a hearing, make and enter its order authorizing and permitting the discontinuance of said train service.

No protests were made or filed against the granting of the petition as applied for by the Petitioner.

The matter came on regularly for hearing before the Commission at its office in the State Capitol, Salt Lake City, Utah, after due notice given, on the 11th day of August 1930.

From the evidence adduced at said hearing for and in behalf of the petitioner and from the admitted facts found in the records and files in the case, all of which, are expressly referred to and made a part of the findings herein it appears:

That the petitioner, Los Angeles and Salt Lake Railroad Company, is a corporation organized and existing under and by virtue of the laws of the State of Utah, and is engaged in the business of a common carrier of freight and passengers, both interstate and intrastate by railroad within and through the States of Utah, Nevada and California, its main line termini being Salt Lake City in Utah and Los Angeles in the State of California:

That petitioner is now and for a long time past has been operating locally a train between Salt Lake City and Garfield, Utah, for the benefit of the employees of the American Smelting and Refining Company, which operates a large smelting plant at Garfield:

That for the six months period, January 1st to July 1st, 1930, the operation of said trains Nos. 67 and 68 earned \$861.22, an average of but \$143.54 per month and the operating costs, not including taxes or general overhead expenses, for said six months period resulted in a loss to the petitioner of \$4090.79 or an average loss per month of \$679.68; that for the purpose of serving said smelter and refinery of the American Smelting and Refining Company said train operations of the petitioner includes the point known as Wye a short distance beyond the plant above mentioned and by amendment of the petition herein said point has been included accordingly and will be affected by the Commission's report and order hereby made.

That by reason of the American Smelting and Refining Company having largely reduced the number of the employees working at its said plant, the operation of said trains of the petitioner accommodates but few passengers; that Magna including the said industrial plant of the American Smelting and Refining Company is now being served not only by other trains operated by the petitioner but also by the trains of the Bingham and Garfield Railway Company and the bus line of the Salt Lake Tooele Stage Lines, all of which conveniently and adequately provide passenger service to the same points and territory now served by said local trains 67 and 68 of the petitioner.

From the findings above made and the records and files in this case, the Commission concludes and decides that the petition of the Los Angeles and Salt Lake Railroad Company herein should be granted.

IT IS THEREFORE ORDERED, That the Los Angeles and Salt Lake Railroad Company be and it is hereby authorized and permitted to forthwith discontinue the operation of its local passenger trains Nos. 67 and 68 between Salt Lake City and Magna, including Wye, Utah, and this order becomes effective upon the date and filing hereof.

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

In the Matter of the Application of NICK GALANIS and NICK KARRAS, for permission to operate an automobile passenger line between Salt Lake City and Price, Utah.	}	Case No. 1182
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PENDING.

In the Matter of the Application of the MOAB GARAGE COMPANY, for a permit to operate bus and truck service between Moab and Thompson via Green River to Price, and between Moab and Thompson via Cisco to the Colorado State Line.	}	Case No. 1183
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PENDING.

In the Matter of the Application of JOHN McFADYEN and L. B. DENNING, for permission to construct, maintain, and operate gas distributing plants or systems for the purpose of supplying gas for light, heat, power, and other purposes to the cities of Provo, Pleasant Grove, Orem, Linden, American Fork, and Lehi, Utah, and the inhabitants thereof.	}	Case No. 1184
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PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

<p>In the Matter of the Application of UTAH POWER & LIGHT COMPANY, for a certificate of convenience and necessity to exercise the rights and privileges conferred by franchise granted by the Town of Portage, Box Elder County, Utah.</p>	}	Case No. 1185
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Submitted: October 10, 1930. Decided: October 18, 1930.

Appearance:

Arthur C. Inman, Attorney } for Applicant.

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 the State Capitol, Salt Lake City, Utah, on the 6th day of October, 1930, upon the application of the Utah Power & Light Company, for a certificate of convenience and necessity to exercise the rights and privileges conferred by franchise granted by the Town of Portage, Box Elder County, Utah.

It appears that Portage is a village located in Box Elder County, State of Utah, where the applicant, Utah Power & Light Company has been and is now serving various territories since the year 1916 with electricity for all useful purposes; that in the year 1916 Box Elder County granted to the applicant a general franchise to serve electrical energy for such purposes, within said County, a copy of which is on file in the office of the Commission; that the Town of Portage has no general electric service at the present time and public convenience and necessity now require the same.

From the foregoing findings of fact, the Commission concludes and decides that the application of the Utah Power & Light Company to serve the Town of Portage with electrical energy for general purposes, upon the same terms as are now standard in other and surrounding towns, should be granted as applied for.

An appropriate order will follow.

(Signed) E. E. CORFMAN,

G. F. MCGONAGLE,

Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 370

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 18th day of October, 1930.

<p>In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a certificate of convenience and necessity to exercise the rights and privileges conferred by franchise granted by the Town of Portage, Box Elder County, Utah.</p>	}	Case No. 1185
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This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the applicant, Utah Power & Light Company, be and it is hereby, authorized to construct, maintain, and operate in the present and future streets, alleys, and public places in the Town of Portage, Box Elder County, Utah, electric light and power lines, together with all 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, and shall furnish electrical energy upon the same terms as are now standard in other and surrounding towns.

By the Commission.

(Signed) F. L. OSTLER,
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

In the Matter of the Application of PETTY
& LUNT, INC., for permission to operate
an automobile freight and express line be-
tween Cedar City and Kanab, Utah. } Case No. 1186

Submitted: August 20, 1930. Decided: October 21, 1930.

Appearances:

Chas. B. Petty and Wilson N. Lunt, Cedar City, Utah,	}	for Themselves.
W. J. Forbes, Cedar City, Utah,	}	for Forbes Brothers, Protest- ant.
Joseph S. Snow, St. George, Utah,	}	for Hail and Snow.
David Hirschi, Hurricane, Utah,	}	for Hurricane Truck Line.

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 20th day of August, 1930, after due notice given, on the application of Petty and Lunt, Inc., for permission to operate an automobile, freight and express line between Cedar City and Kanab, Utah, and requesting also that the certificate of convenience and necessity to operate an automobile truck line between Cedar City and Kanab, Utah, over the Zion-Mt. Carmel Highway, heretofore granted Forbes Brothers, a co-partnership consisting of W. J. Forbes and R. T. Forbes, be cancelled.

The protestants, Hail and Snow, St. George, Utah, and the Hurricane Truck Line, Hurricane, Utah, withdrew their opposition when explanation was made by Mr. Petty, that the applicants desired to haul freight and express from Cedar City to Kanab, but did not intend to serve intermediate points.

The protestant, Forbes Brothers, a co-partnership, made the claim that there is not a sufficient amount of freight and

express to be transported from Cedar City to Kanab, and from Kanab to Cedar City to justify more than one certified carrier.

From the evidence adduced for and in behalf of the respective parties, the Commission finds the following facts:

1. That the applicant, Petty and Lunt, Inc., is an automobile corporation duly organized and existing under the laws of the State of Utah, with its principal office or place of business in Cedar City, Utah; that the said applicant has a four year mail contract from Cedar City to Kanab, Utah, and is now making daily trips between said cities via Toquerville, LaVerkin, Hurricane, Virgin, Rockville, Springdale, Zion National Park, and Kanab, Utah; that applicant is prepared and financially able to furnish all the equipment necessary in the performance of the service applied for.

2. That the protestant, Forbes Brothers, a co-partnership, consisting of W. J. Forbes and R. T. Forbes, was granted a certificate of convenience and necessity on the 20th day of September, 1929, Case No. 1105, authorizing and permitting them to operate an automobile truck line between Cedar City and Kanab, Utah, over the Zion-Mt. Carmel Highway, the same route now applied for by applicant. While the said Zion-Mt. Carmel Highway has been open to the public since about the middle of April, 1930, up to the time of this hearing the said Forbes Brothers have not exercised nor complied with the requirements of their certificate; no service whatever having been rendered over said route; and although the Commission has written letters and sent telegrams to the Forbes Brothers requesting information as to their plans for the operation of said automobile freight line between Cedar City and Kanab, Utah, nothing was done until the day before the time set for this hearing, when as Mr. W. J. Forbes testified at the hearing, "All necessary papers and bonds, insurance and things were filed with the Public Utilities Commission yesterday." (Transcript Page 13.)

Since the hearing on August 20, 1930, no taxes have been paid and no reports whatever have been filed with this Commission.

Upon the showing made and the record herein, and the facts found, the Commission concludes and decides that a certificate of convenience and necessity should be issued to the applicant, Petty and Lunt, Inc., and further that Certificate of Convenience and Necessity No. 351, issued on the 20th day

of September, 1929, to Forbes Brothers, a co-partnership, in Case No. 1105, should be cancelled and annulled.

An appropriate order will follow.

(Signed) THOS. 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. 371, Cancels
Certificate of Convenience and Necessity No. 351.**

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 21st day of October, A. D., 1930.

In the Matter of the Application of PETTY AND LUNT, INC., for permission to oper- ate an automobile freight and express line between Cedar City and Kanab, Utah.	}	Case No. 1186
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This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application be and it is hereby, granted, and that Petty and Lunt, Inc., be and it is hereby, authorized and permitted to operate an automobile freight and express line between Cedar City and Kanab, Utah, provided that they do not serve intermediate points between Cedar City and Kanab, Utah:

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 351, heretofore issued to Forbes Brothers, consisting of W. J. and R. T. Forbes, a co-partnership, be and it is hereby, cancelled and annulled, for failure to exercise or comply with the requirements of said certificate:

ORDERED FURTHER, That applicant, Petty and Lunt, Inc., before beginning operation, shall file with the Commission and post at the termini of its route, a schedule as pro-

vided by law and the Commission's Tariff Circular No. 4, naming rates and showing arriving and leaving time from each terminus; 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.

In the Matter of the Application of the RIO
GRANDE MOTOR WAY OF UTAH,
INC., for permission to operate an automo-
bile passenger, baggage, express, and pack-
age freight line between Salt Lake City
and Price, Utah.

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

In the Matter of the Application of D. P. ABERCROMBIE, as Receiver for the SALT LAKE & UTAH RAILROAD COMPANY, for permission to amend Salt Lake & Utah Railroad Company Local Passenger and Baggage Tariff No. P. 4-D, P. U. C. U. No. P-20. } Case No. 1188

Submitted: October 10, 1930. Decided: December 4, 1930.
Appearance:

F. M. Orem, } for Applicant

REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of August 1, 1930, the Salt Lake & Utah Railroad Company, D. P. Abercrombie, its Receiver, filed application for permission to amend its Local Passenger and Baggage Tariff P. 4-D, P. U. C. U. No. P-20. Applicant requests permission to amend certain provisions in the matter of making refunds on unused portions of school books and commutation books. This case came on regularly for hearing on October 6, 1930, after due and legal notice was given to all interested parties. There were no protests, either oral or written.

APPLICANT testified and the evidence shows that heretofore in the matter of redemption of school books, no recognition was given to the element of minimum charges in making refunds. School books consist of 40 one way tickets, while commutation books consist of 20 one way tickets. At the present time the bases for refunds are as follows:

"School books will be redeemed at any time, refund arrived at by multiplying mileage traveled by 3c per mile and refunding difference, if any, between result so obtained and purchase price, except that scholars may secure refund down to 1.5 cents per mile for mileage traveled on books purchased within thirty days from end of school session. The refund last named applies only on books purchased within the thirty days specified, and is authorized in order that scholars may not be forced to carry over books until the next session."

"Commutation books will be redeemed on basis of charging 3c per mile for all mileage used, and refunding difference between result so obtained and purchase price."

"Refund on unused mileage will be made on the basis of charging 3c per mile for all mileage used; this amount to be deducted from the original purchase price of book, the balance, if any, to be refunded to purchaser if presented within eighteen months from date of purchase."

Applicant desires to amend these provisions as follows:

"School books will be redeemed at any time, refund arrived at by multiplying mileage traveled by 3c per mile and refunding difference, if any, between result so obtained and purchase price, (a) **except where purchase price is the minimum provided in Item 70, refund will be made on basis of 3c per mile for mileage traveled, observing minimum round trip fare of 25c for each round trip used.** Students may secure refund down to 1.5c per mile for mileage traveled on books purchased within 30 days from end of school session. The refund last named applies only on books purchased within the 30 days specified, and is authorized in order that students may not be forced to carry over books until the next session. (a) **Where minimum provided in Item 70 is observed in sale of school books, refund will be made on basis of charging 7.5c for each ticket used, refunding differences.**

"Commutation books will be redeemed on basis of charging 3c per mile for all mileage used, and refunding difference between result so obtained and purchase price, (a) **except where minimum provided in Item 70 is observed in sale of commutation books, refund will be made on basis of 3c per mile for mileage traveled, observing minimum round trip fare of 25c for each round trip used.**

"Refund on unused mileage, (a) **with baggage strip attached**, will be made on the basis of charging 3c per mile for all mileage used; this amount to be deducted from the original purchase price of book, the balance, if any, to be refunded to purchaser (R) * * *."

(a) Denotes advance. (R) Denotes reduction.
* * * Words eliminated.

The Commission after considering all of the evidence finds that in arriving at bases for redeeming unused portions of school books and commutation books, minimum charges should be given consideration, and that the application herein should be granted.

IT IS THEREFORE ORDERED, That the application herein, of D. P. Abercrombie, as Receiver for the Salt Lake and Utah Railroad Company, for permission to amend Local Passenger and Baggage Tariff P. 4-D, P. U. C. U. No. P-20, be and it is hereby granted, on regular statutory notice of thirty days to the Commission and the public.

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

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of TEL- LURIDE POWER COMPANY, for a Cer- tificate of Convenience and Necessity.	}	Case No. 1189
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PENDING.

In the Matter of the Application of R. C. CLARK, R. I. BRAFFET, H. V. LEON- ARD, AND G. R. LEONARD, for a cer- tificate of convenience and necessity to op- erate a bus line between Price, Utah, and Salt Lake City, Utah.	}	Case No. 1190
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PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH

In the Matter of the Application of the
STATE ROAD COMMISSION OF
UTAH, for permission to abandon an ex-
isting grade crossing over the west bound
main line track of the Union Pacific Rail-
road Company, near Wahsatch, Summit
County, Utah. } Case No. 1191

Submitted: October 10, 1930. Decided: October 18, 1930.

Appearances:

Mr. H. S. Kerr,	}	for Applicant.
Mr. J. T. Hammond, Jr., Attorney,		for Union Pacific RR. Co.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission at its office in the State Capitol, at Salt Lake City, Utah, upon the application of the State Road Commission of Utah, for permission to abandon an existing crossing over the west bound main line tracks of the Union Pacific Railroad Company near Wahsatch, Summit County, Utah. No protests were made or filed on the part of any interested parties to the granting of the application as herein made.

From the evidence produced for and in behalf of the applicant, it appears that the applicant is a Commission created by law and has general jurisdiction over the public highways of the State of Utah; that on or about the 30th day of July, 1930, applicant, State Road Commission, entered into a tentative agreement with the Union Pacific Railroad Company, whereby, among other things, the elimination of the Wahsatch crossing herein mentioned should be made on certain terms more specifically set forth in the transcript of the proceedings herein, which is hereby referred to and expressly made a part of these findings; that the elimination of said crossing would be for the best interests of the public, and the terms agreed upon between applicant and the Union Pacific Railroad Company in regard to the cost of making said elimination are just and reasonable; that the applicant, State Road Commission, has made satisfactory arrangements with all parties that will

be affected by reason of said crossing elimination, as will more fully appear from the transcript of the record herein made. Now, therefore, by reason of the premises, the Commission concludes and decides that the application of the State Road Commission herein, should be granted.

IT IS THEREFORE ORDERED, That the application herein, of the State Road Commission of Utah, for permission to abandon an existing grade crossing over the west bound main line track of the Union Pacific Railroad Company, near Wahsatch, Summit County, Utah, be and it is hereby granted, and that the costs incident thereto be apportioned as agreed to on the part of the State Road Commission and the Union Pacific Railroad Company, and as will more fully appear from the agreement made between the said parties herein and made a part of the records of this case.

(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 }
SOUTHERN PACIFIC COMPANY, for }
permission to abandon non-agency station } Case No. 1192
at Carver, Weber County, Utah. }

Submitted: October 10, 1930. Decided: October 18, 1930.

Appearance:

D. R. Owen, } for Applicant.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its office in the State Capitol, Salt Lake City, Utah, on the 6th day of October, 1930, upon the application of the Southern Pacific Company, for permission to abandon non-agency station at Carver, Weber County, Utah. No protests were made or filed to the granting of the application as made and no opposition was shown why the application should not be granted.

It appears that Carver is a non-agency station situated in Weber County, Utah, established for the sole purpose of re-

ceiving and loading sugar beets for transportation to the Amalgamated Sugar Company operating a sugar beet factory in Weber County; that said Sugar Company during the past eighteen months has dismantled all loading facilities for loading sugar beets at said point, and shipments from said point have been discontinued; that no other property is shipped from Carver Station, and therefore the Commission concludes and decides that the application should be granted as applied for.

IT IS THEREFORE ORDERED, That the application herein of the Southern Pacific Company, for permission to abandon non-agency station at Carver, Utah, be and it is hereby, granted.

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of OREGON SHORT LINE RAIROAD COMPANY, for permission to reconstruct an underpass near Cache Junction, Cache County, Utah. PENDING.	}	Case No. 1193
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In the Matter of the Application of the RIO GRANDE MOTOR WAY OF UTAH, INC., for permission to operate motor truck service for the transportation of freight and express between Salt Lake and Price, Utah. PENDING.	}	Case No. 1194
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BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JOHN McFADYEN AND L. B. DENNING, for a certificate of convenience and necessity to construct, maintain, and operate gas dis- tributing plants or systems, for the purpose of supplying gas for lights, heat, power, and other purposes to the counties of Box Elder and Cache in the State of Utah, the Town of Perry, and the Cities of Willard, Brigham, Wellsville, Hyrum, Logan, Rich- mond, and Smithfield in the State of Utah, and the inhabitants thereof.	}	Case No. 1195
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Submitted: November 6, 1930. Decided: December 22, 1930.

Appearances:

DeVine, Howell, Stine, and Gwilliams, Attorneys, Og- den, Utah,	}	for Applicants.
George D. Preston, At- torney, Logan, Utah,		for Representatives of Lew- iston, Hyde Park, Provi- dence and Millville, cities not covered by the application.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This matter came on regularly for hearing, after due notice given, before the Public Utilities Commission of Utah, at the Court room of the District Court in the County Court House at Logan, Utah, on the 6th day of November, 1930, upon the application of John McFadyen and L. B. Denning, Case No. 1195, filed with the Commission, September 22, 1930, for a certificate of convenience and necessity for the purpose of supplying gas for all purposes to the Counties of Box Elder and Cache, the Town of Perry and the Cities of Willard, Brigham, Wellsville, Hyrum, Logan, Richmond, and Smithfield in the State of Utah, and the inhabitants thereof.

No formal protests to the application were filed with the Commission, and no protests were made at the hearing in behalf of any of the counties, cities or towns interested in the granting or refusal of a certificate of convenience and necessity. However, representatives of Lewiston, Hyde Park, Providence and Millville appeared and requested that those cities and towns as well as the cities and towns in the same territory covered by the application, be served with gas by the applicants.

From the evidence adduced at the hearing and admitted of record for and in behalf of the applicants, it appears:

That the application is made by John McFadyen, who resides at Casper, Wyoming, and L. B. Denning, who resides at Dallas, Texas, in their representative capacity, and that it is their intention to assign any and all rights that might be granted them to the Wasatch Gas Company, a corporation organized and existing under and by virtue of the laws of the State of Utah, and now distributing gas to the counties of Salt Lake, Weber, Davis, Summit, Tooele, Morgan, and Daggett, and the cities and towns of Kaysville, Farmington, Bountiful, Murray, Tooele, Clearfield, Layton, Centerville, Morgan, and Midvale, and the inhabitants thereof.

Other interests also represented by the applicants, John McFadyen and L. B. Denning, viz. the Uintah Pipe Line Company, a corporation, now have constructed a main pipe line for the purpose of conveying gas from the gas fields in what is known as the Baxter Basin and North of Baxter Basin in the State of Wyoming, the Hiawatha Field in Colorado, and the clay Basin Field on the Utah-Wyoming State Line, to the City of Ogden and County of Weber and the inhabitants thereof, the northern extremity of which pipe line is a short distance west of the western limits of Ogden City in the vicinity of Seventeenth Street if projected westward, and the applicants in their representative capacity, for the said Uintah Pipe Line Company, propose to extend that pipe line thence in a northern direction to the vicinity of Brigham City, thence through the Box Elder and Sardine Canyons to the vicinity of the City of Wellsville, thence to Logan, Smithfield, and Richmond, and the Utah-Idaho State Line, and thence to the Towns of Downey and McCammon, and the City of Pocatello in the State of Idaho, the counties, cities, and towns and the inhabitants thereof.

That said main line as at present constructed was laid in contemplation of supplying the territory in Utah and Idaho which it now proposes to serve and that the same is ample for the present and prospective needs of the additional territory proposed to be served.

That the source of supply of said gas to be furnished under this application is the same source of supply as that described in the report of the Commission in consolidated Cases Nos. 1060, 1061, and 1066 before this Commission, and according to the testimony, since the hearing of those cases, by the drilling of new wells and the development of new structures the reserve of gas has been increased approximately 30 per cent.

That the estimated cost of the entire main line here proposed, both that in Utah and Idaho, and the distributing systems and plants in the cities and towns to be served by the Wasatch Gas Company is approximately \$3,200,000.00. That the capital for its proposed extension is available without any securities or capital stock being offered for sale in the States of Utah or Idaho.

That public convenience and necessity will be subserved by the introduction of natural gas into the territory now proposed herein to be served by the applicants.

The applicants stated at the hearing that they were willing to serve the towns and cities not at present proposed to

be served when the consumption and revenue therefrom is shown to be sufficient to justify any additional investment necessary to serve such communities.

That the rates which it is proposed to charge for gas furnished for domestic use under this application are approximately 40 per cent higher in some instances, and for industrial use considerably lower in others, than the rates charged in the territory in Utah already served with natural gas, by the Wasatch Gas Company.

That the applicants have procured and entered into the necessary franchise contracts with all the municipalities they propose to serve with natural gas, authorizing them to construct their main line and distributing systems in the form and manner required by law.

The proposed rates of the applicants for the use of gas, more especially those charged for domestic use, in the territory to be served cannot be here approved. No finding is now made nor can be made from the evidence produced from the record in this case, that would justify the Commission in reaching the conclusion that the proposed rates are just and reasonable, and that they will not prove discriminatory.

Further, I am of the opinion that the position seemingly taken by the applicants that they should not be required to serve other towns and communities in the territory involved, unless upon a showing made that any additional service than that now proposed would prove remunerative to the applicants, cannot be sanctioned by this Commission.

It is to be presumed, at the very threshold of the applicants' undertakings when it enters the territory it now proposes to serve with natural gas, that it will serve all communities alike, indiscriminately, and at just and reasonable rates, even though some of them will not be remunerative to the applicants, when the same may be done within reason and without becoming too burdensome upon the rate payers in general.

Upon the foregoing facts and conclusions arrived at, and for the reasons herein stated, the Commission concludes that the application of John McFadyen and L. B. Denning, for a certificate of public convenience and necessity, in their representative capacity, should be granted, without approval of

the charges for gas herein proposed to be made in the territory affected.

An appropriate order will follow.

(Signed) THOS. E. MCKAY,
Commissioner.

We concur:

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

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF
UTAH
ORDER

Certificate of Convenience and Necessity
No. 372.

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 22nd day of December, 1930.

<p>In the Matter of the Application of JOHN McFADYEN and L. B. DENNING, for a certificate of convenience and necessity to construct, maintain, and operate gas dis- tribution plants or systems, for the purpose of supplying gas for lights, heat, power, and other purposes to the Counties of Box Elder and Cache in the State of Utah, the Town of Perry, and the Cities of Willard, Brigham, Wellsville, Hyrum, Logan, Rich- mond, and Smithfield in the State of Utah, and the inhabitants thereof.</p>	}	Case No. 1195
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This case having been brought to issue upon the application filed, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been made, and the Commission having on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the Wasatch Gas Company, through their representatives, John McFadyen and L. B. Denning, for a certificate of convenience and neces-

sity to construct, maintain, and operate gas distributing plants or systems for the purpose of supplying gas for lights, heat, power, and other purposes to the Counties of Box Elder and Cache, the Town of Perry, and the Cities of Willard, Brigham, Wellsville, Hyrum, Logan, Richmond, and Smithfield in the State of Utah, and the inhabitants thereof, be and it is hereby, granted.

By the Commission.

(Signed) F. L. OSTLER, Secretary.

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SALT LAKE, GARFIELD AND WESTERN RAILWAY COMPANY, for permission to discontinue its passenger train service to Garfield, Utah.	}	Case No. 1196
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Submitted: October 10, 1930. Decided: October 18, 1930.

Appearance:

Robert L. Judd, } for applicant

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at its office in the State Capitol, Salt Lake City, Utah, on the 6th day of October, 1930, upon the application of the Salt Lake, Garfield and Western Railway Company, for permission to discontinue its passenger train service to Garfield, Utah. No protests were filed or opposition made to the granting of the petition as applied for.

It appears that the applicant is a railroad corporation operating an electric line of railroad between Salt Lake City and Garfield, via Saltair Beach, Garfield being situated a few miles beyond Saltair Beach; that the train service beyond Saltair Beach at this time is not being patronized, and that the operation of the same occasions a daily loss to the applicant of approximately \$35.00; that during the present year, applicant has carried a total number of passengers of 2,278, in which was included 318 carried on passes, the total revenue derived therefrom being the sum of \$366.61 for the nine months period; that during the month of September, 1930, only ten regular passengers were carried by the applicant

between Saltair and Garfield; that Garfield has other transportation service than that of the applicant, both bus and rail.

By reason of the premises and from the foregoing facts, the Commission concludes and decides that the application herein applied for to discontinue passenger train service between Salt Lake City and Garfield should be granted.

IT IS THEREFORE ORDERED, That the application herein of the Salt Lake, Garfield and Western Railway Company, for permission to discontinue passenger train service between Salt Lake City and Garfield, Utah, be and it is hereby, granted.

(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 LOS ANGELES & SALT LAKE RAILROAD COMPANY, for permission to discontinue its passenger trains Nos. 3 and 4 between Salt Lake City and Lund, Utah, also passenger trains Nos. 103 and 104 between Lund and Cedar City, Utah.	}	Case No. 1197
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Submitted: October 20, 1930. Decided: October 25, 1930.

Appearances:

Robert B. Porter and John V. Lyle, Attorneys,	}	for Applicant.
Ernest H. Burgess, Cedar City, Utah,	}	for Protestants, Cedar City Chamber of Commerce, Lions Club of Kanab, Commercial Club of Hurricane.
Ellis J. Pickett, Attorney, St. George, Utah,	}	for Protestant, St. George Chamber of Commerce.

REPORT AND ORDER OF THE COMMISSION

CORFMAN, Commissioner:

On the 8th day of October, 1930, the Los Angeles & Salt Lake Railroad Company, a corporation, filed before the Public Utilities Commission of Utah, a petition for an order permit-

ting it to discontinue the operation of passenger trains Nos. 3 and 4 between Salt Lake City and Lund, Utah, and trains Nos. 103 and 104 between Lund and Cedar City, Utah. Said petition came on regularly for hearing before the Commission at its office in the State Capitol, Salt Lake City, Utah, on the 17th day of October, 1930, after due notice given. The petition was protested by the Cedar City Chamber of Commerce, Lions Club of Beaver, Lions Club of Kanab, Commercial Club of Hurricane, and St. George Chamber of Commerce, civic organizations representing the public in the territory that would be affected thereby, and also the Brotherhood of Locomotive Firemen and Engineers, and the Brotherhood of Railway Trainmen.

From the evidence produced for and in behalf of the respective parties, and the records and files in the case, it appears:

That the Los Angeles & Salt Lake Railroad Company is a "railroad corporation," organized and existing under and by virtue of the laws of the State Utah, and is a common carrier of passengers, freight, and express, both interstate and intrastate through the state of Utah, Nevada, and California, with its main line railroad termini at Salt Lake City, State of Utah, and Los Angeles, State of California; that petitioner for a long time past, prior to September 7, 1930, has operated passenger trains Nos. 3 and 4 interstate between Salt Lake City, Utah, and Los Angeles, California; that it has also operated intrastate, passenger trains Nos. 103 and 104 between Lund and Cedar City, Utah, during the summer tourist season by making close connection with said trains Nos. 3 and 4 for the purpose of accommodating tourists and others visiting the National Parks in Southern Utah; that petitioner also operates between Salt Lake City, Utah, and Los Angeles, California, three other passenger trains daily, carrying mail and express, each way over said main line of railroad,

That in the operation of petitioner's line of railroad between Salt Lake City, Utah, and Los Angeles, California, during the first eight months of 1930, there was a decrease in passenger revenues of the Union Pacific System, of which petitioner is a part, amounting to \$3,251,131.00; that revenues derived from the operation of petitioner's railroad as a common carrier of both persons and property have been steadily declining in recent years by reason of the common use of automobiles over the public highways as a means of transportation of both persons and property, and now the use of the aeroplane is causing further decline in its revenues.

That for several years last past, the operation of trains Nos. 3 and 4 between Salt Lake City and Los Angeles have resulted in heavy losses to petitioner, and comparatively speaking, little use has been made of them by the public desiring local passenger service, more especially after the passing each year of the National Parks season in Southern Utah.

Lund is a main line point on petitioner's railroad and trains Nos. 103 and 104 are operated over a branch line from there to Cedar City, a town with a population of about 4,000 people, and the principal distributing point of Washington and Kane Counties, and it is also the main gateway to the National Parks. United States Highway No. 91, extending through Utah from Salt Lake City to the Utah-Arizona State Line, serves practically the same territory as does petitioner's railroad lines under consideration, and over this highway, two "automobile corporations" operate buses carrying passengers and express between Salt Lake City and St. George, via Cedar City, each making two trips each way each day. Automobile passenger and express service is also afforded each day during the closed Park seasons, between Lund and Cedar City, Utah. Other trains now operated by petitioner over its main line, it is proposed by petitioner, shall continue to give practically the same service now being rendered by its trains Nos. 3 and 4 between Salt Lake City and Lund, Utah, which petitioner herein proposes to discontinue.

The operating expenses of petitioner's trains Nos. 3 and 4, Salt Lake City to Lund, Utah, from October 1st to 10th, 1930, is shown to be \$3,620.62, and for the same period of time, of trains Nos. 103 and 104, Lund to Cedar City, Utah, \$488.82, a total of \$4,109.44. Said period of time is fairly representative of the losses of said train operation throughout the year.

The operating expenses of petitioner's said trains between Salt Lake City and Cedar City, Utah, covering a period from October 1, 1929, to September 6, 1930, is shown to be \$145,014.54, and for the same period of time, the operating revenues amounted to but \$102,626.28, thus resulting in a loss to petitioner of \$42,388.26 for said period. The proportional monthly losses during said period are shown to be practically the same.

From the foregoing findings, the Commission concludes that the public will not be seriously inconvenienced nor service impaired by the discontinuance of the trains as applied for herein by the petitioner; and that its petition herein should be granted; that continued operation of said trains by the petitioner would become an unnecessary and unjust burden

upon the patrons and rate payers of the petitioner's railroad system.

IT IS THEREFORE ORDERED, That the application herein, of the Los Angeles & Salt Lake Railroad Company, for permission to discontinue the operation of its trains Nos. 3 and 4 between Salt Lake City and Lund, Utah, and its trains Nos. 103 and 104 between Lund and Cedar City, Utah, be and it is hereby, granted, to become effective October 29, 1930.

(Signed) E. E. CORFMAN,
President.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

<p>In the Matter of the Application of the UTAH LIGHT & TRACTION COM- PANY, for a permit under the provisions of Chapter 42, Laws of Utah, 1927, as amended by Chapter 94, Laws of Utah, 1929, to operate a bus service from the end of its street car line at 15th East and 17th South Streets in Salt Lake City, Utah, to the Salt Lake Country Club, in Salt Lake County.</p>	}	<p>Case No. 1198</p>
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REPORT AND ORDER OF THE COMMISSION

By the Commission:

The application represents and shows that on Friday, October 24th, Saturday, October 25th, and Sunday, October 26th, a golf tournament will be held at the Salt Lake County Club in Salt Lake County, during which time public transportation service will be required between the end of the applicant's car line at 15th East and 17th South to the Salt Lake County Club; that said service will be in the interests of the general public; and that a charge of 10c cash fare each way each day will be just and reasonable; and that said needed service over the public highway by the operation of buses on the part of the applicant will not interfere or conflict with the operations

of any licensed carrier; that said service as to frequency will be in accordance with the demands and needs of the public for transportation, and will be over the public highway from the end of applicant's car line on 15th East to 21st South Streets, thence east to the Salt Lake Country Club and return.

That by reason of the urgency for said service and by reason of the limited time before the same may be made available to the public, notice of public hearing upon this application is hereby waived.

By reason of the premises, the application, be and it is hereby, granted, and that the applicant, Utah Light & Traction Company, is hereby permitted, under Permit No. 6 herein issued, to render automobile bus service over the public highway between the end of its street car service on 15th East Street to 21st South Street, thence east to the Salt Lake Country Club and return, on October 24th, 25th, and 26th, 1930, at a charge therefore of 10c cash fare each way each day for the purpose aforesaid.

Dated at Salt Lake City, Utah, this 23rd day of October, 1930.

(Signed) E. E. CORFMAN,
THOS. E. MCKAY,
G. F. MCGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Collinston, Utah, as an agency station.	}	Case No. 1199
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PENDING.

In the Matter of the Application of LOUIS R. LUND and ALMA R. BARTON, Co-partners, doing business under the name of LUND AND BARTON, for permission to operate an automobile freight truck line between Salt Lake City, Salt Lake County, Utah, and Cedar City, Iron County, Utah, and certain intermediate points.	}	Case No. 1200
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PENDING.

In the Matter of the Application of the
 STATE ROAD COMMISSION OF
 UTAH and TOOELE COUNTY, for per-
 mission to abandon two existing grade
 crossings over the main line tracks of the
 Los Angeles & Salt Lake Railroad Com-
 pany, near Tooele, Tooele County, Utah. } Case No. 1201
 PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of HOMER
 HARWOOD, for a permit to transport } Case No. 1202
 property over Highway No. 91.

Submitted: December 17, 1930. Decided: December 22, 1930.

Appearances:

W. Hal. Farr, Attorney,	}	for Los Angeles & Salt Lake R.R. Co.
F. M. Orem,	}	for Salt Lake & Utah R.R. Co.
L. E. Gehan,	}	for Railway Express Agency.
W. D. Wiegand,	}	for Salt Lake Telegram.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing December 17, 1930, after due notice given, before the Public Utilities Commission of Utah, at its office in the State Capitol, Salt Lake City, Utah, upon the application of Homer Harwood, a resident of Spanish Fork, Utah, for a permit to transport property for hire over U. S. Highway No. 91, between Salt Lake City and Santaquin, including the town of Genola, Utah, under the provisions of Chapter 42, Laws of Utah, 1927, as amended by Chapter 94, Laws of Utah, 1929.

It appears that the applicant is the owner of one 1930 model Chevrolet, one and one-half ton capacity automobile truck, and has entered into contract with the Telegram Publishing Company, Nelson-Ricks Creamery Company, and the Mutual Creamery Company, all corporations, doing business under and by virtue of the Laws of Utah, at Salt Lake City, Utah, to transport property for hire over U. S. Highway No. 91, between Salt Lake City and Payson, Utah, including the community known as Genola, a point about one and one-half miles off of said highway.

The Salt Lake Telegram Publishing Company is engaged in publishing The Salt Lake Telegram, a daily newspaper of general circulation in the State of Utah. The Nelson-Ricks Creamery Company and the Mutual Creamery Company, respectively, are engaged in the business of collecting and distributing dairy products in Utah. U. S. Highway No. 91 is a paved road, and one of the main thoroughfares leading through the State. The inhabitants along its course require prompt delivery to them of the daily newspaper. Their best interests also demand very prompt collection and marketing of dairy products, more especially milk and cream. The worth of any transportation of these things depends upon the ability of the agency handling them to give quick and efficient service.

The applicant here proposes to receive newspapers right from the printing press and transport them to destinations for distribution without any delay. In the gathering of cream and milk, he picks it up at convenient points along the highway, established to suit the needs of the farmer or dairyman, and carries to destination without any loss of time whatever. No other transportation agency gives or is prepared to render this especially needed service in the public interest. His application herein should therefore be granted.

IT IS THEREFORE ORDERED, That the applicant, Homer Harwood, be and he is hereby, granted permission to transport for hire, newspapers for The Salt Lake Telegram Publishing Company, and cream for the Nelson-Ricks Creamery Company and the Mutual Creamery Company, over U. S. Highway No. 91, by automobile truck, between Salt Lake City and Santaquin, including the point of Genola off said highway, under Automobile Permit No. 8, upon his procuring the liability and property insurance prescribed by Chapter 114, Session Laws of Utah, 1925, and otherwise conforming to the provisions of Chapter 42, Laws of Utah, 1927, as amended by Chapter 94, Laws of Utah, 1929.

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

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

SPECIAL DOCKETS—REPARATION

Number	Complainant and Defendant	Disposition
351	Mrs. A. H. Dewit, et al., vs. Ogden Gas Company	\$ 47.00*

352	Mr. H. M. Rowe, et al., vs. Ogden Gas Company	106.00*
353	Morrison Merrill & Co., vs. The Denver & Rio Grande Western Railroad Co.....	10.80
354	Ostler, Pitt & Bird, vs. The Denver & Rio Grande Western Railroad Company.....	76.00
355	Alvin D. Stoker, vs. The Denver & Rio Grande Western Railroad Company.....	7.20
356	Riverton Livestock Co., vs. The Denver & Rio Grande Western Railroad Company.....	48.50
357	Utah Junk Company, vs. Los Angeles & Salt Lake Railroad Company.....	53.05
358	Smith & Hancock Co., vs. The Denver & Rio Grande Western Railroad Company.....	10.00
359	Ogden Pressed Brick & Tile Co., vs. Oregon Short Line Railroad Company, and Tooele Valley Railway Co.....	167.64
360	J. H. Volker, vs. Ogden Gas Company.....	15.00*
361	J. G. McDonald, vs. Utah Gas & Coke Company	25.00*
362	Stockgrowers, Inc., vs. The Denver & Rio Grande Western Railroad Company.....	70.52
363	U. S. Smelting, Refining & Mining Company, vs. The Denver & Rio Grande Western Railroad Company	292.02
364	John W. F. Volker, vs. Ogden Gas Company.....	37.00*
365	Ezra Richardson and W. H. Childs, vs. Ogden Gas Co.....	60.00*
366	Utah-Idaho Sugar Company, vs. Southern Pacific Co.....	100.00
367	Deseret Livestock Co., vs. The Western Pacific Railroad Company, Oregon Short Line Railroad Company, and Union Pacific Railroad Company	356.00
368	J. B. Robinson, vs. Union Pacific Railroad Company, and Southern Pacific Company.....	31.11
369	Utah Junk Company vs. The Denver & Rio Grande Western Railroad Company.....	40.14
370	Blair Lamus, vs. The Western Pacific Railroad Company	215.04
371	American Can Company, vs. Utah-Idaho Central Railroad Company.....	13.00
372	Amalgamated Sugar Company, vs. Oregon Short Line and Los Angeles & Salt Lake Railroad Companies	14.81

Number	Complainant and Defendant	Disposition
373	American Smelting & Refining Company, vs. Western Pacific, Deep Creek, Bingham & Garfield, and Denver & Rio Grande Western Railroad Companies.....	345.81
374	Sterling H. Nelson Co., vs. Western Pacific and Deep Creek Railroad Companies.....	21.35
375	Utah Power & Light Company, vs. The Denver & Rio Grande Western Railroad Co.....	150.18
376	Steve Adams, vs. Utah Gas & Coke Company.....	14.20*
376	Salt Lake & Utah Railroad Company, vs. The Denver & Rio Grande Western Railroad Company	64.35
377	R. B. Hendershot, vs. Ogden Gas Company.....	3.90*
378	Utah Fuel Company, vs. The Denver & Rio Grande Western Railroad Company.....	57.71
379	J. S. Houtz, vs. Ogden Gas Company.....	7.57*
380	Ernest Bauer, vs. Utah Gas & Coke Company....	71.38
		48.62*
381	F. B. Pope, vs. Utah Gas & Coke Company.....	.63
382	Vivian Patten, vs. The Denver & Rio Grande Western Railroad Company.....	25.00
383	Charles J. Baker, vs. Ogden Gas Company.....	2.23*
384	Lorna Doone Apts., by Mr. Bowers, vs. Utah Gas & Coke Company.....	219.52*
385	State Road Commission of Utah, vs. The Denver & Rio Grande Western Railroad Company....	23.75
386	George P. Critchlow and Strong Chix Hatchery, vs. Ogden Gas Company.....	2.22*
387	Harold S. Barnes, vs. Utah Gas & Coke Company	1.40*
388	Bamberger Electric Railroad Company, vs. Oregon Short Line Railroad Company.....	108.96
389	Blue Blaze Coal Company, vs. Utah Railway Company, Los Angeles & Salt Lake Railroad Company, Western Pacific Railroad Company, and Tooele Valley Ry. Co.....	40.50
390	Silver King Coalition Mines Company, vs. The Denver & Rio Grande Western Railroad Company	†
391	E. V. Sanders, vs. Wasatch Gas Company.....	3.00*
392	Peerless Coal Company, vs. The Denver & Rio Grande Western Railroad Company.....	15.00
393	Springville Canning Company, vs. The Denver & Rio Grande Western Railroad Company.....	43.29

394	Scott Morgan, vs. Wasatch Gas Company.....	3.00*
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*Credit to accounts.

†Adjust basis of charges.

SPECIAL PERMISSIONS ISSUED DURING THE YEAR 1930

Name	Number
Bamberger Electric Railroad Company.....	1
Big Springs Power Company.....	1
Bingham & Garfield Railway Co.....	1
B. & O. Transportation Company.....	1
Boyd, E. B., Agent.....	2
Boyer, T. W., Trustee.....	1
Denver & Rio Grande Western Railroad Company.....	86
Eastern Utah Transportation Company.....	1
Goshen Electric Company.....	1
Local Utah Freight Tariff Bureau.....	25
Los Angeles & Salt Lake Railroad Co.....	22
Oregon Short Line Railroad Co.....	24
Pacific Freight Tariff Bureau.....	6
Pahvant Power Company.....	1
Railway Express Agency.....	1
Rio Grande Motor Way of Utah, Inc.....	14
*Salt Lake & Ogden Transportation.....	9
Salt Lake & Utah Railroad Company.....	7
Southern Pacific Company.....	2
Sterling Transportation Company.....	8
Streeper Transportation Company.....	1
Swan Creek Electric.....	1
Uintah Gas Company.....	1
Utah Central Truck Line and Utah Central Transfer Co.	2

Utah Gas & Coke Co., Ogden Gas Co., and Wasatch Gas Co.	4
Utah-Idaho Central Railroad Company.....	9
Utah Light & Traction Company.....	6
Union Pacific Railroad Co.....	11
Utah Parks Company.....	1
Utah Power & Light Company.....	3
Utah Rapid Transit Company.....	2
Utah Railway Company.....	5
Western Pacific Railroad Company.....	2
Western Passenger Association.....	1
Western States Utilities Company.....	1
Total	264

*One issued jointly with B & O. Transportation, also one issued jointly with Sterling and Eastern Utah Transportation Companies.

GRADE CROSSING PERMITS ISSUED DURING THE YEAR 1930

Number	To Whom Issued	Location
152	Ogden Union Railway & Depot Company.....	Ogden
153	Board of County Commissioners of Millard County	Delta
154	Utah Railway Company.....	Utah Junction
155	The Denver & Rio Grande Western Railroad Co.....	Provo
156	Ogden Union Railway & Depot Company.....	Ogden
157	The Denver & Rio Grande Western Railroad Co.	Salt Lake City
158	Salt Lake & Utah Railroad Company.....	Springville
159	The Denver & Rio Grande Western Railroad Co.	M. P. 712+1448 ft.

CERTIFICATES OF CONVENIENCE AND NECESSITY ISSUED DURING THE YEAR 1930

Certif- icate No.	Case No.	Classification	Between	At*	And	To Whom Issued
357	1138	Auto Passenger & Express	Salt Lake City	St. George	Pickwick Stage Lines, Inc.	
358	1149	Auto Express.....	Salt Lake City	Coalville	D. R. Hout	
359	1152	Natural Gas.....*	Morgan		Wasatch Gas Company	
360	1143	Auto Passenger & Express	Salt Lake City	Fillmore	Utah Parks Company	
361	1148	Auto Passenger.....	Ogden	Coalville	Interstate Transit Lines	
362	1160	Auto Passenger & Express	*Cleveland	Fillmore	Los Angeles & Salt Lake R. R. Co.	
363	1157	Power & Light.....	Payson	Utah-Ariz. Line	Utah Power & Light Company	
364	1117	Auto Passenger & Express	Payson	Utah-Ariz. Line	Pickwick Stages Lines, Inc.	
365	1125	Auto Passenger & Express	Payson	Nephi	Utah Parks Company	
366	1137	Auto Passenger & Express	Payson	Circleville	Rio Grande Motor Way of Ut., Inc.	
367	1169	Power & Light.....*	Scipio, Junct. and Payson	Utah-Ariz. Line	Telluride Power Company	
368	1172	Auto Passenger & Express	(Salt Lake to Payson, 1 day a week)	Torrey	Interstate Transit Lines	
369	1171	Power & Light.....*	Loa and		Interstate Transit Lines	
370	1185	Power & Light.....*	Portage		Peoples Power & Light Co.	
371	1186	Auto Freight.....	Cedar City	Kanab	Utah Power & Light Co.	
372	1195	Natural Gas.....*	Perry, Willard, Brigham, Wells- ville, Hy- rum, Logan, Richmond, and Smithfield.		Petty & Lunt, Inc.	
					Wasatch Gas Company	

PERMITS ISSUED DURING THE YEAR 1930

Per- mit No.	Case No.	Nature	Between	And	To Whom Issued	Remarks
5	1161	Automobile Passenger	Salt Lake City	Utah-Arizona State Line	Utah Parks Company	Expired May 3, 1930
6	1198	Automobile Passenger	15th East and 17th So.	Salt Lake Country Club	Utah Light & Traction Co.	Expired Oct. 26, 1930
7	1155	Automobile Freight	St. George	Springdale	Geo. W. Hail & Jos. S. Snow	
8	1202	Automobile Freight	Salt Lake City	Santaquin	Homer Harwood	Hauls Cream and Newspapers only

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, AND TAXES ASSESSED
AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH
DECEMBER 1, 1929 TO DECEMBER 1, 1930

Certificate Holders	ROUTE		Total Passengers Carried	Passenger Miles Hard Surface	Tax \$	Passenger Miles Other	Tax	Total Tax
	Between	And						
Arrow Auto Line.....	Price.....	Sunnyside.....	1,909			46,830	\$46.84	\$46.84
Bamberger Transportation Co.....	Salt Lake City.....	Ordan.....	8,904	260,540	651.35		651.35	651.35
Bartholomew, Jesse L.....	Centerfield.....	Gunnison.....	4		.03	8	.02	.05
Bingham Stage Line.....	Salt Lake City.....	Bingham.....	25,438	629,803	1,574.50	3,780	3.78	1,578.28
Boyer, T. W.....	Eureka.....	Payson.....	2,724	19,204	48.01	24,871	24.87	72.88
Coleman, Alva L.....	Salt Lake City.....	Filmore.....	5	516	1.29	205	.20	1.49
Dodge Stage Line.....	Salt Lake City.....	Heber City.....	2,477	98,160	245.42	43,545	43.55	288.97
Duke, Elisha Jones.....	Price-Vernal.....	Heber City.....	2,517	4,986	12.48	196,345	196.35	208.83
Hadley & Peterson.....	Heber City.....	Park City.....	273	3,978	9.96	936	.94	10.90
Hout, Don R.....	Tremonton.....	Deweyville.....	68	204	.51	239	.24	.75
Hout, Don R.....	Ogden.....	Coalville.....	1,897	33,193	82.99	15,083	15.09	98.08
Hout, Howard.....	Salt Lake City.....	Coalville.....	715	13,758	34.40	16,317	16.32	50.72
Lion Coal Company.....	Salt Lake City.....	Park City.....	10,917	149,422	373.57	179,674	179.67	553.24
Lloyd, L. J.....	Watts.....	Price.....	38			920	.94	.94
McIntire, B. F.....	Price.....	Emery.....	482			15,094	15.11	15.11
Moab Garage Company.....	Price.....	Gibson.....	10,331	59,791	149.49	13,325	13.32	162.81
Nielson, Ernest & Nephi.....	Moat.....	Thompson.....	894			43,467	43.48	43.48
Pickwick Stage Lines, Inc.....	Salt Lake City.....	Brighton.....	820	6,560	16.40	16,400	16.40	32.80
Pickwick Stage Lines, Inc.....	Salt Lake City.....	Arizona Line.....	5,606	329,364	823.41	392,848	392.86	1,216.27
Rio Grand Motor Way of Ut., Inc.....	Salt Lake City.....	Arizona Line.....	34,333	3,260,041	8,150.11	2,911,386	2,911.38	11,061.49
Salt Lake Transportation Co.....	Salt Lake City.....	Marvalse.....	15,956	649,127	1,622.83	378,830	378.82	2,001.65
Sanderson, N. S.....	Salt Lake City.....	Various.....	2,706	73,062	182.68	2,706	2.70	185.38
Spanish Fork-Dividend Bus Line.....	Eureka.....	Dividend.....	19,426			77,704	77.70	77.70
Spencer, Howard J.....	Spanish Fork.....	Tooele.....	1,061	3,002	7.51	12,114	12.11	19.62
Spencer, Howard J.....	Salt Lake City.....	Tooele.....	9,488	232,528	581.31	39,227	39.23	620.54
Spring Canyon Stage Line.....	Salt Lake City.....	Grantsville.....	3,222	76,173	190.42	16,110	16.11	206.53
Utah Light & Traction Co.....	Heber.....	Mutual.....	4,779			15,764	15.75	15.75
Utah Light & Traction Co.....	Ogden.....	Logan.....	37,176	676,652	1,691.64	122,814	122.82	1,814.46
Utah Parks Co.....	Salt Lake City.....	Various.....	590,067	1,727,580	4,318.96	176,475	176.48	4,495.44
Utah Parks Co.....	Cedar City.....	Various.....	18,766			1,206,399	1,206.40	1,206.40
TOTALS.....			812,999	8,307,648	\$20,769.27	5,969,416	\$5,969.48	\$26,738.75

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, AND TAXES ASSESSED
AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH FROM
DECEMBER 1, 1929 TO DECEMBER 1, 1930

Non-Certificate Holders	ROUTE		Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
	Between	And						
Barrutia, Pat.....	Bingham	Various	18	486	\$ 1.22		\$	1.22
Bilton, J. H.....	Salt Lake City	Various	16	861	2.16			2.16
Colorado-Utah Motor Way.....	Salt Lake City	Grand Junction	566	28,094	70.23	106,867	106.87	177.10
Interstate Transit Lines.....	Salt Lake City	Various	42,533	3,429,086	8,572.73	4,573,349	4,573.35	13,146.08
Johnson Taxi Company.....	Logan	Various	162	109	28	1,672	1.67	1.95
Marchant, William.....	Peoa	Park City	86			1,362	1.36	1.36
Morton Salt Company.....	Grantville	Burmester	7,573			90,890	90.90	90.90
Pacific Greyhound Lines.....	Salt Lake City	San Francisco	10,873	347,424	868.56	1,098,045	1,098.04	1,966.60
Stephens Valley Stages, Inc.....	Salt Lake City	Ely	887	21,288	53.22	96,683	96.68	149.90
Union Pacific Stages, Inc.....	Salt Lake City	Various	23,904	1,823,524	4,556.82			4,556.82
TOTALS.....			86,618	5,650,872	\$14,127.22	5,968,869	\$ 5,968.87	\$20,096.09

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES OPERATING IN THE STATE OF UTAH FROM DECEMBER 1, 1929 TO DECEMBER 1, 1930

Certificate Holders	ROUTE		Total Tons Transported	Ton Miles Hard Surplus	Tax	Ton Miles Other	Tax	Total Tax
	Between	And						
Arrow Auto Line	Price	Sunnyside	876	7,785	\$ 51.92	22,933	\$ 57.35	\$ 57.35
B. & O. Transportation Co.	Salt Lake City	Sandy	820	4	.....	8	.....	51.92
Bartholomew, Jesse J.	Gunnison	Centerfield	4	.....	.....	.....	.....	.....
Barton Truck Line, Inc.	Salt Lake City	Tooele	1,040	26,182	174.57	13,186	32.97	207.54
Barton & Lund Truck Line	St. George	Cedar City	893	18,848	125.69	28,586	71.49	197.18
Bingham Stage Line Co.	Salt Lake City	Bingham	23	569	3.83	1,257	3.15	3.83
Bolinder, Lester A.	Salt Lake City	Grantsville	125	3,770	25.15	83	2.20	28.30
Duke, Elisha Jones	Heber City	Park City	24	379	2.55	305,367	763.42	1,037.37
Eastern Utah Transportation Co.	Price	Vernal	3,754	41,087	273.95	1,439	3.84	11.76
Hout, Don R.	Salt Lake City	Coalville	16	308	2.07	62,227	155.58	387.57
Hout, Howard	Salt Lake City	Park City	84	1,184	7.92	489	1.25	1.25
Hurricane Truck Line	Hurricane	Cedar City	1,660	34,795	231.99	633	1.59	1.59
Lion Coal Company	Wattis	Price	26	.....	.....	1,605	4.03	7.49
Lloyd, L. J.	Price	Emery	20	.....	.....	17,239	43.10	95.85
McIntire, B. F.	Price-Helper	Gibson	119	512	3.46	52,645	131.64	131.64
Magna-Garfield Truck Line	Salt Lake City	Garfield	812	14,379	95.85	17,726	44.33	44.33
Mine, J. J.	St. George	Cedar City	517	10,475	69.86	12,264	30.66	110.22
Moab Garage Company	Moab	Thompson	840	.....	.....	1,316	3.29	11.24
Murdock, R. C.	Beaver	Millford	553	.....	.....	229,128	572.83	3,668.85
Nielson, Ernest & Nephi	Salt Lake City	Brighton	29	233	1.56	900	2.27	29.59
Pickwick Stage Lines, Inc.	Salt Lake City	Arizona Line	130	11,928	79.56	1,254	3.13	28.26
Pickwick Stage Lines, Inc.	Salt Lake City	Various	15	1,188	7.95	114,959	287.40	588.64
Rio Grande Motor Way of Ut., Inc.	Salt Lake City	Various	5,130	464,401	3,096.02	25,930	64.84	893.68
Salt Lake-Bingham Freight Line	Salt Lake City	Bingham	1,142	31,093	207.30	7,138	17.86	172.91
Salt Lake-Ogden Trans. Co.	Salt Lake City	Ogden	7,998	281,930	1,879.53	57,799	144.52	774.38
Spencer, Howard J.	Salt Lake City	Tooele	136	4,096	27.32	1,995	4.99	8.88
Spencer, Howard J.	Salt Lake City	Tooele	126	3,765	25.13	900	2.27	29.59
Sterling Transportation Co.	Salt Lake City	Grantsville	1,013	45,181	301.24	1,254	3.13	28.26
Streeter, Wells R.	Salt Lake City	Vernal	3,198	124,323	828.84	114,959	287.40	588.64
Utah Central Transfer Co.	Ogden	Garland	1,015	124,323	828.84	25,930	64.84	893.68
Utah Central Truck Line	Provo	Eureka	2,774	116,154	774.38	1,254	3.13	28.26
Utah Parks Co.	Salt Lake City	Provo	1,788	.....	.....	57,799	144.52	774.38
Young, Walter S.	Cedar City	Lund	64	581	3.89	1,995	4.99	8.88
TOTALS	Salt Lake City	Kamas	36,764	1,268,404	\$ 8,456.61	979,066	\$ 2,448.18	\$ 10,904.79

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES OPERATING IN THE STATE OF UTAH FROM DECEMBER 1, 1929 TO DECEMBER 1, 1930

Non-Certificate Holders	ROUTE		Total Tons Transported	Ton Miles Haul		Tax \$	Ton Miles Other	Tax \$	Total Tax
	Between	And		Surfaced	Hard				
Adair, Geo. R.	Salt Lake City	Various	1	122		.82	213	.53	1.35
Alexander, Everett T.	Vernal	Various	22	892		5.97	2,996	7.50	13.47
Austin, R. E.	Midvale	Various	196	1,982		13.26			13.26
Ashton & Sons	Roosevelt	Various	756	123		.83	73,512	193.80	184.63
Bollschweiler, O.	Salt Lake City	Bingham	260	6,677		44.55			44.55
Beal, Henry	Myton	Price	42	463		3.09	1,687	4.22	7.31
Benson, Ezra T.	Centerville	Salt Lake City	838	10,034		66.90			66.90
Biggs, J. R.	Antimony	Various	20	2,571		17.16	2,452	6.13	23.29
Black, Martin	Huntington	Various	51				1,269	3.18	3.18
Bracken, Harry L.	Clay Bed	Knudson	9,380	25,158		167.72	25,158	62.89	230.61
Brinkerhoff, J. D.	Price	Emery	55	116		.78	3,220	8.06	8.84
Burroughs, T. A.	Provo Bench	Salt Lake City	62	2,479		16.53			16.53
Calder, Edgar	Vernal	Various	8	207		1.39	1,028	2.57	3.96
Campbell, William	Price	Various	154	3,358		22.41	6,363	15.91	38.32
Carter, Byron	Helper	Kenilworth	95	372		2.48	1,165	2.91	5.39
Chase, W. B.	Vernal	Various	375	4,012		26.77	38,593	96.49	123.26
Christiansen, Elsworth	Price	Emery	23				1,394	3.49	3.49
Colby & Roundy	Salt Lake City	Delta	100	7,121		47.48	6,641	16.60	64.08
Colby & Cheel	Salt Lake City	Delta	53	3,975		26.50	3,683	9.21	35.71
Cole, R. C. Transfer Co.	Ogden	Various	49	1,916		12.77	125	.31	13.08
Collier, Walter	Craig	Various	130				4,421	11.05	11.05
Cottrell, H. J.	Kaysville	Salt Lake City	593	11,839		78.95			78.95
Cox, Emerald L.	St. George	Various	192	5,095		33.97	5,106	12.78	46.75
Cox, Frank and Owen	St. George	Various	163	3,722		24.83	4,965	12.41	37.24
Davies, S. P.	Bingham	Various	35	1,268		8.50		1.12	9.62
Dell, Vedo	Salt Lake City	Various	291	16,262		108.43	19,547	48.88	157.31
Eldredge, Earl	Roosevelt	Salt Lake City	134	1,570		10.48	10,682	26.72	37.20
Flanigan, Don	Cedar City	Various	14	288		1.92	314	.79	2.71
Forsey, George W.	Santaquin	Eureka	22	314		2.11	391	1.00	3.11
Franz and Meeker	Green River	Various	253				17,675	44.19	44.19
Garret Trans. & Stor. Co.	Salt Lake City	Pocatello	4,864	378,753		2,525.06	97,223	243.07	2,768.13
Grover, H. P.	Salt Lake City	Various	14	1,738		11.60	1,964	4.92	16.52

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES OPERATING IN THE STATE OF UTAH FROM
DECEMBER 1, 1929 TO DECEMBER 1, 1930
(Continued)

Non-Certificate Holders	ROUTE		Total Tons Transported	Ton Miles Hauled		Tax	Ton Miles Other	Tax	Total Tax
	Between	And							
Hadden, Dean.....	Antelope.....	Various.....	25	244	1.65	1.264	3.16		4.81
Haley Transfer Co.....	Salt Lake City.....	Various.....	76	3,297	22.00	1,390	3.49		25.49
Hales, Wm. and Loren.....	Salt Lake City.....	Various.....	199	15,088	100.63	17,110	42.80		143.43
Hardy Transfer Co.....	Provo.....	Various.....	16	666	4.44	103	.26		4.70
Hawkes Trans. & Stor. Co.....	Salt Lake City.....	Various.....	746	63,428	422.88	14,921	37.30		460.18
Haycock, J. B.....	Helper.....	Rains.....	36	821	5.49	313	.82		6.31
Haynes, Homer.....	Price.....	Moffat.....	76			6,274	15.68		21.17
Highway Garage.....	Kanab.....	Marysvale.....	98			10,284	25.71		25.71
Hinkins, Clifford.....	Provo.....	Various.....	32	1,375	9.17				9.17
Howell and Earle.....	Spanish Fork.....	Various.....	230	10,377	69.22				69.22
Interstate Transit Lines.....	Price.....	Various.....	32						
J. & M. Transfer Co.....	Salt Lake City.....	Various.....	3	205	1.37	1,283	3.21		3.21
Jepson, Jesse N.....	Salt Lake City.....	Various.....	106	4,292	28.64	2,350	5.88		34.52
Johnson Taxi & Transfer Co.....	Hurricane.....	Various.....	39	1,158	7.72	1,157	2.89		10.61
Jones, W. E.....	Logan.....	Various.....	53	1,921	12.71	361	.90		13.61
Krabs, Roland.....	Price.....	Sweets.....	22	100	.69	283	.71		1.40
Lindsay, W. C.....	Myton.....	Various.....	55	581	3.88				3.88
Larsen & Larsen.....	Salt Lake City.....	Various.....	77	2,092	13.96				13.96
Ludlow, C. W.....	Salt Lake City.....	Various.....	52	3,135	20.95				20.95
Mackay, S. A.....	Price.....	Helper.....	36	256	1.72				1.72
Marchant, William.....	Murray.....	Salt Lake City.....	3	19	.13				.13
Messenger, Blake.....	Pena.....	Park City.....	5			43	.11		.11
Millard, Ed.....	Salt Lake City.....	Payson.....	5,137	144,157	961.08	9,944	24.87		985.95
Milllett, Joseph D.....	Salt Lake City.....	Various.....	174	6,969	46.48				46.48
Mitchell Van & Storage Co.....	Cedar City.....	Kanab.....	74			7,400	18.50		18.50
Motor Express Company.....	Salt Lake City.....	Various.....	2	48	.32				.32
McDowell, J. W.....	Salt Lake City.....	Various.....	71	3,658	24.39				24.39
Nelson, Earl W.....	Tremonton.....	Ogden.....	54	2,169	14.46				14.46
Ogden Transfer & Storage Co.....	Vineyard.....	Salt Lake City.....	218	7,631	50.88	435	1.08		51.96
Pacific Greyhound Lines, Inc.....	Ogden.....	Various.....	19	714	4.76	198	.50		5.26
	Salt Lake City.....	Various.....	1	27	.18	81	.20		.38

STATEMENT OF FREIGHT CARRIED, TON MILES, AND TAXES ASSESSED AUTOMOBILE FREIGHT LINES OPERATING IN THE STATE OF UTAH FROM
DECEMBER 1, 1929 TO DECEMBER 1, 1930
(Continued)

Non-Certificate Holders.	ROUTE		Total Tons Transported	Ton Miles Hard Surfaced	Tax	Ton Miles Other	Tax	Total Tax
	Between	And						
Paxton, Wallace B.	Beaver	Various	42	4,746	31.65	4,116	10.29	41.94
Petty & Lunt	Cedar City	Kanab	121			11,517	28.80	28.80
Pierson, H. A.	Duchesne	Various	114	1,366	9.12	5,464	13.66	22.78
Randall, Alfred	Centerville	Salt Lake City	578	3,460	23.08	3,460	8.67	31.75
Rasmussen, J. M. & Rulon	Lapoint	Various	89	1,855	12.38	8,931	22.33	34.71
Reber, R. Mervin	Santa Clara	Various	2	203	1.36	1,32	1.32	2.68
Robbins, Arnold	Duchesne	Various	41	407	2.72	3,345	8.36	11.08
Salt Lake-Ely Transp. Co.	Salt Lake City	Ely	1,256	38,996	260.02	127,778	319.45	579.47
Salt Lake Transfer Co.	Salt Lake City	Various	1,205	41,030	273.57	1,583	3.98	277.55
Sharples, Benjamin	Salt Lake City	Various	362	4,894	32.64	4,880	12.20	44.84
Shuey, C. R.	Idaho	Los Angeles	17	3,635	24.24	3,789	9.47	33.71
Shelley, E. W.	Pelican Point	Lehi	336	3,577	3.86	3,312	8.28	12.14
Shenherd, Rex	Salt Lake City	Various	607	2,449	16.33	475	1.19	17.52
Siddoway, John	Vernal	Various	6	61	.41	594	1.48	1.89
Sim, L. S.	Ogden	Various	362	2,459	16.42	18,369	45.94	62.36
Slade Transfer Company	Ogden	Various	46	1,821	12.14			12.14
Stover, John	Antelope	Price	6	21	.14	311	.78	.92
Syrett, T. C.	Cedar City	Salt Lake City	36	4,058	27.08	5,126	12.82	39.90
The Borden Western Company	Jordan	Various	8,934	21,833	145.58	48,414	121.08	266.66
Thornley, J. H.	Layton	Salt Lake City	223	4,638	30.95			30.95
Timpsom, H. E.	Price	Sunnyside	211			4,846	12.12	12.12
Transcontinental Motor Lines	Salt Lake City	Ely, Nevada	226	8,362	55.75	12,125	56.50	112.25
Tietjen, J. E.	Salt Lake City	Nephi	165	9,166	61.12	22,600		61.12
Truitt, J. M.	Salt Lake City	Various	104	3,290	21.95	1,287	3.22	25.17
Ungert, W. F.	Castle Dale	Various	27			837	2.09	2.09
Veater, Ruland	Price	Various	12			338	.85	.85
Wade, J. H.	Price	Various	32			1,293	3.23	3.23
Warner, Newell	Fillmore	Various	53	5,292	35.29	2,664	6.67	41.96
Whitely, Elmer N.	Duchesne	Various	14	149	1.00	608	1.52	2.52
Williams, David J.	Salt Lake City	Idaho	222	12,599	84.01	4,487	11.24	95.25
Zirker, John E.	Myton	Price	17	193	1.29	1,120	2.80	4.09
TOTALS			42,478	944,415	\$ 6,297.16	707,313	\$ 1,768.69	\$ 8,065.85

STATEMENT OF PASSENGERS CARRIED, PASSENGER MILES, FREIGHT CARRIED, TON
MILES, AND TAXES ASSESSED AUTOMOBILE LINES OPERATING IN THE
STATE OF UTAH FROM DECEMBER 1, 1929 TO DECEMBER 1, 1930

RECAPITULATION

	Total Passengers Carried	Passenger Miles Hard Surface	Tax	Passenger Miles Other	Tax	Total Tax
Certificate Holders	812,999	8,307,648	\$20,769.27	5,969,416	\$ 5,969.48	\$26,738.75
Non-Certificate Holders	86,618	5,650,872	14,127.22	5,968,869	5,968.87	20,096.09
Total Passenger Lines	899,617	13,958,520	\$34,896.49	11,938,285	\$11,938.35	\$46,834.84

	Total Tons Transported	Ton Miles Hard Surface	Tax	Ton Miles Other	Tax	Total Tax
Certificate Holders	36,764	1,268,404	\$ 8,456.61	979,066	\$ 2,448.18	\$10,904.79
Non-Certificate Holders	42,478	944,415	6,297.16	707,313	1,768.69	8,065.85
Total Freight Lines	79,242	2,212,819	\$14,753.77	1,686,379	\$ 4,216.87	\$18,970.64

TOTAL TAXES ASSESSED:

Total Passenger Lines	\$46,834.84
Total Freight Lines	18,970.64
Grand Total Taxes Assessed	\$65,805.48

ELECTRIC LIGHT & POWER UTILITIES OPERATING IN UTAH--OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1929

Operating Revenues:

	Utah Power & Light Co.	Telluride Power Co.	Dixie Power Company	Bountiful Light & Power Co.	Uintah Power & Light Co.
Sales of Current.....	\$10,977,612.64	\$ 243,441.60	\$ 169,371.26	\$ 34,753.13	\$ 37,649.19
Other Revenues.....	167,248.08	22,377.41	4,817.18	216.64	

Total Operating Revenues.....	\$11,144,860.72	\$ 265,819.01	\$ 174,188.44	\$ 34,969.77	\$ 37,649.19
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Operating Expenses:

Steam Power Generation.....	\$ 404,195.61				
Hydro-Electric Generation.....	365,164.20	\$ 24,013.93	\$ 17,378.66		
Miscellaneous Production Expenses.....	542,599.96	6,727.18	10,653.70	13,427.97	
Transmission Expenses.....	210,825.95	13,424.04	3,004.51		
Distribution Expenses.....	436,258.89	22,903.63	7,239.79	5,443.99	
Utilization Expenses.....	161,100.18	3,494.18	499.75		
Commercial Expenses.....	345,938.47	15,320.02	7,228.34	2,467.62	
New Business Expenses.....	192,685.55	5,977.37	627.16		
General and Miscellaneous Expenses.....	590,554.07	69,820.71	16,559.92	8,913.31	21,378.82
Gas Power Generation.....			16,364.19		
Other Operating Expenses.....	118,144.62*				

Total Operating Expenses.....	\$ 3,367,467.50	\$ 161,681.06	\$ 79,556.02	\$ 30,252.89	\$ 21,378.82
Total Accounts Uncollectible.....	27,843.57	1,785.38	74.20		
Taxes.....	1,542,197.13	23,500.00	14,182.81	1,432.21	3,684.80

Total Revenue Deductions.....	\$ 4,937,508.20	\$ 186,966.44	\$ 93,813.03	\$ 31,685.10	\$ 25,063.62
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Operating Income.....	\$ 6,207,352.52	\$ 78,852.57	\$ 80,375.41	\$ 3,284.67	\$ 12,585.57
Plant Rental.....	632,632.11		15,800.00		

Operating Income for Return.....	\$ 5,574,720.41	\$ 78,852.57	\$ 64,575.41	\$ 3,284.67	\$ 12,585.57
Investment in Fixed Capital.....	\$79,397,745.01	\$1,516,404.33	\$1,026,950.64	\$ 86,691.91	\$ 336,357.14

*Auxiliary Operations.

ELECTRIC LIGHT & POWER UTILITIES OPERATING IN UTAH—OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1929

Operating Revenues:

	Pahvant Power & Light Co.	Big Springs Power Co.	Western States Utilities Co.	Swan Creek Electric Co.	Goshen Elec. Company
Sales of Current.....	\$ 33,012.28	\$ 19,487.87	\$ 20,621.65	\$ 7,685.15	\$ 4,545.95
Other Revenues.....	1,287.90	314.45	73.25	Red	

Total Operating Revenues.....	\$ 34,300.18	\$ 19,802.32	\$ 20,548.40	\$ 7,685.15	\$ 4,545.95
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Operating Expenses:

Hydro-Electric Generation.....		\$ 2,532.01	\$ 7,180.25	\$ 3,717.33	\$ 1,606.79
Miscellaneous Production Expenses.....	\$ 20,431.97				1,865.00
Transmission Expenses.....	2,847.40	340.79		245.56	
Distribution Expenses.....	3,056.16	1,538.26	1,099.04	852.57	
Utilization Expenses.....	255.74	8.75	399.32		
Commercial Expenses.....	1,551.40	744.69	1,812.62		
New Business Expenses.....	288.97	764.73	238.54		
General and Miscellaneous Expenses.....	3,413.79	4,920.01	4,723.42	2,258.00	531.68

Total Operating Expenses.....	\$ 31,845.43	\$ 10,849.24	\$ 15,453.19	\$ 7,073.46	\$ 4,003.47
Total Accounts Uncollectible.....	93.25	60.00	103.94		50.00
Taxes.....	617.60	1,839.43	672.41	104.09	100.00

Total Revenue Deductions.....	\$ 32,556.28	\$ 12,748.67	\$ 16,229.54	\$ 7,177.55	\$ 4,153.47
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Operating Income for Return.....	\$ 1,743.90	\$ 7,053.65	\$ 4,318.86	\$ 507.60	\$ 392.48
Investment in Fixed Capital.....	\$ 96,287.33*	\$ 100,759.74	\$ 50,419.95	\$ 29,075.00	\$ 11,360.00

*Figure taken from report of Pahvant Power Company, Lessor.

GAS UTILITIES OPERATING IN THE STATE OF UTAH—OPERATIONS FOR THE
YEAR ENDED DECEMBER 31, 1929

Operating Revenues:				Ut. G. & C. Co. Salt Lake City	Ogden Gas Co. Ogden	Ut. Val. Gas & Coke Co., Provo	Was. Gas. Co. Salt Lake City*		
Metered Sales to General Customers.....	\$	630,816.19		\$	120,152.47	\$	70,124.23	\$	12,164.92
Merchandise and Miscellaneous.....		9,755.28			2,075.98-Red		6,517.66		1,621.71-Red
Total Operating Revenues.....	\$	640,571.47		\$	118,076.49	\$	76,641.89	\$	10,543.21
Operating Expenses:									
Operation—Gas Production.....	\$	188,349.47		\$	51,673.47	\$	53.09		
Maintenance—Gas Production.....		12,828.29			1,092.10		279.54		
Residuals, Miscellaneous Production, Etc.....		45,211.40-Cr.			16,515.35-Cr.		403.70-Cr.		
Transmission and Distribution Expenses.....		94,132.40			14,613.35		8,608.95		4,475.29
Commercial Expenses.....		42,619.61			13,266.44		5,680.68		1,643.65
New Business Expenses.....		17,719.06			26,075.03				12,722.83
Retirement Expense.....		55,808.89			4,531.89				
General and Miscellaneous Expenses.....		39,610.92			4,220.53		17,782.90		1,837.92
Gas Purchased.....		110,701.39			26,424.83		21,960.92		10,032.13
Total Operating Expenses.....	\$	516,558.63		\$	125,382.29	\$	53,962.38	\$	30,711.82
Uncollectible Accounts.....		3,785.10			106.01		167.06		
Taxes.....		72,137.47			12,216.68		2,625.93		162.48
Total Revenue Deductions.....	\$	592,481.20		\$	137,704.98	\$	56,755.37	\$	30,874.30
Operating Income.....	\$	48,090.27		\$	19,628.49-Red	\$	19,886.53	\$	20,331.09-Red
Fixed Capital at End of Year.....	\$	\$8,586,632.62		\$	933,385.04	\$	694,792.60	\$	\$1,789,535.71

*For four months' period ended December 31, 1929.

ELECTRIC RAILROAD UTILITIES—OPERATIONS WITHIN THE STATE OF UTAH,
YEAR ENDED DECEMBER 31, 1929

Railway Operating Revenues:

	Bam.Elec. R. Co.	S. L. & U. R. Co.	S. L., Garfield & W. R. R. Co.	Utah-Idaho Central R. Co.
Total Revenue from Transportation.....	\$ 559,191.43	\$ 794,587.32	\$ 157,292.71	\$ 650,868.03
Total Revenue from Other R. R. Operations.....	8,033.09	15,750.28	1,557.50	63,058.49
Total Operating Revenues.....	\$ 567,224.52	\$ 810,337.60	\$ 158,850.21	\$ 713,926.52

Railway Operating Expenses:

Way and Structures.....	\$ 88,060.34	\$ 128,182.77	\$ 10,665.83	\$ 119,696.82
Equipment.....	58,220.15	72,176.73	24,162.66	72,487.75
Power.....	58,887.36	98,593.34	17,251.09	84,592.25
Conducting Transportation.....	72,809.36	160,087.96	23,785.46	166,591.15
Traffic.....	22,593.74	32,002.48	5,317.47	14,432.21
General and Miscellaneous.....	155,697.90	231,237.35	16,292.63	127,423.35
Transportation for Investment—Cr.....	2,876.92			98.25

Total Operating Expenses.....	\$ 453,391.93	\$ 722,280.63	\$ 97,475.14	\$ 585,125.28
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Net Revenue, Railway Operations.....	\$ 113,832.59	\$ 88,056.97	\$ 61,375.07	\$ 128,801.24
Taxes Assignable to Railway Operations.....	37,506.09	40,183.84	6,187.91	49,012.22

Operating Income.....	\$ 76,326.50	\$ 47,873.13	\$ 32,010.58*	\$ 79,789.02
Total Mileage Operated.....	36.90	76.10	16.73	121.18
Operating Ratio—Oper. Exp. to Oper. Rev.....	79.95%	89.13%	61.36%	81.958%

*After Auxiliary Operations.

BINGHAM AND GARFIELD RAILWAY COMPANY

Operations Within the State of Utah, Entire Line,
Year Ended December 31, 1929

Railway Operating Revenues:	Total
Rail Line Transportation Revenues.....	\$535,583.75
Incidental Operating Revenues.....	15,642.77
Joint Facility Operating Revenues.....	
Total Operating Revenues.....	<u>\$551,226.52</u>
Railway Operating Expenses:	
Maintenance of Way and Structures.....	\$105,476.92
Maintenance of Equipment.....	71,884.35
Traffic	18,921.17
Transportation Rail Line Expenses.....	129,019.75
Miscellaneous Operating Expenses.....	1,702.24
General Expenses	54,674.44
Transportation for Investment—Cr.....	
Total Railway Operating Expenses.....	<u>\$381,678.87</u>
Net Operating Revenues.....	<u>\$169,547.65</u>
Operating Ratio, Oper. Exp. to Oper. Rev.....	69.24%
Average Mileage of Road Operated.....	33.61

Averages per Mile of Road:

Operating Revenues	\$ 16,400.67
Operating Expenses	11,356.11
Net Operating Revenues.....	5,044.56
Utah Taxes, Other Than U. S. Government, 1929.....	55,005.71

THE DENVER & RIO GRANDE WESTERN RAILROAD CO.

Operations Within the State of Utah,
Year Ended December 31, 1929

		On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:	Total		
Rail Line Transportation Revenues.....	\$11,994,262.04		
Incidental Operating Revenues.....	259,660.55		
Joint Facility Operating Revenues.....	33,707.89		
Total Operating Revenues.....	<u>\$12,287,630.48</u>		

Not Compiled

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 1,768,153.94
Maintenance of Equipment	2,148,802.54
Traffic	233,860.23
Transportation Rail Line Expenses.....	3,308,292.88
Miscellaneous Operating Expenses	196,429.67
General Expenses	352,255.04
Transportation for Investment—Cr.....	28,217.40

Total Railway Operating Expenses.....\$ 7,979,576.90

Net Operating Revenues.....	\$ 4,308,053.58
Operating Ratio, Oper. Exp. to Oper. Rev.....	64.94%
Average Mileage of Road Operated.....	689.85

Averages per Mile of Road:

Operating Revenues	\$ 17,812.03
Operating Expenses	11,567.12
Net Operating Revenues	6,244.91
Utah Taxes, Other Than U. S. Government, 1929.....	677,145.50

LOS ANGELES AND SALT LAKE RAILROAD CO.

Operations Within the State of Utah,
Year Ended December 31, 1929

Railway Operating Revenues:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues.....	\$11,528,956.32	\$9,266,039.93	\$2,262,916.39
Incidental Operating Revenues	559,697.61	224,886.11	334,811.50
Joint Facility Operating Revenues.....	50,376.86		50,376.86
Total Operating Revenues	<u>\$12,139,030.79</u>	<u>\$9,490,926.04</u>	<u>\$2,648,104.75</u>

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 1,658,128.62
Maintenance of Equipment	1,743,997.94
Traffic	398,413.49
Transportation Rail Line Expenses	3,201,658.44
Miscellaneous Operating Expenses	407,885.35
General Expenses	413,733.81
Transportation for Investment—Cr.....	

Total Railway Operating Expenses.....	<u>\$ 7,823,817.65</u>
Net Operating Revenues	\$ 4,315,213.14
Operating Ratio, Oper. Exp. to Oper. Rev.....	64.45%
Average Mileage of Road Operated.....	570.33

Averages per Mile of Road:

Operating Revenues	\$ 21,284.22
Operating Expenses	13,718.05
Net Operating Revenues	7,566.17
Utah Taxes, Other Than U. S. Government, 1929.....	504,042.31

OREGON SHORT LINE RAILROAD CO.

Operations Within the State of Utah,
Year Ended December 31, 1929

Railway Operating Revenues:	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues.....	\$10,376,789.56	\$9,724,778.31	\$ 652,011.25
Incidental Operating Revenues.....	103,220.46	103,220.46	
Joint Facility Operating Revenues.....	586.92	586.92	
Total Operating Revenues.....	<u>\$10,480,596.94</u>	<u>\$9,828,585.69</u>	<u>\$ 652,011.25</u>

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 845,999.79
Maintenance of Equipment.....	831,132.90
Traffic	100,979.18
Transportation Rail Line Expenses.....	1,652,828.52
Miscellaneous Operating Expenses.....	128,638.74
General Expenses	235,187.62
Transportation for Investment—Cr.....	212.80-Red
Total Railway Operating Expenses.....	<u>\$ 3,794,979.55</u>
Net Operating Revenues	\$ 6,685,617.39
Operating Ratio, Oper. Exp. to Oper. Rev.....	36.21%
Average Mileage of Road Operated.....	244.31

Averages per Mile of Road:

Operating Revenues	\$ 42,898.76
Operating Expenses	15,533.46
Net Operating Revenues	27,365.30
Utah Taxes, Other Than U. S. Government, 1929.....	361,765.63

SOUTHERN PACIFIC COMPANY

Operations Within the State of Utah,
Year Ended December 31, 1929

	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:		
Rail Line Transportation Revenues.....	\$ 6,395,373.35*	\$ 104,988.32
Incidental Operating Revenues	96,683.63*	867.93
Joint Facility Operating Revenues.....	29,376.39	29,376.39
Total Operating Revenues	\$ 6,521,433.37	\$ 135,232.64
Railway Operating Expenses:		
Maintenance of Way and Structures.....	\$ 633,202.33	
Maintenance of Equipment	831,201.01	
Traffic	116,083.94	
Transportation Rail Line Expenses	1,662,337.40	
Transportation Water Line Expenses	4,445.30	
Miscellaneous Operating Expenses	117,667.44	
General Expenses	185,856.58	
Transportation for Investment—Cr.....	23,708.04	
Total Railway Operating Expenses	\$ 3,527,085.96	
Net Operating Revenues	\$ 2,994,347.41	
Operating Ratio, Oper. Exp. to Oper. Rev.....	54.0%	
Average Mileage of Road Operated.....	259.34	
Averages per Mile of Road:		
Operating Revenues	\$ 25,146.27	
Operating Expenses	13,600.24	
Net Operating Revenues	11,546.03	
Utah Taxes, Other Than U. S. Government, 1929	259,416.79	

*Includes operating revenues that cannot be allocated to either Interstate or Intrastate traffic.

UNION PACIFIC RAILROAD CO.

Operations Within the State of Utah,
Year Ended December 31, 1929

	On Interstate Traffic	On Intrastate Traffic
	\$4,435,563.76	\$ 293,782.16
	78,777.87	
	5,968.67	
	<u>\$4,520,310.30</u>	<u>\$ 293,782.16</u>

Railway Operating Revenues:

	Total
Rail Line Transportation Revenues.....	\$ 4,729,345.92
Incidental Operating Revenues	78,777.87
Joint Facility Operating Revenues	5,968.67
Total Operating Revenues	<u>\$ 4,814,092.46</u>

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 448,927.94
Maintenance of Equipment	792,051.78
Traffic	75,528.14
Transportation Rail Line Expenses.....	1,085,610.80
Miscellaneous Operating Expenses	75,978.84
General Expenses	136,608.63
Transportation for Investment—Cr.....	86.59
Total Railway Operating Expenses.....	<u>\$ 2,614,619.54</u>

Net Operating Revenues.....	\$ 2,199,472.92
Operating Ratio, Oper. Exp. to Oper. Rev.....	54.31%
Average Mileage of Road Operated	110.20

Averages per Mile of Road:

Operating Revenues	\$ 43.685 05
Operating Expenses	23.726 13
Net Operating Revenues	19.958 92
Utah Taxes, Other Than U. S. Government, 1929	252.426 09

UTAH RAILWAY COMPANY

Operations Within the State of Utah,
Year Ended December 31, 1929

	On Interstate Traffic	On Intrastate Traffic
	\$ 995,509.42	\$1,114,804.15
		1,387.93
	\$ 995,509.42	\$1,116,192.08

Railway Operating Revenues:

	Total
Rail Line Transportation Revenues.....	\$ 2,110,313.57
Incidental Operating Revenues.....	1,387.93
Joint Facility Operating Revenues.....	
Total Operating Revenues	\$ 2,111,701.50

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 303,013.94
Maintenance of Equipment	451,595.46
Traffic	4,535.16
Transportation Rail Line Expenses.....	447,391.80
Miscellaneous Operating Expenses	
General Expenses	58,819.46
Transportation for Investment—Cr.....	
Total Railway Operating Expenses.....	\$ 1,265,355.82

Net Operating Revenues	\$ 846,345.68
Operating Ratio, Oper. Exp. to Oper. Rev.....	59.92%
Average Mileage of Road Operated.....	110.03

Averages per Mile of Road:

Operating Revenues	\$ 19,019.20
Operating Expenses	11,396.52
Net Operating Revenues	7,622.68
Utah Taxes, Other Than U. S. Government, 1929.....	108,322.59

THE WESTERN PACIFIC RAILROAD CO.

Operations Within the State of Utah,
Year Ended December 31, 1929

Railway Operating Revenues:		Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues.....	\$ 2,456,563.74		\$2,251,250.02	\$ 205,313.72
Incidental Operating Revenues	73,343.87		19,492.32	53,851.55
Joint Facility Operating Revenues	4,438.75			4,438.75
Total Operating Revenues	\$ 2,534,346.36		\$2,270,742.34	\$ 263,604.02

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 417,351.33
Maintenance of Equipment	429,303.83
Traffic	112,711.41
Transportation Rail Line Expenses.....	798,564.20
Miscellaneous Operating Expenses	77,256.74
General Expenses	78,481.51
Transportation for Investment—Cr.....	13,847.27
Total Railway Operating Expenses.....	\$ 1,899,821.75

Net Operating Revenues	\$ 634,524.61
Operating Ratio, Oper. Exp. to Oper. Rev.....	74.96%
Average Mileage of Road Operated.....	143.72

Averages per Mile of Road:

Operating Revenues	\$ 17,633.91
Operating Expenses	13,218.91
Net Operating Revenues	4,415.00
Utah Taxes, Other Than U. S. Government, 1929.....	154,026.25

SMALL STEAM RAILROADS OPERATING IN THE STATE OF UTAH—OPERATIONS
FOR THE YEAR ENDED DECEMBER 31, 1929

Railway Operating Revenues:

	The Utah Railway Co.	Tooele Valley Railway Co.	Carbon County Railway Co.	Deep Creek Railroad Co.
Rail Line Transportation Revenues.....	\$ 476,879.78	\$ 329,670.34	\$ 99,662.99	\$ 11,552.56
Incidental Operating Revenues.....	10,949.75	7,917.25		256.85
Joint Facility Operating Revenues.....				
Total Railway Operating Revenues.....	\$ 487,829.53	\$ 337,587.59	\$ 99,662.99	\$ 11,809.41

Railway Operating Expenses:

	The Utah Railway Co.	Tooele Valley Railway Co.	Carbon County Railway Co.	Deep Creek Railroad Co.
Maintenance of Way and Structures.....	\$ 134,687.42	\$ 27,410.60	\$ 14,965.84	\$ 4,619.19
Maintenance of Equipment.....	90,458.80	47,559.18	3,515.97	1,742.01
Traffic.....	2,181.57	5,308.73	2,374.98	82.70
Transportation Rail Line Expenses.....	103,482.18	186,315.56	20,430.59	6,816.02
Miscellaneous Operating Expenses.....	6,691.57			
General Expenses.....	71,356.14	19,265.76	11,822.66	1,585.62
Transportation for Investment—Cr.....		162.59		
Total Railway Operating Expenses.....	\$ 408,857.68	\$ 285,697.24	\$ 53,110.04	\$ 14,845.54
Net Revenue from Railway Operations.....	\$ 78,971.85	\$ 51,890.35	\$ 46,552.95	\$ 3,036.13-Red
Railway Tax Accruals.....	24,265.77	8,709.84	2,437.00	5,519.80
Railway Operating Income.....	\$ 54,702.00*	\$ 43,037.51*	\$ 44,115.95	\$ 8,555.93-Red
Total Line Operated at End of Year (Miles)	73.41†	9.26	6.10	47.15

* Allowance made for uncollectible operating revenues.

† Total line in Utah and Colorado.

STREET RAILWAY UTILITIES—OPERATIONS WITHIN THE STATE OF UTAH,
YEAR ENDED DECEMBER 31, 1929

	Utah Light & Traction Co.	Utah Rapid Transit Co.
Railway Operating Revenues:		
Revenue from Transportation.....	\$1,707,768.93	\$ 233,223.19
Revenue from Other Railway Operations.....	13,379.24	1,489.60
Total Operating Revenues.....	<u>\$1,721,148.17</u>	<u>\$ 234,712.79</u>
Railway Operating Expenses:		
Way and Structures.....	\$ 173,566.85	\$ 22,895.72
Equipment.....	167,242.64	36,394.22
Power.....	241,424.34	34,184.88
Conducting Transportation.....	422,549.36	81,609.78
Traffic.....	32,216.55	3,005.35
General and Miscellaneous.....	195,170.11	34,583.88
Transportation for Investment—Cr.....	970.18	
Total Operating Expenses.....	<u>\$1,231,199.67</u>	<u>\$ 212,673.83</u>
Net Revenue, Railway Operations.....	\$ 489,948.50	\$ 22,038.96
Taxes Assignable to Railway Operations.....	98,847.53	6,378.24
Operating Income.....	<u>\$ 391,100.97</u>	<u>\$ 15,660.72</u>
Operating Ratio, Operating Expense to Operating Revenue.....	77.30%	90.61%
Total Miles of Road Operated at Close of Year.....	96.75	35.15

THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY

Operations Within the State of Utah,
Year Ended December 31, 1929

Revenues:

Telephone Operating Revenues	\$ 3,444,448.76
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Operating Expenses and Deductions:

Commercial Expenses	\$ 321,536.85
Compensation Net	26,346.44
Maintenance Expenses	961,678.07
Traffic Expenses	796,557.70
General Expenses	138,529.92
Uncollectible Operating Revenues	13,812.62
Taxes	299,799.28
Non-Operating Revenues	15,606.07*
Rent and Other Deductions	28,573.32
Total Operating Exp. and Deductions....	<u>\$ 2,571,228.13</u>
Operating Income	<u>\$ 873,220.63</u>

FIXED CAPITAL ACCOUNTS**Tangible:**

Exchange Plant	\$9,230,059.94
Toll Plant	2,096,028.02
Total Physical Plant	<u>\$11,326,087.96</u>

Intangibles and Miscellaneous:

Going Value	\$ 744,380.90
Interest During Construction	383,170.61
Estimated Working Capital	504,513.58
Construction Work in Progress	116,296.15
Total Intangibles and Miscellaneous	<u>\$ 1,748,361.24</u>
Total Fixed Capital Accounts	<u>\$13,074,449.20</u>

*Denotes Credit.

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF
SMALL TELEPHONE UTILITIES OPERATING IN THE STATE
OF UTAH, YEAR ENDED DECEMBER 31, 1929

Name of Telephone Company	Location	Number of Customers	Investment at End of Year	Gross Revenues	Total Operating Deductions	Operating Income
Bear River Valley Telephone Co.	Tremonton, Utah	599	\$51,581.74	\$21,273.08	\$17,648.14	\$ 3,624.94
Big Springs Power Company	Fountain Green, Utah	116	4,086.31	1,707.90	1,611.47	186.43
Castle Dale Telephone Company	Castle Dale, Utah	70	2,211.75	1,451.25	1,403.59	47.66
Gunnison Telephone Company	Gunnison, Utah	256	26,813.24	5,521.25	5,665.69	144.44
Kamas-Woodland Telephone Co.	Kamas, Utah	127	10,000.00	4,686.90	4,319.70	367.20
Manti Telephone Company	Manti, Utah	400	15,000.00	6,576.14	4,815.27	1,760.87
Midland Telephone Company	Moab, Utah	237	33,272.85	12,377.78	10,081.85	2,295.93
Millard County Tele. & Tel. Co.	Fillmore, Utah	139	39,885.87	10,206.07	9,465.38	740.69
Moroni Telephone Company	Moroni, Utah	139	5,386.52	3,035.08	2,920.80	114.28
North Logan Tel. & Electric Co.	North Logan, Utah	40	8,190.19	2,751.82	2,075.15	676.67
Peoples Telephone Company	Fillmore, Utah	252	50,915.27	14,155.94	12,561.27	1,594.67
Southern Utah Telephone Co.	St. George, Utah	380	33,666.88	16,138.22	13,256.13	3,082.09
Utah-Wyoming Independent Tel. Co.	Randolph, Utah	121	9,364.00	3,509.81	3,230.64	279.17
TOTALS		2,932	\$290,374.62	\$103,681.24	\$89,055.08	\$14,626.16

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF
SMALL PRIVATE WATER UTILITIES OPERATING IN THE
STATE OF UTAH, YEAR ENDED DECEMBER 31, 1929

Name of Water Utility	Location	Number of Customers	Investment at End of Year	Gross Revenues	Total Operating Deductions	Operating Income
Birch Creek Canyon Water Co.....	Ogden, Utah.....	140	\$20,000.00	\$ 1,614.95	\$ 1,218.22	\$ 396.73
Echo Water System.....	Echo, Utah.....	19	2,125.00	218.00	14.00	204.00
Layton Water System.....	Layton, Utah.....	186	52,793.87	4,611.15	1,865.43	2,745.72
Mammoth Mining Company.....	Mammoth, Utah.....	119	63,756.69	6,251.98	8,154.88	1,902.90 Red
Miller Ditch Company.....	Murray, Utah.....	86	4,031.90	944.40	585.42	358.98
Moab Pipe Line Company.....	Moab, Utah.....	142	10,900.00	3,159.67	2,922.07	237.60
Pioneer Water Company.....	Manti, Utah.....	48	3,000.00	158.95	4.65	154.30
Pleasant Green Water Company.....	Magna, Utah.....	758	57,239.07	12,918.32	7,064.17	5,854.15
Riverton Pipe Line Company.....	Riverton, Utah.....	225	42,150.52	6,379.28	7,226.11	846.83 Red
Ukon Water Company.....	Garland, Utah.....	86	60,199.35	392.71	154.37	238.34
TOTALS.....		1,809	\$316,196.40	\$36,649.41	\$29,209.32	\$ 7,440.09

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE
PASSENGER AND FREIGHT CERTIFICATE HOLDERS OPERATING IN THE
STATE OF UTAH, YEAR ENDED DECEMBER 31, 1929

Name of Line or Operator	Between	And	Nature*	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income
Alta Stage & Truck Line.....	Salt Lake City	Alta	PF	\$4,240.00	\$1,532.06	\$2,392.49	\$ 860.43 Red
Arrow Auto Line.....	Price	Hiawatha	PE	2,820.00	13,811.25	12,408.11	1,403.14
Barbarger Transportation Co.....	Salt Lake City	Ogden	P	23,629.99	11,049.16	16,291.00	5,241.84 Red
Bartholomew, Jesse L.....	Ephraim	Centerfield	PE	8,000.00	3,881.75	2,015.46	1,866.29
Barton, J. Love.....	Paragonah	Cedar City	P	1,200.00	2,440.25	2,440.25	
Barton & Lund Truck Line.....	Cedar City	St. George	F	18,489.79	24,629.39	17,424.25	7,205.14
Barton Truck Line.....	Tooele	Salt Lake City	F	6,468.00	13,876.31	18,437.00	2,360.49 Red
Bingham Stage Lines Company.....	Salt Lake City	Bingham	PE	41,504.44	35,953.80	55,400.17	3,553.63
B. & O. Transportation Company.....	Salt Lake City	Murray, Sandy	F	4,701.19	4,621.51	4,553.13	117.63
Brighton Stage Line.....	Salt Lake City	Brighton	PF	3,400.00	1,787.57	1,669.94	702.78
Coleman, Alva L.....	Salt Lake City	Heber City	P	6,575.00	9,163.00	8,460.22	4,895.68
Dodge Stage Line.....	Price	Vernal	P	6,260.00	16,916.30	12,020.62	31.30
Don & Doug Bus.....	Spruce Tunnel	Park Utah Mine	P	2,500.00	1,325.15	1,293.85	304.47 Red
Duke, E. J.....	Heber City	Park City	PF	3,135.00	2,229.17	2,533.64	1,641.03 Red
Eastern Utah Transportation Co.....	Price	Vernal	F	26,956.45	56,010.46	57,651.49	75.55
Eureka-Dividend Stage Line.....	Eureka	Dividend	P	9,500.00	6,354.22	6,278.67	2,590.14 Red
Eureka-Payson Stage Line.....	Eureka	Payson	P	1,700.00	4,260.80	6,850.94	93.78 Red
Grantsville-Salt Lake Stage Line.....	Grantsville	Coalville	P	2,775.00	4,226.67	4,360.45	71.00 Red
Hout, Don R.....	Salt Lake City	Coalville	P	5,000.00	3,132.05	3,206.05	2,465.95
Hurricane Truck Line.....	Hurricane	Cedar City	F	12,073.17	18,010.71	15,544.76	121,773.36 Red
Interstate Transit Lines †.....	Wyoming Line	Arizona Line	P	1,745,373.37	995,780.92	1,060,554.28	934.47 Red
Lion Coal Company.....	Wattis	Price	PF	1,090.00	1,154.42	2,088.89	334.69
Magna-Garfield Truck Line.....	Salt Lake City	Garfield	F	3,781.88	6,667.64	6,332.95	1,550.77
Milne, J. J.....	Cedar City	St. George	F	11,675.00	13,503.87	11,953.10	7,193.16 Red
Moab Garage Company.....	Thompson	Blanding	PFE	39,335.21	21,596.91	28,790.07	3,278.09
Murdoch, R. C.....	Beaver	Milford	F	8,828.00	12,412.71	9,134.62	27,792.13
Pickwick Stage Lines, Inc.....	Salt Lake City	Utah-Ariz. Line	P	433,387.88	258,687.46	230,895.33	295.48 Red
Price-Emercy Auto Line.....	Price	Emercy	PE	2,436.00	3,448.14	3,743.62	1,379.47
Price Transportation Company.....	Price	Gibson	PE	4,775.00	15,101.61	13,722.14	1,727.73 Red
Rio Grande Motor Way of Utah, Inc.....	Provo	Silver City	PFE	62,184.80	7,685.20	9,412.93	

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE
PASSENGER AND FREIGHT CERTIFICATE HOLDERS OPERATING IN THE
STATE OF UTAH, YEAR ENDED DECEMBER 31, 1929
(Continued)

Name of Line or Operator	Between	And	Nature*	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income
Salt Lake-Bingham Truck Line.....	Salt Lake City	Bingham	F	\$ 7,464.83	\$14,356.84	\$11,251.58	\$ 3,105.26
Salt Lake-Fillmore Stage Line.....	Salt Lake City	Fillmore	PE	†	423.25	1,605.14	1,181.89
Salt Lake-Ogden Transportation Co.....	Salt Lake City	Ogden	F	39,090.39	61,911.55	58,483.90	3,427.65
Salt Lake-Park City Stage Line.....	Salt Lake City	Park City	P	29,023.80	35,881.73	38,627.00	2,745.27
Salt Lake Transportation Co.....	Salt Lake City	Various	P	306,808.37§	792.14	1,054.68	262.54
Spanish Fork-Dividend Bus Line.....	Spanish Fork	Dividend	P	5,700.00	2,265.05	3,770.70	1,505.65
Spencer, Howard J.....	Salt Lake City	Tooele	PE	20,670.20	29,253.74	26,484.86	2,768.88
Spring Canyon Stage Line.....	Helper	Mutual	P	6,600.00	5,318.75	5,318.75	
Sterling Transportation Co.....	Salt Lake City	Vernal	F	22,678.90	32,185.31	46,465.52	14,280.21
Streeter, Wells R.....	Ogden	Garland	F	7,211.85	21,685.46	19,631.89	2,053.57
Utah Central Transfer Company.....	Provo	Silver City	F	5,107.78	7,548.01	8,770.11	1,222.10
Utah Central Truck Line.....	Salt Lake City	Provo	F	20,717.91	26,829.78	23,395.27	3,434.51
Utah-Idaho Central R. R. Co. (Bus).....	Ogden	Preston, Idaho	P	28,947.69	35,566.05	35,511.92	54.13
Utah Parks Company.....	Cedar City	Scenic Points	P	3,483,550.60 ¶	717,182.15	851,712.22	134,530.07
Young, Walter S.....	Woodland, Peoa	Salt Lake City	F	865.00	774.46	533.86	240.60
TOTALS.....				\$6,488,232.49	\$2,528,264.93	\$2,760,477.82	\$232,212.89

* P denotes passenger line. F denotes freight line. E denotes express line.

† Figures given are for operations of company as a whole, figures for Utah only not being available.

‡ Figure not available.

§ Investment figure is total for company. Revenues and expenses are for operations only under certificate granted by Commission.

¶ Figures given are for operations in Utah and Arizona.

OPINION OF THE ATTORNEY GENERAL

February 19, 1930.

Mr. Frank Ostler, Secretary,
Public Utilities Commission,
Building.

Dear Mr. Ostler:

In your letter of recent date you called attention to Section 4824, Compiled Laws of Utah, 1917, as amended by Chapter 72, Laws of Utah, 1929, relative to fees for certificates, and you then presented the following problem.

"A, who has been granted a certificate of public convenience and necessity authorizing him to carry passengers over a certain route, now seeks an amendment and supplemental order from this Commission, authorizing him to carry, in connection with his passenger service, express packages limited as to size only, without paying filing fee prescribed by the above mentioned section."

You then request my opinion as to whether or not a fee provided for should be charged in connection with the filing of a supplemental application to carry property. Said Section 4824, in part provides as follows:

"The Commission shall charge and collect the following fees: For filing applications for certificates of convenience and necessity, \$25.00 each;"

It is apparent from Section 4818, Compiled Laws of Utah, 1917, as amended by Chapter 12, Laws of Utah, 1925, that a certificate of convenience and necessity must be had from the commission before the establishment, construction or operation of a railroad, street railroad, aerial bucket tramway, or line, route, plant or system, or for any extension of such railroad or street railroad, aerial bucket tramway, or of a line, route, plant, or system. The said section then provides that such certificate need not be had for certain extensions. Therefore, unless a public utility desires to make an extension covered by the explanations provided for in said Section 4818, it must secure an additional certificate of convenience and necessity, and before such certificate can be granted, an application for the same must be filed and a hearing had thereon.

You will observe that Section 4818-X in the first part of the paragraph provides for two kinds of certificates, one for

the transporting of persons and the other for the transporting of property and persons. Now where the certificate has been granted for transporting persons, I am of the opinion that a public utility would not be authorized to transport property, that is, a public utility holding a certificate for the transportation of persons could not extend that service so as to include transportation of property without filing a new application with the Utilities Commission for a certificate of convenience and necessity authorizing it to transport property, nor could the said certificate to transport property be granted without a hearing before the Commission. Therefore, the filing of a supplemental application to extend the service for the transportation of property is in all respects tantamount to filing an original application, and in my opinion comes within the purview of Section 4824, supra.

I am of the opinion, therefore, that the fee of \$25.00 should be charged in connection with the supplemental application to carry property. Trusting that the foregoing answers your question satisfactorily, I am,

Yours very truly,

(Signed) GEO. P. PARKER,

8-G

Attorney General.

IN THE SUPREME COURT OF THE STATE OF UTAH

The Public Utilities Commission of Utah, }
Appellant, }

vs.

George Pulos, also known as George Paulos, }
Respondent. }

ELIAS HANSEN, J.

This is a proceeding prosecuted by the Public Utilities Commission of Utah to enjoin the defendant from transporting freight or merchandise for compensation between Salt Lake City, Utah, and the Uintah Basin, Utah. The commission filed the complaint against the defendant in the District Court of Salt Lake County, Utah. Thereafter an amended complaint was filed. The amended complaint omitting the title of the court and cause reads as follows:

"Comes now the plaintiff above named, and, upon the consent of defendant and by leave of court, files this, its amended complaint, and, for cause of action alleges:

"1. That Elmer E. Corfman, Thomas E. McKay and George F. McGonagle are the duly appointed, act-

ing and qualified Public Utilities Commission of the State of Utah, and bring this action on behalf of the said State of Utah.

"2. That under and by virtue of the authority vested in and conferred upon the aforesaid Commissioners by Title 91, Compiled Laws of Utah, 1917, and amendments thereto, said Commission is vested with power and jurisdiction to supervise and regulate all public utilities and common carriers in the State of Utah, as defined in the aforesaid Title and amendments, and to supervise all of the business of every other public utility, and to hold hearings upon applications to establish lines and routes throughout the State for the transportation of freight and passengers, and to issue certificates of convenience and necessity for the operation of the same.

"3. That under the law, as set forth in said Title and said amendments, every person, firm or corporation who is engaged in, or engages in, the transportation of persons or property over regular routes between points in this State is designated as a common carrier or public utility, and as such is required to apply for and secure a certificate of convenience and necessity from the aforesaid Commission, before he, they or it can establish and operate any line or route between points in this State for the transportation of freight, express or passengers for hire.

"4. That the defendant, George Pulos, also known as George Paulos, has undertaken to operate, and is now operating, for public service within this State, a freight truck line, and in so doing is carrying freight and merchandise for hire and for compensation over the public highways of this State, between Salt Lake City, Salt Lake County, Utah, and Vernal, Uintah County, Utah, via Duchesne, Duchesne County, Utah, serving points within said Uintah Basin, without having received from said Commission a certificate of convenience and necessity or permit, or without authorization so to do, and in violation of the provisions of said Title 91, Compiled Laws of Utah, 1917, and amendments thereto, commonly known as the Public Utilities Act, in this, that said defendant for more than one year last past, for hire and for compensation, has accepted, and is now accepting, freight and merchandise from the general public whenever the same has

been offered, and has been, and is now, transporting the same between said points, and has been, and is now serving the points hereinbefore set forth; that said defendant, while operating and accepting freight and merchandise, as aforesaid, did, between November 1, 1928, and February 12, 1929, accept freight and merchandise from the Western States Grocery Company, Korn's Warehouse, Utah Ice & Storage Company, Purity Biscuit Company, Salt Lake Hardware Company, in Salt Lake City, Utah, consigned to points within said Uintah Basin, and did, between said dates, for hire and for compensation, haul and transport said freight and merchandise from said Salt Lake City, Salt Lake County, Utah, over the public highways of this State, via Duchesne, Duchesne County, Utah, to points within said Uintah Basin, and did deliver the same to Cleveland Service Station, Roosevelt Lumber Company, Allen's Cash Store, Vernal Lumber Company, Ashton Brothers, Woodward Furniture Company, Charlie Hatch, David Whitmer, Ashley Co-op, and numerous other individuals, firms and corporations, the names of which are unknown to plaintiff, but are known to and within the knowledge of said defendant, all of which individuals, firms and corporations are located within said Uintah Basin; that the exact dates upon which said shipments were made, and the names of the consignees of said shipments, are unknown to plaintiff, but are known to and within the knowledge of said defendant.

"5. That at no time has there been issued or granted to said defendant, by said Commission, a franchise or certificate of convenience and necessity, or a permit, to operate as a common carrier or public utility over the public highways of this State, or at all, and that said defendant does not now have, and has not had, at any of the times hereinafter mentioned, such franchise or certificate of convenience and necessity or permit.

"6. That if the acts of said defendant, of which complaint is herein made, are allowed to go unchallenged, the efficiency and usefulness of the work of the Public Utilities Commission of Utah will be greatly impaired and held in contempt by said defendant and others, and its orders openly violated and disregarded, and for these reasons, by legal and proper

action heretofore taken, the Public Utilities Commission of Utah now directs commencement of this proceeding on behalf of the State of Utah.

"7. That plaintiff is without any adequate or speedy remedy at law for the wrongs and injuries herein complained of, and practiced against it, by said defendant, and that unless defendant is enjoined from so unlawfully hauling and transporting freight and merchandise, as hereinbefore set forth, defendant will continue to do and perform said acts, and plaintiff will suffer irreparable injury.

"Wherefore, plaintiff prays judgment against said defendant that an alternative writ of injunction be issued, and that said defendant be required to show cause why he should not be perpetually enjoined and restrained from operating a freight truck line for the hauling of freight between Salt Lake City, Salt Lake County, Utah, and Vernal, Uintah County, Utah, via Duchesne, Duchesne County, Utah, and serving points within the Uintah Basin in said State, and be compelled and enjoined to obey the orders of the Public Utilities Commission of Utah, and for such other relief as to the court may seem just and equitable, and for costs."

The defendant filed a demurrer to the amended complaint.

The demurrer reads as follows:

"Comes now the defendant and demurs to the amended complaint of the plaintiff on file herein upon the following grounds and for the following reasons:

"1. That said complaint does not state facts sufficient to constitute a cause of action against this defendant, or at all.

"2. That the plaintiff is without legal capacity to sue in the action, and under the circumstances set forth in plaintiff's complaint it not appearing from said complaint, or otherwise, that there has ever been any proceedings in this matter before the Public Utilities Commission of Utah as required by Title 91 of the Compiled Laws of Utah, 1917, and the amendments thereto, and until said proceedings have been had the said Public Utilities Commission has no legal capacity to sue in a plenary suit in the District Court, or otherwise.

"3. That the Court has no jurisdiction of the subject matter of the action set forth in plaintiff's complaint."

The court below sustained the demurrer. The commission declined to further plead and elected to stand on the amended complaint whereupon the trial court dismissed the proceeding. The commission prosecutes this appeal from the judgment of dismissal. Two questions are presented for review by the assignments of error. (1) Does the commission have authority to prosecute an action such as this in the manner that it is attempting to prosecute it? (2) Does the complaint state a cause of action against the defendant?

In 1917 the Legislature of Utah created a public utilities commission, defined its powers and duties, and prescribed its procedure. Comp. Laws of Utah 1917, Title 91, Chapters 1, 2, 3, 4, and 5. Among the provisions of the act are the following:

Sec. 4775. "There is hereby created a public utilities commission of Utah; and by that name the commission may sue and be sued.

Sec. 4818, as amended by Laws Utah 1919, special session, chapter 14, as amended by Laws Utah 1925, chapter 12.

"No railroad corporation, street railroad corporation, aerial bucket tramway corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, heat corporation, automobile corporation, or water corporation shall henceforth establish or begin construction or operation of a railroad, street railroad, aerial bucket tramway, or of a line, route, plant or system, or of any extension of such railroad or street railroad, aerial bucket tramway, or of a line, route, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity will require such construction; provided, that this section shall not be construed to require any such corporation to secure such certificate of extension within any city or town within which it shall have heretofore lawfully commenced operations, or for an extension into territory either within or without a city or town contiguous to its railroad, street railroad, aerial bucket tramway, line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, neces-

sary in the ordinary course of its business; and provided further, that if any public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility already constructed, the commission on complaint of the public utility claiming to be injuriously affected, may after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or system affected as to it may seem just and reasonable."

Sec. 4782, Subdivision 13. "The term 'automobile corporation' when used in this title, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in, or transacting the business of transporting passengers or freight, merchandise or other property for compensation, by means of automobiles or motor stages on public streets, roads or highways along established routes within this state."

In 1925 the legislature made provision for the payment of a tax on all automobile corporations engaged in the business of transporting passengers or freight, merchandise or other property for compensation whether holding a certificate of convenience and necessity issued by the public utilities commission or not. Laws Utah 1925, Chap. 117. The definition of an "automobile corporation," however, was not changed under the act of 1925.

Sec. 4798. "The commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in this state, as defined in this title, and to supervise all of the business of every such public utility in this state, and to do all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction."

Sec. 4839. "It is hereby made the duty of the commission to see that the provisions of the constitution and statutes of this state affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the state therefore recovered and collected, and to this end it may sue in the name of the state of Utah. Upon the request of the commis-

sion, it shall be the duty of the attorney-general, or the district attorney of the proper district and county, to aid in any investigation, hearing, or trial under the provisions of this title, and to institute and prosecute actions or proceedings for the enforcement of the provisions of the constitution and statutes of this state affecting public utilities and for the punishment of all violations thereof."

Sec. 4842. "Whenever the commission shall be of the opinion that any public utility is failing or omitting, or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, direction, or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything, to be done contrary to or in violation of law or of any order, decision, rule, direction, or requirement of the commission, it shall direct the commencement of an action or proceeding in the district court in and for the county in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides, in the name of the state, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. It shall thereupon be the duty of the court to specify a time not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order, or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. Any appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this title, as appeals are taken from judgments of the district court in other actions for mandamus or injunction."

It is the contention of the defendant that the public utilities commission is without authority to initiate a proceeding such as this in the district court without having first determined in a proceeding before itself that the person or corporation complained of is engaged in operating a public utility and is violating some order of the commission. Defendant's contention in such respect is untenable. By the public utilities act it is made the duty of the commission "to see that the provisions of the constitution and statutes of this state affecting public utilities * * * are enforced. * * * Whenever * * * any public utility is failing or omitting, or about to fail or omit, to do anything required of it by law * * * it (the public utilities commission) shall direct the commencement of an action or proceeding in the district court * * * in the name of the state, for the purpose of having such violations or threatened violations stopped or prevented, either by mandamus or injunction." Thus if the defendant at the time complained of was operating a public utility in this state contrary to law the commission not only had the authority but it was its duty to bring a proceeding in the district court to enforce a compliance with the law. Nor is there any provision in the act which requires that any proceeding be had before the commission prior to the commencement of an action or proceeding before the district court. The act provides that an action or proceeding either for a writ of mandamus or writ of injunction shall be commenced in the district court "whenever the commission shall be of the opinion that any public utility is failing or about to fail or omit to do anything required of it by law," etc. There is no language in the act which will bear the construction contended for by the defendant that the commission before an action or proceeding is commenced in the district court must hold a hearing before itself to determine whether or not the party complained of was engaged in operating a public utility at the time charged in the complaint. Such a hearing would be a useless proceeding because obviously the determination of such fact by the commission would not be binding on the district court. If the commission were of the opinion that the defendant was operating a public utility at the time charged in the complaint there was no occasion for holding a hearing to confirm such opinion. This court has heretofore entertained jurisdiction and reviewed cases similar to this case where the proceeding was commenced and prosecuted in the same manner as this proceeding was commenced and is being prosecuted. *Public Utilities Commission v. Jones*, 54 Utah 111, 179 Pac. 745; *Public Utilities Commission v. Garviloch*, 54

Utah 406, 181 Pac. 272; *State ex rel. Public Utilities Commission v. Nelson*, 65 Utah 457, 238 Pac. 237. While the opinions in those cases do not discuss the question of authority or lack of authority of the commission to initiate and prosecute those proceedings in the manner in which they were initiated and prosecuted none the less such question was involved in those proceedings. Had this court believed that the commission was without authority to initiate and prosecute those proceedings in the manner that they were were initiated and prosecuted it would have been proper for this court *sua sponte* to have dismissed the proceedings without regard to the merits of the controversies involved.

A more serious question is presented when the amended complaint is considered with respect to the question of its sufficiency to state a cause of action. The language of Section 4818 above quoted applies to persons and corporations engaged in transporting passengers and freight for compensation by means of automobile or motor stage on public streets, roads or highways along "established routes" within this state. *Public Utilities Commission v. Garviloch*, *supra*; *Comp. Laws Utah 1917*, Sec. 4783, Subdiv. 13. It will be noted that there is no averment of any fact in the amended complaint upon which the plaintiff elected to stand from which it can be said or inferred that the plaintiff, at the time complained of, operated an automobile along an "established route" or any part thereof. Is the averment of such fact necessary to state a cause of action? We are of the opinion that the question must be answered in the affirmative. It was clearly within the province of the legislature within constitutional limitations to determine what shall constitute an automobile corporation within the meaning of the act. The public utilities act does not require that all persons and corporations shall secure a certificate of convenience and necessity from the public utilities commission before engaging in transporting passengers or freight for compensation by automobile over the public highways of this state. The act applies only to automobile corporations as defined in the act. To be an automobile corporation within the meaning of the act a person or corporation must be engaged in operating an automobile for the transportation of passengers or freight for compensation over public roads, streets or highways along an "established route." It thus becomes of controlling importance to determine what the legislature meant by the words "established routes." The complaint alleges that the defendant "has undertaken to operate and is now operating for public service within the state a freight truck line, and in so doing is carrying freight and

merchandise for hire and for compensation over the public highways of this state between Salt Lake City, Salt Lake County and Vernal, Uintah County, Utah, by way of Duchesne, Duchesne County, Utah, serving points within said basin without having received from said commission a certificate of convenience and necessity or permit or without authorization so to do, and in violation of the provisions of Title 91, Comp. Laws Utah 1917, and amendments thereto." The amended complaint thus apparently proceeds upon the theory that the defendant by his alleged illegal act of transporting freight for compensation along the public highways of this state between Salt Lake City and Uintah Basin has established a route between those two points within the meaning of the public utilities act. The word established is defined by lexicographers to mean "to make stable or firm, to fix immovably or firmly, to set in a place and make stable there, to settle, to confirm, to appoint or constitute for permanence, to enact, to ordain, to originate and secure the permanent existence of, to found, to institute, to create and regulate." Webster's New International Dictionary. See also *M. W. Dickey v. The Mayville, Washington, Washington, Paris, and Lexington Turnpike Road Company*, 37 Ky. (Dana) 113. It would seem reasonably clear that an established route must be a route that has a legal existence. One who merely uses the public highways for the transportation of freight for compensation cannot be said to have established a route. The authority to create, designate, permanently fix or establish a route as defined in the public utilities act is by that act lodged in the commission and not in those who choose to use the public highways for the transportation of freight for compensation. It cannot well be said that a route along a public highway can be established by acts which are prohibited by law, nor by the acts of private persons or corporations. A route has a legal existence only when established by authority of law. The public utilities commission, and it alone, is granted power to establish routes for public utilities.

Prior to the enactment of the public utilities law there was no distinction between the right of one to use the public highways of this state for the transportation of freight or passengers for compensation and the right of one to use the public highways to transport freight and passengers without compensation. It is apparent from reading the public utilities act that the legislature by the act intended to secure better public service from public utilities and that such service should be rendered for a reasonable compensation. It is quite improbable, however, that the legislature intended to deprive

any portion of the population of the state from the benefits of public service for the transportation of freight and passengers even though such service should not be regulated by the public utilities commission. It may be that the legislature believed that in the outlying and sparsely settled portions of the state the amount of business in transporting passengers or freight by means of automobile is so meagre that no one would go to the trouble and expense of complying with the rules and regulations of the commission and yet the inhabitants of such portions of the state should not be deprived of public automobile service. Be that as it may, the fact remains that by the language used in the public utilities act the legislature limited the operation of the act so far as automobile transportation is concerned to those persons and corporations who engaged in carrying passengers or freight for compensation along "established routes."

The views herein expressed are in accord with and are supported by the conclusions reached by this court in the case of Public Utilities Commission v. Garviloch, *supra*. In that case the defendant Garviloch was engaged in operating a public utility without a certificate of convenience and necessity from the public utilities commission. The commission sought to enjoin Garviloch from transporting passengers for compensation by means of an automobile. The injunction was denied because it did not satisfactorily appear that Garviloch was engaged in transporting passengers in competition with one Eugene Chandler who held a certificate of convenience and necessity from the public utilities commission. Obviously if an injunction will not issue unless it be established by the evidence that the person complained of has been or is about to engage in transporting passengers or freight in competition with one who holds a certificate of convenience and necessity from the commission a complaint which does not allege such fact fails to state a cause of action.

The judgment appealed from is affirmed.

We concur:

FOLLAND, J. (Dissenting)

I dissent from the decision of the court affirming the judgment of the lower court. I am in agreement with that part of the decision which holds that the public utilities commission may initiate proceedings such as this in a district

court without having first determined in a proceeding before itself that the person or corporation complained of is engaged in operating a public utility and is violating the law or some order of the commission. This is the only proposition discussed in the briefs. Both parties agreed that this was the single question to be determined on this appeal. Having decided this point in harmony with the contention of appellant the judgment of the district court should be reversed and the cause remanded.

I am unable to agree with the conclusion, or the reasoning by which it is reached, that the complaint filed herein fails to state a cause of action because it does not aver that defendant operated an automobile over an "established route" or any part thereof, meaning thereby a route established by some order or action of the public utilities commission of Utah. The complaint, while not using the words "established route," sufficiently charges that the defendant is a common carrier and that as such he is operating a freight truck line transporting freight for compensation over and along the public highways between Salt Lake City and Vernal, via Duchesne, along a route established by himself. It is true the complaint does not state that this route has been established by the commission. On the other hand it is alleged that the defendant has not received from the commission a certificate of convenience and necessity or a permit of any kind and because of that fact he is operating without authorization and in violation of law. Had defendant's route been established by the issuance to him of a certificate of convenience and necessity, which is the only way in which the commission establishes routes, there would be no need for this law suit. This action is made necessary because defendant has begun the operation of his freight line over a regular route between fixed termini without such a certificate. In doing this he ignores the commission and violates the law if the allegations of the complaint are true. By his demurrer defendant admits the truth of such allegations, at least for the purpose of this case. By the provisions of Comp. Laws Utah 1917, Sec. 4798, the commission was vested with power and jurisdiction to supervise and regulate every utility in the state, as defined, and to supervise the business of every such utility.

Section 4818, in Paragraph 1 thereof, provides:

"No * * * automobile corporation * * * shall henceforth establish or begin * * * operation of a * * * line, route, * * * or system, or of any extension * * * of a line, route, * * *

or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity * * * will require such construction."

Paragraph 2 of the same section provides that no public utility specified in paragraph 1 shall exercise any right or privilege under any franchise or permit without first having obtained such certificate. From the above it is clearly seen that the establishment or the beginning of operation of a line or route by an automobile corporation is not lawful until a certificate of convenience and necessity has been issued by the commission. The word "establish" is used in a manner to indicate that such a line may be established and may be operated by the automobile corporation even though such establishment and operation be in violation of law. The word is used in its primary sense as meaning to bring into being, to constitute, to create, to form, to locate, to originate. 21 C. J. 898. It is the establishment and operation of such an automobile line or route without the certificate which makes it unlawful. The unlawfulness of such an act in establishing and beginning the operation of such a line or system does not depend upon previous action by the commission in constituting or establishing a route nor does it depend upon the granting of a certificate and the establishment of a route by some competitor.

Defendant is alleged by the complaint to be a common carrier. This term is defined in section 4782, par. 14, as including every "automobile corporation; * * * and every other corporation or person, * * * whatsoever engaged in the transportation of persons or property for public service over regular routes between points within this state." In the same section, par. 13, "Automobile corporation" is defined to include "every corporation or person * * * engaged in, or transacting the business of transporting passengers or freight, merchandise or other property for compensation, by means of automobiles or motor stages on public streets, roads or highways along established routes within the state." These various sections must be construed *pari materia* and with a view of giving effect to the statute and its various provisions looking to the workability of the statute as a whole. By the prevailing opinion it is held that the words "established routes" as used in paragraph 13 of section 4782, restricts and limits the supervision and control of the commission to only such automobile corporations as operate a line over a route first established by the commission. I find no language in the statute which justifies any such construction. Such a view

entirely ignores and defeats and makes inoperative and of no effect the provisions of section 4818, making it unlawful for any one to establish or commence the operation of such a line, route or system of motor truck transportation without first obtaining the required certificate. It also limits the jurisdiction of the commission as provided in section 4798 and places beyond its control all such common carriers or public utilities as shall choose to establish and commence the operation of such a line or route and refuse to place themselves voluntarily under the control of the commission. It also defeats the purposes of the act by taking beyond the jurisdiction and control of the commission such common carriers as shall have been refused a certificate of convenience and necessity by application therefore to the commission, and will thereby make possible the operation of such a transportation line, in defiance of the commission and in violation of what seems to me the clear mandate of the law. The case of Public Utilities Commission v. Garviloch, 54 Utah 406, 181 Pac. 272, is cited by the prevailing opinion in support of its construction of the words "established route." That was a case initiated by the commission against the defendant whom it was alleged operated a stage line in competition with and over the same route used by one who had received from the commission a certificate of convenience and necessity. An injunction was sought but refused by the district court and this judgment was affirmed by this court. The reason, however, as is well stated in the head note, was:

"Though defendant in the operation of his automobile for hire was operating a public utility, yet, as his business was practically that of a taxicab driver, and he had no established route, he will not be enjoined from carrying passengers to destinations at points served by an automobile stage line, having a certificate from the Public Utilities Commission."

In the course of the opinion Mr. Justice Frick says:

"In other words, if the defendant is merely carrying on a so-called hack or taxicab business upon request from those who may desire to be carried in a special conveyance which is under their direction and control for the time for which it is hired and at a price agreed upon for the services, then he is not operating on or over an established route within the purview of the act, and is not subject to regulation as though he were operating such a route."

Considerable was said in the briefs and argument with regard to the meaning of the words "established route" but the case was not one, as is the instant case, where the charge is that one is operating as a common carrier over a regular route between fixed termini in the transportation of freight, but merely where the defendant in the operation of his taxicab business encroached upon the route of another who had a certificate of convenience and necessity. Mr. Justice Frick speaking to this point, indicated that as to that case the solution of that question was not difficult. It is nowhere said that is the only way a route may be established, nor was the word "establish" as used in Sec. 4818 considered. He said:

"Much was said in the argument about what constitutes an established route within the purview of the act and how and by whom such a route may be established. To our minds that question is not difficult of solution. **In this case** the route, within the purview of the act, was manifestly established over the public highway between the points stated in the complaint and designated in the certificate of convenience and necessity issued to Chandler. No doubt the defendant is not operating his automobile over a route which was established upon his application as was the Chandler route, but that is not controlling."

It was further held that if defendant operated his automobile over Chandler's route, or a substantial part of it, in opposition to or in competition with Chandler, he was doing so in violation of law, and that if Chandler's business was in fact unlawfully interfered with he would have a cause of action and might recover such damages as he could prove and obtain such other relief as may be just and equitable in the premises.

There is nothing in the statute which provides that the commission may or can establish any route or line or transportation system. It grants the commission power to regulate such and to issue certificates of convenience and necessity in proper cases. On the other hand the statute provides that no one may establish or commence the operation of such a line or system without a certificate from the commission. A line or system such as this is commenced, or established, or initiated when some individual or group of individuals, either personally or by forming a corporation, undertake to devote their efforts and capital to public service by making contracts with persons for the transportation of goods, by holding themselves out to the public as a common carrier, by themselves fixing the points between which they intend

to operate, by the acquiring of equipment and the employing of chauffeurs and others. Upon an application to the commission it may approve the establishment of such line or system by granting the certificate, and in doing so it may limit or shorten the line or route to be followed. When all is done we may then say the line or route has been lawfully established and the person or corporation operating it to be lawfully operating such route.

It seems also that the decision arrived at on the second proposition negatives and defeats the effectiveness of the decision on the first proposition. First it is said that the commission may bring such an action as this without previously having had a hearing or made an order and this for the evident purpose of requiring those operating public utilities to submit to the control of the commission or desist from operating in violation of law. Then by the decision on the second proposition it is held, in effect, that the commission may not prosecute such a case as this without first having held some kind of a hearing and making some kind of an order wherein and whereby it shall have established a route over which the defendant can be said to be operating in violation of law.

It is not disclosed in the complaint whether this defendant, in the operation of his transportation line or system, is merely ignoring the utilities commission, or whether he has heretofore made application for a certificate which had been refused, and his operation thus being in defiance of the commission and its action. The defendant either is, or is not, a common carrier and a public utility and his status could not be changed by fiat of the public utilities commission. A mere declaration by the commission would not make him a common carrier unless the business transacted by him brings him within that class. I cannot see how his status would be changed in any respect by the utilities commission passing a resolution declaring the road between Vernal and Salt Lake City an "established route." If he is, as alleged, conducting a transportation business between these points on a regular route for the service of the public he is certainly a common carrier and is operating a public utility and because of such facts brings himself within the jurisdiction and control of the commission. I cannot think it was contemplated by the legislature that only such persons and corporations operating as automobile common carriers who choose to submit themselves to the jurisdiction of the commission should be actually within that jurisdiction and that those who refuse or fail to thus submit themselves are entirely beyond the control of the law.

It was said by Mr. Justice Frick, speaking for the court, in *Gilmer v. Public Utilities Commission of Utah*, 67 Utah 22, 247 Pac. 284:

“In view of the foregoing provisions when considered in the light of the purposes of the Public Utilities Act, as they must be, there can be but little if any doubt respecting the right and power of the commission to regulate and control the operation of auto stage lines or other motor vehicles which use the public highways and streets for the purpose of transporting either freight or passengers as common carriers.”

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